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No. 132

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

PRAYER

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

Almighty God, Source of strength for those who seek to serve You, we praise You for that second wind of Your power that comes when we open ourselves to Your Spirit. You have promised that, "As your days so shall your strength be." Well, Lord, You know what the days are like before a recess. The Senators and all who work with them feel the pressure of the work to be done and the little time left to accomplish it. In days like these, stress mounts and our emotional reserves are drained. Physical tiredness can invade our effectiveness, and relationships can be strained. In this quiet moment, we open ourselves to the infilling of Your strength. We admit our dependence on You, seek Your guidance, and commit our work to You. Give us that healing assurance that You will provide strength to do what You guide and that there will always be enough time in any one day to do what You have planned for us to do. In Your all-powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 9, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the majority leader, or his designee; under the previous order, the second half of the time shall be under the control of the Republican leader, or his designee.

AUTHORITY FOR THE HEALTH, EDUCATION, LABOR, AND PENSIONS COMMITTEE TO MEET

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session after the first floor vote of the day during the session on Wednesday, October 9, in SC-216. The Senate will consider the nomination of Mark B. McLellan of the District of Columbia to be Commissioner of the Food and Drugs Department of Health and Human Services.

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

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, when we take up this legislation, I ask that the full hour and a half be allotted in morning business, so it will be shortly after 11 o'clock.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. At that time, I ask that Senator FEINGOLD be recognized for up to 30 minutes and Senator REED be recognized as the next Democrat in order, following Senator KAY BAILEY HUTCHISON, who would follow Senator FEINGOLD, and then Senator REED, and then Senator GRASSLEY. That is, Senator REED from Rhode Island for 45 minutes, Senator GRASSLEY for 20 minutes, and Senator HUTCHISON for 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Senator WELLSTONE is to be recognized for up to 8 minutes in morning business. Senator KENNEDY will have the time until 10 o'clock, and Senator REID of Nevada will be recognized at 10 o'clock to speak. I ask unanimous consent that that be the case.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

EMERGENCY UNEMPLOYMENT COMPENSATION

Mr. WELLSTONE. Madam President, shortly, a unanimous consent request will be made—and this is the third or fourth time—to pass S. 3009, the Emergency Unemployment Compensation Act of 2002, which I have introduced with the Presiding Officer, who has done so much work on this and Senator

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



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KENNEDY and others. This is the third or fourth time, and every day we are going to be making this request.

To tell you the truth, I think it is absolutely unconscionable that the Senate has not acted on this and that the Republican leadership, each time, has thrown up a roadblock to extending unemployment benefits. Believe me, I would love nothing more than to be home campaigning, but I don't think we should leave here without extending unemployment benefits.

In my State of Minnesota, there are 20,000 Minnesotans who have run out of unemployment benefits. Nationwide, there are about 900,000. I am sure many are in the State of New York, which the Chair represents. Colleagues, these are men and women who are hard-working, who have lost their jobs. The economy is flat. We are in economic trouble as a nation. It would be nice if the administration would get serious about the economy. How about a little bit of humanity?

In the early 1990s when we went through this, we didn't hesitate to pass an extension of unemployment benefits under exactly the same circumstances. I think each time we had more than 95 votes, Republicans and Democrats alike. These are people who are flat on their backs through no fault of their own. They have run out of unemployment benefits.

There are two different issues here. One, if we don't extend it by the end of December, some people who are receiving the current 13 weeks of benefits get cut off in the middle. I guess there is some discussion in the House with the Republican leadership about helping them. But the larger question—and we must make sure they get full unemployment benefits—is people who have just run out of all their unemployment benefits. In Minnesota right now, twice as many people are looking for jobs as there are jobs available.

I want to make the argument—and I don't have a lot of time—and it is a two- or threefold argument. First, I appeal to the humanity of everybody here. Just imagine—I don't know how many Senators have been out of work—when you have a family to support, unemployment benefits are a lifeline.

We have a trust fund, and we have more than enough money to support this. We are not spending additional money out of general revenue.

How many Senators have been through this? If you are out of work and you have run out of benefits, you cannot put food on the table. It is a terrifying situation. I think our common humanity dictates that we must do this. Today, I want this unanimous consent agreement to be agreed to.

Second of all, from an economic point of view, although I think a humanitarian appeal should be made, given a flat economy, you can count on it, Senators, that people who get an extension of unemployment benefits for an additional 13 weeks will be consuming because, believe me, they have

to. They will be spending these dollars because they have to.

Right now, the problem is they don't have enough money to make ends meet month by month. So, actually, you are injecting a much-needed stimulus into the economy. So if the first argument doesn't move your soul—the humanitarian argument that this is the right thing to do for people who are in real trouble through no fault of their own—how about doing it for the economy?

My third argument is—I know we are debating the resolution on Iraq—but I have said over and over, and I am sure the Chair has picked this up as well—I like to talk to the State legislature candidates because their methodology of campaigning for office, as opposed to when one is campaigning statewide, is knocking on doors every day. They pound the doors 3 or 4 hours every evening.

I ask them: What are you hearing? People are talking about how worried they are about the economy; some people are out of work; other people are worried they will be. They are talking about health care, health care, health care, as though people have not heard it before. In our State, given all the cuts in education, they are talking about education as well.

It is a false dichotomy. It is not as if people back home are worried about the economy but are not worried about Iraq, or are not worried about terrorists. They are worried about all of it, and all of us should be worried about all of it.

I think the people I represent in Minnesota believe we are a great enough and a good enough country we can deal with our challenges in international affairs and, at the same time, we can deal with challenges that affect people in our country and our local communities, our families.

I do not understand this false dichotomy where apparently the administration and my colleagues on the other side of the aisle think we cannot address any of these economic issues. Apparently, they think we cannot focus on any domestic issues any longer; cannot even provide an extension of unemployment benefits to people. I believe some colleagues do not want to do this because they feel it is an admission the economy is not doing that well. The economy is not doing that well. We should wake up and smell the coffee.

The people I represent are still waiting on the Federal Government to provide the resources we said we were going to provide for schools, education, and our kids. The House Republican leadership and the Senate Republican leadership do not want to bring an appropriations bill out here that deals with education. We could easily provide more funding for Pell grants, making higher education not less but more accessible.

We certainly should provide more funding for special education which would help all of our districts, and provide more funding for title I.

Again, the Republican leadership and the White House do not want anything to do with it. I am going to a press conference in a couple of minutes on—that sounds melodramatic, life or death; it is a bit like unemployment benefits—disaster relief. I have never been in the Senate when we have not provided disaster relief.

The people in northwest Minnesota are flooded out, they are gone, it is over for them, and this administration is opposed to this bill. I have never voted against disaster relief in any part of the country. If something happens in New York, Madam President, I will vote for the money the people need. People do not ask for hurricanes, tornadoes, fire, and flooding, but if it should happen to the people in Minnesota, I ask you to support that.

Whatever happened to some sense of community? Whatever happened to compassionate conservatism? Compassionate conservatism dictates, at the very minimum, before we leave that the Senate pass this legislation I have introduced to extend unemployment benefits. I will come out to the Senate Chamber and give enough speeches to deafen all the gods until this is done. Frankly, I think on the other side of the aisle, people should feel uneasy and uncomfortable in blocking this legislation. They are putting up a roadblock to providing help to people who really need the help.

This is the right thing to do. It is certainly profamily, it is certainly prochildren, and it is certainly compassionate. I do not know what the delay is. Time is not neutral for a lot of people.

Madam President, by way of concluding—I know other colleagues are going to be out on the floor—I thank the Presiding Officer, since, as the Presiding Officer, she cannot speak for herself, at least for this moment—she does a good job speaking for herself, otherwise, all the time. Madam President, you have been a leader in bringing this before the Senate. I thank you for doing that.

We are not going to let up until this legislation is passed. I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. WELLSTONE. Madam President, we did not suggest the absence of a quorum?

The ACTING PRESIDENT pro tempore. No.

Mr. WELLSTONE. Madam President, I am going to be joined by Senator KENNEDY in just a moment. He will be making a request, and we will wait for a response on the part of our colleague.

While I am waiting for Senator KENNEDY, let me say again I think we have a huge disconnect between some of what is going on in the Senate—or what is not going on in the Senate—and the people we represent.

In Minnesota—I do not know about other States—people in Minnesota cannot understand for the life of them what in the world is the delay in extending unemployment benefits. People in Minnesota do not know that in

the early nineties we passed similar legislation and did it in a bipartisan way. They do not know there is plenty of precedent for it. And they do not know all about unanimous consent, and how one Senator can object, and all of the rest.

What people do have in Minnesota is a sense of right and wrong. Let's talk values for a moment. The values of people in Minnesota are when the economy goes south—I know some of my colleagues do not like to talk about the economy—when the economy is flat, and when so many people have lost their jobs and are hurting, and their families are hurting, people in Minnesota believe we ought to reach out and help them.

This legislation I have introduced, with the support of Senator KENNEDY and Senator CLINTON, should pass today. I see my colleague, Senator KENNEDY, is in the Chamber. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

UNANIMOUS CONSENT REQUEST— S. 3009

Mr. KENNEDY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide for the extension of unemployment compensation; that the bill be read the third time and passed; and that the motion to reconsider be laid upon the table, without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Oklahoma.

Mr. NICKLES. Madam President, reserving the right to object, I had a colloquy with the Senator from Minnesota when he propounded this request a couple days ago, and I asked the question if this was a simple extension. I believe he said it was almost.

I have read the bill and have found it is not a simple extension. I ask my colleague, has the bill changed? Is this a simple extension, a 13-week extension of unemployment compensation for all States?

Mr. KENNEDY. If I can respond, this is not the Thomas bill which was extended the last time. This is the historic and the traditional legislation that was passed three or four times in the early 1990s. This is not the more restricted Thomas bill.

We are going back to the legislation that provides genuine protections for unemployed workers. This legislation will affect close to 3 million workers who otherwise will see their unemployment insurance expire by the end of this year and the early months of next year.

The bill does not do all we believe ought to be done for part-time workers who are contributing into the unemployment insurance fund, or lower-income workers, all of whom are participating and paying into the insurance fund.

What we want to do with this legislation is say: We have a \$27 billion surplus. The workers have paid into the fund. We need \$14 billion of that so people can pay their mortgages, pay their health insurance, and pay their bills. That is what this bill is, and that is what will happen when we pass it.

This bill has basically been supported by a strong editorial in the Washington Post.

Mr. NICKLES. If the Senator will yield, I am trying to figure out what his bill will do.

Mr. KENNEDY. The Senator had this request, and I hoped he would have had a chance to look at and review it, because he is going to hear about it every single day as long as the Senate is in.

Mr. NICKLES. That's fine.

Mr. KENNEDY. If there is some way we can help clarify it, we are glad to do it. Last week when I was in the Chamber, along with the Senator from Minnesota, the Senator from New York, and the Senator from Illinois, who were fighting for it, we heard asked: Is this the same bill, or how is this different? We are glad to take the time, but the time is going on. We will be glad to sit down with the Senator later on today and go over every bit of it and hopefully get the extension of it. We are troubled. We are troubled by the fact that even though the first President Bush effectively opposed it on two occasions, he did support it on the third, and had Republican support on the third occasion. We hope the good light that is shone—and the common sense and wisdom—on those Republicans and the President when he supported it the third time will be shed on the Republican Senators and the Senator will help us get this supported.

Mr. NICKLES. If my colleague will yield for a question, I guess by the length of the Senator's answer, it is not a clean extension. I am reading on page 4 of the Senator's bill a section entitled "Adjusted Insured Unemployment Rate."

Correct me if I am wrong, but this definition basically says people who have exhausted unemployment compensation in the most recent 3 calendar months, even if they subsequently get a job, are still counted as unemployed; is not that correct?

Mr. KENNEDY. If the Senator would—only if they have been exhausted.

Mr. NICKLES. So the Senator's bill permits individuals who have exhausted their unemployment compensation, and then may have subsequently found a job, to be counted in the unemployment figures, according to this Adjusted Insured Unemployment Rate calculation on page 4?

Mr. KENNEDY. We are effectively using the trigger that had been used before, which gives the focus and attention on those who are both unemployed and those who have States which have a higher incidence of unemployment, and in those States, those figures would be added to the valuation of the

unemployed workers in an attempt to get a true reading on the numbers of the unemployed.

Mr. NICKLES. If the Senator will yield further, it says:

... except that individuals exhausting their right to regular compensation during the most recent 3 calendar months for which data are available before the close of the period for which such rate is being determined shall be taken into account as if they were individuals filing claims for regular compensation for each week during the period for which such rate is being determined.

In other words, one could exhaust their unemployment compensation, and may or may not find another job in the following 3 months—they are still going to be counted as unemployed according to this definition, which is really yielding a higher figure. I find that totally unacceptable. Maybe it was done in the 1990s, but that does not make it right. Surely we would want accurate unemployment compensation statistics used in determining how many weeks would be available for additional extended benefits. We want to do it right, and I am sure my colleagues from Massachusetts and Minnesota want to as well. This section is not doing it right. This section alone does not make the bill a clean extension.

I will be happy to work with my colleagues, but this is not acceptable. So I want to point that out.

I want to make another point while I am considering whether I will object to this. This one section is not acceptable. Also, I am finding, after reading the proposal of my colleagues, instead of having a 13-week extension, it is a 26-week extension for all States. That is very expensive. I might ask my friend from Massachusetts, what is the estimated cost of this proposal?

Mr. KENNEDY. To answer the question, this counts people who are unemployed and who have no benefits. Right now if someone is getting extended benefits, they are not counted. We count those people. That is the principal difference. That was the difference in the early 1990s as well, and that is what the Thomas bill did not do. That is what we do. We think there is a sound reason for being able to do it.

Mr. DURBIN. Will the Senator yield?

Mr. KENNEDY. I will yield, but first I will be glad to continue with my friend if he is interested in trying to get the legislation passed. We have not heard what the Senator is for. We know what he is against. He is against this bill. If the Senator is saying he is for an extension on it, we are more than glad to try and work and see if something can be achieved, if that is what the position is. If the Senator's position is in opposition and continues to be in opposition, then we are going to continue to press him. If his position is, yes, I will support—would the Senator support the extension of the Thomas bill?

Mr. NICKLES. If the Senator will yield, and I asked a question first. I

asked the Senator how much this would cost.

Mr. KENNEDY. Fourteen billion dollars.

Mr. NICKLES. Fourteen?

Mr. KENNEDY. Yes. Now, if I could ask the Senator a question. Will he support the Thomas bill?

Mr. NICKLES. I have not asked unanimous consent. We have an estimate from CBO, that their estimate is \$17.1 billion. I realize this bill did not come through committee. I realize this bill did not have a hearing. I realize this bill has not been vetted. I realize it was just introduced last week and the Senator is trying to pass it by unanimous consent. I have just had a chance to start reading the bill, and the more I read it, I find out it is not 13 weeks, it is 26 weeks. I find out it has an Adjusted Insured Unemployment Rate provision, which says we could potentially count some people under this definition who are working. So this bill is not acceptable.

To answer my colleague, I may be willing to work with the Senator to find a bill that is acceptable. Certainly, if we did something more along the lines of a 13-week/6-month extension for all States, without jimmying the figures, without using Adjusted Insured Unemployment Rates, without establishing new triggers—since this bill uses different triggers from current law that allows more States to qualify for additional extended benefits—if we treat States the same, basically do 13 weeks for 6 months, I might be willing to do that. I might be willing to shop that with colleagues in the House, and the White House. I believe I heard last week or earlier this week, this is almost a straight extension. The more I read, I find out this is not a straight extension. This is a bill that costs—just as a comparison, the straight six-month extension costs about \$7.3 billion. Quickly estimated by CBO, this bill costs \$17.1 billion. There is a big difference.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. I guess the time is moving on. As I understand it, the Senator has indicated he would not even support the Thomas proposal extension. Am I right?

Mr. NICKLES. No, I have not stated that.

Mr. KENNEDY. I am trying to find out if we have any good faith in terms of trying to work something out. If the Senator is opposed to that and opposed to this, he is opposed to everything. If he could say, I am for the Thomas proposal, but I am troubled by some of these triggers—although I think they are rational—we are glad to sit down with him.

Can the Senator think about that through the day and let us know?

Mr. NICKLES. Will the Senator yield?

Mr. DURBIN. Will the Senator yield?

Mr. KENNEDY. There are others who want to speak.

Mr. DURBIN. I was on the floor last week, and the Senator from Oklahoma came in and took a look at this bill, which is only a few pages, and he said: I really need some time to read this.

I have watched the Senator from Oklahoma, and he reads very quickly. I cannot understand why, a week later, the Senator still needs to read this.

Mr. NICKLES. Will the Senator yield?

Mr. DURBIN. At this point, I suggest to the Senator from Oklahoma, I think he has read it. I think he understands it. Certainly President Bush's father understood it when three times in a recession he said we cannot leave these unemployed families in this terrible, perilous situation. We have to extend unemployment benefits. It is a very basic concept, supported by Republican and Democratic Presidents alike, as well as economists and business leaders in my State.

When I say to them, what can we do about this economy, they say give some spending power to these poor people who are out of work. That is pretty fundamental.

I want to give the Senator from Oklahoma all the time he needs, but a week has passed. Is another week going to have to pass, or are we going to be able to come to a resolution and help these families, including over 100,000 people in my State of Illinois?

We have the fifth highest unemployment rate in the Nation. I think this Congress can do something. It should do something. I want to give the Senator from Oklahoma his opportunity, but I think a week is enough to read a seven-page bill.

Mr. WELLSTONE. I say to my colleague, we want to work with him.

Mr. NICKLES. Can we have regular order in the Senate.

Mr. WELLSTONE. We have time.

The PRESIDING OFFICER (Mr. CORZINE). The regular order is a unanimous consent request has been made. Is there objection?

Mr. NICKLES. I reserve the right to object.

Mr. KENNEDY. The regular order is the Senator objects or does not object. That is the regular order, so we are going on the regular order.

The PRESIDING OFFICER. The Senator from Massachusetts is right. Is there objection?

Mr. NICKLES. Reserving the right to object.

Mr. KENNEDY. Regular order. It either goes through or there is an objection.

Mr. NICKLES. Reserving the right to object.

The PRESIDING OFFICER. Under the regular order, the Senator may not reserve the right to object. He must either object or permit the request to be granted.

Mr. NICKLES. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts retains the floor.

Mr. NICKLES. Mr. President, parliamentary inquiry. He made a unanimous consent request. I objected. I sought recognition. He gave up the floor.

Mr. KENNEDY. I do not lose the floor.

The PRESIDING OFFICER. Under the precedent, the Senator who made the unanimous consent request retains the floor, whether it is granted or not.

Mr. KENNEDY. Mr. President, I am sincerely sorry we have not been able to work this out. Senators WELLSTONE and DURBIN have indicated the steps we are going to take to try to get the unemployment insurance. This is no mystery. It is a seven-page bill. There were efforts or suggestions about how we might be able to do this. We are certainly open to try to do it.

What is unacceptable is not helping the number of Americans and people who are hurting.

The PRESIDING OFFICER. Under a previous order, the Senator from Nevada is recognized at 10 a.m.

Mr. REID. Mr. President, if the Senator from Oklahoma wishes to speak, I have no problem, under your time, which comes later, and I still maintain my 15 minutes.

If the Senator from Massachusetts wishes to complete his remarks, I am happy to yield.

Mr. KENNEDY. I will ask that my remaining remarks be included.

Mr. REID. The Senator from Massachusetts is welcome to a few minutes of my time. I will use my 15 minutes when the Senator from Oklahoma finishes.

Mr. NICKLES. Did my colleague from Massachusetts finish his comments?

Mr. KENNEDY. I had additional comments, but the Senator has been seeking recognition to explain his objection. I am happy to hear that.

Mr. NICKLES. Mr. President, I appreciate the gracious remarks of my colleague from Nevada. On the bill presented to the Senate last week, it has not been marked up in the committee, has not been reported out of committee.

We have a preliminary analysis by the Congressional Budget Office, and the cost estimate is \$17.1 billion in Fiscal Year 2003. On the floor last week, it was estimated by proponents, the Senator from Minnesota, the cost was \$10 to \$12 to \$13 billion. In other words, they did not know. They are trying to pass it so quickly, they did not know how much it would cost. It has not been studied.

This proposal is reportedly an extension of unemployment benefits, extending provisions that expire at the end of December. It was being portrayed as a 6 month extension. But when I looked at the details, I found we are using completely different triggers, among other differences.

What does that mean for someone who does not follow this debate? It means more States qualify for more Federal benefits. There is currently an

unemployment compensation program of up to 26 weeks financed by the State, then a Federally-funded Temporary Extended Unemployment Compensation of up to an additional 13 weeks, and finally up to another 13 weeks for high unemployment states. By changing the trigger under this new proposal, we are saying more stages are eligible for extended benefits. We are saying benefits would be available in all states not just for 13 weeks but for 26 weeks, with some States even for an additional 7 weeks. This is getting expensive. This new plan is \$10 billion more than a straight extension.

Someone said we did this in 1990. That may not be the right way to do it. I am willing to work with my colleagues to provide assistance for those people in the States that really need help, but we ought to be very accurate in our language and not try to push something through too quickly. We ought to be responsible. We have enormous deficits now. We should try to do this in a fiscally responsible manner, so the bill can be signed. I will work with my colleagues from Massachusetts, from Minnesota, and others to see if we can come up with a bill that is affordable and has bipartisan support.

At this stage, you have to have almost unanimous support. I will work with my colleagues to see if we can

come up with it. The bill before the Senate, S. 3009, in my opinion, should not be passed. Maybe we can come up with a straight 13-week extension as we have done previously in the Senate. I will work with my colleagues and the Senator from Nevada to see if we can get something done. A straight extension would cost an estimated \$7.3 billion instead of \$17.1 billion. That is a possible.

This bill that would cost \$17 billion and would rewrite unemployment figures—I don't think that makes sense. Maybe we can work together and find something that is acceptable. I appreciate the cooperation of my colleagues.

I ask unanimous consent to have a preliminary CBO cost estimate printed.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 2, 2002.

Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to a number of requests for information on the budgetary impact of S. 3009, the Emergency Unemployment Compensation Act of 2002, the Congressional Budget Office has prepared an estimate of the cost of that bill, as introduced on September 26, 2002.

S. 3009 would increase the number of weeks of Temporary Emergency Unemployment

Compensation (TEUC) available to unemployed workers who exhaust their regular unemployment benefits. Under current law, up to 13 weeks of TEUC benefits are available in all states, with an additional 13 weeks available in states with a high unemployment rate. The TEUC program is scheduled to end on January 1, 2003, with no benefits paid after that date. S. 3009 would increase the number of weeks of TEUC benefits paid in all states to 26, with an additional seven weeks available in states with high unemployment. In addition, the bill would allow eligible unemployed workers to begin to collect TEUC until July 1, 2003. Those receiving benefits by that date would be able to collect benefits until October 14, 2003.

As shown in the following table, CBO estimates that enactment of S. 3009 would increase direct spending by \$17.1 billion in fiscal year 2003. The effect over 10 years would be smaller—\$15.5 billion—because the increase in spending on emergency benefits would eliminate anticipated transfers over the 2009-2012 period from the federal accounts in the unemployment trust fund to the state benefit accounts.

Revenues would increase by about \$4.8 billion over the 10-year period. CBO estimates that state employment tax revenues, which are counted as federal receipts in the unemployment trust fund, would rise both to pay for the increase in regular unemployment compensation that would result from enacting the bill, and to make up for the reduction in revenues that states would otherwise have received in the form of intergovernmental transfers. These estimates assume that the bill will be enacted in October 2002.

ESTIMATED BUDGETARY IMPACT OF S. 3009, THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 2002

	By fiscal year, in millions of dollars—									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Estimated Budget Authority	17,100	400	0	0	0	0	-495	-505	-515	-525
Estimated Outlays	17,100	400	0	0	0	0	-495	-505	-515	-525
Estimated Revenues	0	230	330	330	270	230	250	560	1,080	1,540

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Sadoti.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have a list of speakers who will begin the debate this morning. Senator REED of Rhode Island was given 45 minutes under the order by the Chair. I ask unanimous consent to substitute Senator LEAHY to speak for up to 30 minutes in exchange for Senator REED's time. We will work Senator REED in later.

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

Mr. REID. Mr. President, how much time does the majority retain?

The PRESIDING OFFICER. Eleven and one-half minutes.

Mr. REID. We have a number of Republicans here. They are ready to go. Why don't we let them go? If we decide to use that time, we will use it later. I ask unanimous consent that we proceed in that fashion.

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

The Senator from Missouri.

THE IRAQ RESOLUTION

Mr. BOND. Mr. President, I take this opportunity to discuss the very serious matter that is before us today and this week. This is, I trust, going to be a very somber discussion as we had approximately 11 years ago when this body approved the actions which led to Desert Storm. Unfortunately, at that time we did not solve the problems confronting us as a result of Saddam Hussein and his murderous regime in Iraq.

As we move toward a resolution authorizing the use of force against the threat posed by Saddam Hussein, let us be clear about the intent. This resolution we will send a clear message to the world community and to the Iraqi regime that the demands of the United Nations Security Council must be followed. Saddam Hussein must be disarmed.

For over a decade now we have tried every means of diplomacy, sanctions, and inspections to encourage Saddam to keep the promises that he made after the gulf war. Nothing has worked. Saddam has made a mockery of the United Nations resolutions and the threat he now poses to the world is significant and growing.

President Bush stated last night that Iraqi dictator Saddam Hussein is a "murderous tyrant" who could attack the United States "on any given day" using unmanned aerial vehicles loaded with chemical or biological weapons. Iraq is unique. By its past and present actions, by its technological capabilities, by the merciless nature of its regime, Iraq is unique. Iraq is a true present danger to the United States. As a former chief weapons inspector of the U.N. has said:

The fundamental problem with Iraq remains the nature of the regime, itself. Saddam Hussein is a homicidal dictator who is addicted to weapons of mass destruction.

The Iraqi regime possesses biological and chemical weapons, is rebuilding the facilities to make more and, according to the British Prime Minister Tony Blair, could launch a biological or chemical attack in as little as 45 minutes after the order is given. The regime has long-standing and continuing ties to terrorist groups, and we now know that there are al Qaeda terrorists inside Iraq. In fact, senior members of the Iraqi government and members of the al Qaeda network have been in contact for many years. This regime is seeking a nuclear weapon and the delivery capability to go with it.

There have been reports in the past from Desert Storm that rather than having the acquisition of a nuclear weapon years in advance, it could have been within a year that they could have developed a nuclear weapon. Had he waited until he had that nuclear device before he invaded Kuwait, we would have been in a far different position as we attempted at that time to expel him from Kuwait.

The Iraqi dictator has answered a decade of resolutions with a decade of defiance. In the Southern and Northern No-fly zones over Iraq, coalition aircraft continue to be fired on and coalition pilots continue to put their lives on the line to enforce these resolutions.

There is an ongoing war that Saddam Hussein has carried out against the coalition which is seeking to enforce United Nations resolutions. Just this year alone, coalition aircraft have been fired on over 400 times. Since Saddam Hussein made what I believe, from past experience, will be shown to be a hollow promise to cooperate with the United Nations, they have fired on coalition aircraft more than 47 times. Saddam Hussein is a master at saying one thing and doing another.

As President Bush has stated in the past:

The Iraqi regime is led by a dangerous and brutal man. We know he is actively seeking the destructive technologies to match his hatred. And we know that he must be stopped. The dangers we face will only worsen from month to month and year to year. To ignore these threats is to encourage them—and when they have fully materialized, it may be too late to protect ourselves and our allies. By then, the Iraqi dictator will have had the means to terrorize and dominate the region, and each passing day could be the one on which the Iraqi regime gives anthrax or VX nerve gas or someday a nuclear weapon to a terrorist group.

The mantle of leadership requires this body to act. We have seen the results of a decade of speaking loudly and carrying a soft stick.

We have pointed out, in past years, the danger of this regime. We have called for changes. We have asked the United Nations to strengthen its resolutions. We have asked Saddam Hussein to readmit inspectors to assure us there are no deadly weapons of mass destruction being stockpiled. We have been rejected at all points.

Let us act now and pass this resolution in support of our President. This resolution is needed to send an important signal to our allies and to the United Nations. With our leadership, I am convinced the President will build a robust coalition to say no to Saddam Hussein. It will tell the world we are serious about disarmament, and it will reaffirm our message to Saddam Hussein.

Approving this resolution does not mean military action is imminent or unavoidable. The resolution will tell the United Nations and all nations America speaks with one voice and is determined to make the demands of the civilized world mean something.

If we do not act, then we face the terrible dangers of an attack with weapons of mass destruction. If the United Nations does not act, it faces the prospect of joining the League of Nations on the dustbin of history: an international organization, organized with the highest purposes, and by its inaction shown to be ineffective.

I believe and I trust we will give a strong vote, a bipartisan vote, in support of this resolution. I believe building on that resolution we will build a coalition, and our world will be a safer place, even though we have to take the risks that are necessary and that come with this resolution in order to secure that safety and that peace for ourselves, our children, and our future.

Mr. President, I urge my colleagues to support this resolution. I look forward to working with them on this matter.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise to speak today on the resolution before this body concerning the use of force against Iraq.

For the third time in 12 years, the Senate is considering a resolution to address a threat posed by Saddam Hussein to America as well as to the global community.

As I said on the floor of the House of Representatives when I was a Member of that body in 1991, on behalf of the authorization of what would become Operation Desert Storm:

[T]he magnitude of the vote I now face is greater than any other I have or likely will cast.

That is true any time we consider whether to potentially place American men and women in harm's way. That is why I approached this particular vote with the deliberation and the solemnity it demands.

During that 1991 debate, I concluded Saddam Hussein's invasion of Kuwait "threatened in infancy a new decade of hope." As I said at the time, I voted as I did:

... not because the military option is inevitable, but in order not to undermine the President's efforts to achieve a peaceful outcome to this crisis—efforts which require that a credible military threat be maintained against a brutal aggressor who only understands the language of force. A credible threat is necessary against a man who has raised one of the world's largest armies, used chemical weapons against his own people, invaded two neighbors and is developing nuclear and biological capabilities. We are hardly dealing with a man of peace in Saddam Hussein.

History, regrettably, has a way of repeating itself. Because 7 years later, in 1998, the Senate unanimously passed a resolution which found Iraq in "material and unacceptable breach of its international obligations" under previous U.N. resolutions—including Security Council Resolution 687 that set the terms and conditions for the 1991 ceasefire—and urged the President "to take appropriate action . . . to bring Iraq

into compliance with its international obligations." But compliance, as we know, never followed.

Which brings us to today, to the resolution we have before us, and to the two fundamental questions that are being asked here in Washington, in Maine, and throughout America: Why Saddam Hussein? And why now?

As to the first question, I have come to the conclusion—based on the facts—that Saddam Hussein's continued, aggressive production of weapons of mass destruction presents a real and immediate global mess, particularly in light of the absence of any U.N.-mandated inspectors over the last 4 years. Indeed, it was just 4 months after Congress passed the 1998 resolution that Hussein drove out the U.N. weapons inspectors.

And what were those inspectors leaving behind? A 1999 report by Richard Butler, the chief inspector, UNSCOM, found when they left Iraq, they were unable to account for 360 tons of bulk chemical agent, including 1½ tons of VX nerve agent, 3,000 tons of precursor chemicals, enough growth media to manufacture 25,000 liters of anthrax spores, and 30,000 special munitions for delivering of chemical and biological agents.

Today, there is no reason to believe Hussein has ever looked back. As reported in the U.S. intelligence community document made public on October 4, 2002, he has been seeking to revamp and accelerate his nuclear weapons program. The report concluded that if left unchecked, Iraq would "probably have a nuclear weapon during this decade," and that if Hussein could acquire weapons-grade fissile material from abroad "it could make a nuclear weapon within a year."

This information is echoed in the September 24, 2002, intelligence dossier released by British Prime Minister Tony Blair—a critical voice and ally in our war on terrorism. That dossier outlines Iraq's weapons of mass destruction programs past and present.

It finds Hussein, following the departure of U.N. inspectors in 1998, is aggressively pursuing development of a nuclear capability, and is undeniably seeking items needed to enrich uranium, such as fissile material and gas centrifuge components like vacuum pumps and specialized aluminum tubes. Tellingly, the report also documents Iraq's attempts to buy large quantities of uranium from Africa, even though Iraq has no civil nuclear power program. All of this is in breach of U.N. Security Council Resolution 687.

Furthermore, the October 4 report states that Iraq is capable of "quickly producing and weaponizing" a variety of both chemical and biological agents, including anthrax, "for delivery by bombs, missiles, aerial sprayers, and covert operatives, including potentially against the U.S. homeland." Both reports highlight that Hussein's weapons are hidden in "highly survivable" facilities, some of them mobile, and, of course, in further violation of

Resolution 687, his unrelenting effort to expand his ballistic missile capabilities beyond 150 kilometers.

Finally, the October 4 report found that Iraq has rebuilt missile and biological weapons facilities damaged during U.S. cruise missile strikes in 1998. Iraq has begun renewed production of chemical warfare agents, probably including mustard, sarin, cyclosarin, and VX—all lethal chemical toxins.

All of this is in flagrant violation not only of the case-fire resolution, but also 12 other U.S. calls for disarmament over the ensuing 11 years. So it should come as no surprise that the Security Council would have issued 30 letters of condemnation to Iraq over this last decade alone.

Iraq was condemned for failures to cooperate fully and immediately, failures to allow immediate, unconditional, and unrestricted access, and failures to fulfill all of its obligations as set out in previous resolutions. The bottom line is, in every instance, he has failed to comply—and the U.N. has failed to enforce.

Which brings us to the question of: Why now? What urgency has interjected itself that would necessitate the actions we contemplate today? My answer begins not by citing a single fact or occurrence, but rather by illustrating a new, encroaching threat over the past decade that was foreshadowed by the first attack on American soil since Pearl Harbor—the 1993 bombing of the World Trade Center.

I believe that was the seminal moment when our enemies of today were introduced to the realm of the possible—as those who would wish our destruction developed and implemented comprehensive strategies to systematically assault Americans and our interests whenever, wherever, and however they could.

It also should have been an awakening for America. That is why I spearheaded investigations into the comings and goings of Sheikh Omar Abdel Rahman, the mastermind of that bombing in 1993, who entered and existed this country five times totally unimpeded.

What I found led me to introduce legislation in 1994, requiring information sharing among critical Government agencies, to ensure those on the front lines of securing America would have the resources to keep dangerous aliens from entering the U.S. But there were those who didn't take the threat seriously, and those reforms were quietly altered, and allowed to fade out of law in 1998, and out of the national consciousness.

Now, as we peel back the layers through further investigation, we discovered the Sheikh was closely tied to Osama bin Laden and the network we now know as al-Qaida. The point is, over the decade of the 1990s and into the fledgling days of the 21st century, our consciousness was not attuned to the emerging pattern of attacks, and so the pattern continued—from Khobar

Towers in 1996, to the 1998 embassy bombings in Kenya and Tanzania, to the attack on the USS *Cole* in the fall of 2000, and culminating in the horrific events of September 11, 2001.

That terrible day would finally and forever change the way we assess our security and vulnerability, single-handedly adding the term "homeland Security" to our national lexicon. It has changed our conception of what constitutes weapons and warfare—and how both may be used against us.

To paraphrase Governor Ridge, we are now compelled to come to grips with an enemy who makes no distinction between combatants and non-combatants. The battlefield itself has changed—today, asymmetrical threats accost us in a theater of engagement that includes our own backyard. There is no line of demarcation.

Before September 11, we underestimated the threat, and overestimated our security. That is why the Senate and House have been holding joint intelligence hearings, to determine how we can learn from failures of the past. The lapses were so egregious that it prompted our recent vote to authorize an independent commission, to conduct a more far-reaching inquiry into how we could have done better and how we must do better in the future.

Because there is no longer any question as to the scope of the threat—and the ability and intent of terrorist groups to bring devastation to our soil. As Secretary Rumsfeld said:

We have entered a world in which terrorist movements and terrorist states are developing the capacity to cause unprecedented destruction. Today, our margin of error is notably different. In the 20th century, we were dealing, for the most part, with conventional weapons—weapons that could kill hundreds of thousands of people, generally combatants. In the 21st century, we are dealing with weapons of mass destruction that can kill potentially tens of thousands of people—innocent men, women and children.

It is through this prism of the post-September 11 world that we must view an ever emerging convergence of threats over the last 10 years, represented on the one hand by transnational terrorism exemplified by al-Qaida—with cells in more than 30 countries—and on the other by a regime in Iraq that has already developed and deployed horrific weapons of mass destruction.

Even as far back as 1991, the United Nations was concerned enough about a potential linkage between terrorists and Saddam Hussein to include in Resolution 687 a requirement that Iraq inform the Security Council:

that it will not commit or support any act of international terrorism or allow any organization directed towards commission of such acts to operate within its territory . . .

Today, we know from Secretary Rumsfeld that "al-Qaida is operating in Iraq". . . that we have "accurate and not debatable" evidence of reportedly the presence of senior members of Al-Qaida in Baghdad, and other associations.

Iraq has also reportedly provided safe haven to Abdul Rahman Yasin, one of the FBI's most wanted terrorists, who was a key participant in the first World Trade Center bombing.

We also know that Saddam Hussein continues to provide \$25,000 rewards to the families of suicide bombers in the Middle East, continues to harbor the Abu Nidal Organization, and continues to harbor the Palestinian Liberation Front.

And so the question we really need to ask ourselves is, why is Hussein so single-mindedly and at all costs amassing such huge stores of horrific weapons? We know he has them. We know he has used them before. The question is, will he use them again?

The answer is that we don't know for certain. But from all I have been able to ascertain from high-level briefings, the logical conclusion—based on all the evidence, all the broken promises, all the obfuscation. And now the nexus between Hussein and terrorist groups and individuals—is that we simply can't afford the risk to humanity.

Some say we should wait until the threat is imminent. But how will we know when the danger is clear, present and immediate? When people start checking into hospitals? When the toxin shows up in the water supply? When the dirty bomb goes off?

Because, in the shadowy world of terrorism, as we have seen, that will already be too late. For these are not weapons that can be easily intercepted or anticipated. They aren't detected by sonar, and they don't show up on radar screens. Therefore, the standard by which we judge the level and immediacy of threat must be calibrated accordingly.

In the instance of Iraq, for a terrorist organization that shares Hussein's disdain for America, where better to acquire weapons of mass destruction? And for Saddam Hussein, what better way to deliver these weapons than a terrorist who might smuggle a vial of smallpox in a suitcase or store a canister of sarin gas in a cargo container or launch a drone aircraft or other unmanned aerial vehicle that sprays aerosolized biological agents.

In fact, Richard Butler, the former chief U.N. weapons inspector, was asked in an interview on October 8, 2002, "how easy it would be . . . for the Iraqis to arm a terrorist group, or an individual terrorist, with weapons of mass destruction." It would be "extremely easy." Ambassador Butler told the interviewer. "If they decided to do it, it would be a piece of cake."

It is true we cannot enter the diabolical mind of Saddam Hussein to know conclusively if and when he may deliver his weapons—or share those weapons with terrorists organizations. But we do have an obligation to make a judgment on which side of the equation we want to err—knowing he has the means and opportunity to strike, and knowing we will put potentially millions at risk should we misread his inclination, miscalculate this timing, or underestimate his capability.

And we have been wrong before. According to Secretary Rumsfeld, before Operation Desert Storm, “these best intelligence estimates were that Iraq was at least 5 to 7 years away from having nuclear weapons. The experts were wrong. When the U.S. got on the ground, it found the Iraqis were probably 6 months to a year away . . .” Just imagine if we were confronted with an Iraq that already had nuclear capability.

Today he is procuring his weapons with the \$6.6 billion in illicit revenue GAO estimates he has gained over the last 4 years through oil smuggling and “surcharges.” When you consider that al-Qaida spent merely \$500,000 to inflict such horror as we saw in New York, Pennsylvania, and the Pentagon, that equation becomes even more ominous—all the more so as September 11 raised our sense of urgency and illuminated a whole new range of dangerous scenarios that place Hussein’s weapons of mass destruction in a very different light.

As Henry Kissinger warned the Senate Foreign Relations Committee on September 26, “We are only at the beginning of global proliferation,” and thus we need to “consider not only the risk of action but the consequences of inaction.” In context of all we know—we can no longer assure Americans that he can be contained and confined to Iraq. Therefore, I believe the world must disarm Saddam Hussein now, when the development of his capability is imminent—not waiting until it is imminent he is about to strike.

In the absence of true strength of enforcement, Hussein will continue to exploit our every weakness through his methodical “cheat and retreat,” as he has done systematically and persistently in the past—resulting in more of the old dynamic of U.N. resolutions and economic sanctions, followed by the repeated inability of the U.N. to enforce its own mandates.

To change this paradigm, the President has now rightfully come to Congress to seek authorization and support for a resolution ensuring that when he speaks, he does so with the strength of a unified, unequivocal American voice that leaves no ambivalence as to the resoluteness of our position . . . no doubt where America stands.

Given the gravity of the global implications of Hussein’s serial intransigence, there is no substitute for the U.N. enforcing compliance, or for the U.S. working through the U.N. Appropriately, this resolution calls upon the President to use the full weight of this office, first and foremost through his diplomatic means and persuasive power—as well as that of his foreign policy team—to convince the U.N. to impose and enforce unfettered, unrestricted inspections. And as Secretary of State Powell has noted, “our diplomatic efforts at the United Nations would be helped by a strong Congressional resolution. . . .”

Furthermore, as many of my colleagues, as well as my constituents,

have expressed, the use of force should be the last resort, and under this resolution it is the last resort. The President emphasized in his speech to the Nation that, “congressional authorization does not mean that military action is imminent or unavoidable.”

I realize there are those who oppose unilateral action should the U.N. fail to act, and accordingly would oppose this resolution granting such Presidential authority. But for those who would ultimately preserve the right to authorize military action—even if we cannot secure a U.N. mandate for enforcement—this resolution is preferable to a two-tiered approach.

Why? In my view, by granting military authority to the President in advance, it leaves no question or uncertainty as to the level of our commitment, thereby strengthening the President’s ability to secure U.N. implementation of a new and enforceable resolution and potentially places us on a course toward a peaceful disarmament. As always, diplomacy must constitute our first line of defense. But in the event that action becomes necessary to safeguard our national security interests outside the auspices of the United Nations, let there be no mistake—the President must exert the last full measure of effort in building an international coalition to join us in disarming Saddam Hussein, because this shouldn’t have to be a solo endeavor for our nation.

Iraq is not just a threat to America. It is a threat to all of humanity. It is not just our interests we are protecting, it is the interests of a new century that must be free from the scourge of global terrorism. And our goals with regard to Saddam Hussein are inseparable from our mission to eradicate terror at its roots.

I have come to the regrettable conclusion that if we allow the Iraqi regime to continue developing its horrific capabilities with impunity, we are endangering mankind by sending a corrosive message that the stockpiling of weapons of mass destruction buys immunity from international response.

If the United States and its allies offer nothing but disapproving rhetoric or ineffective sanctions as the only price for Iraq’s hostility and defiance, then we concede a victory to the tactics of aggression. Rather, if the free nations of the world are to remain the authors of our own destiny, history teaches us that we must never countenance the tyranny of such threats.

As Winston Churchill wrote in 1936 of the tyrants building stocks of state-of-the-art weapons of the day:

Dictators ride to and fro upon tigers which they dare not dismount. And the tigers are getting hungry.

The world can no longer ignore the tiger in Iraq.

Mr. President, I ask unanimous consent that a transcript of the “Today Show” of October 8, 2002, be printed in the RECORD.

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

MATT LAUER (co-host): As we reported, President Bush laid out his case against Saddam Hussein again in a speech on Monday night in Cincinnati. He talked about Iraq’s capability to manufacture weapons of mass destruction. Richard Butler was chief U.N. weapons inspector in Iraq and the last person to oversee an inspection team in Baghdad. Mr. Butler, good morning to you.

Mr. RICHARD BUTLER (Former U.N. Weapons Inspector): Good morning, Matt. Good to see you.

LAUER: Good to see you. In his speech last night, the president actually quoted you, saying that Saddam Hussein is, quote, “addicted to weapons of mass destruction.” You were last in Iraq in 1998, and before your inspection team was kicked out . . .

Mr. BUTLER: Mm-hmm.

LAUER: . . . you said, and I’m quoting a Time magazine article, quote, “you saw some really disturbing stuff,” end quote. Be more specific. What did you see that we should be afraid of now?

Mr. BUTLER: Well, in particular, Matt, one of the substances that the president mentioned last night, in may I say what I thought was an outstanding speech, I think the best he’s given, that substance is called VX. It is the most toxic of the chemical warfare agents. And we saw some deeply disturbing evidence that Iraq had made a very significant quantity of VX. I was pleased to see the president refer to that last night. We also saw evidence that they had loaded it into missile warheads. That’s the—the difficulty Iraq has always had, is how to weaponize this hideous stuff that they make and they continue to make. And in the case of VX, we saw evidence that they had loaded it into missile warheads for delivery.

LAUER: Iraq has agreed to let UN weapons inspection teams back into the country with limitations. They will not be allowed to inspect Saddam Hussein’s personal palaces. Is that worth anything, in your opinion?

Mr. BUTLER: No, it’s not, Matt. I’m really slightly stunned to think that we are now exactly where we were four years ago. And by the way, it’s not palaces, it’s presidential sites. The—the parts of Iraq that the Iraqis declared in the past to be of presidential significance measured some 75 square kilometers, you know, 50 square miles, much larger than the eight palaces that Saddam has. The number of buildings is what was really important in those presidential sites. It . . .

LAUER: What’s going on at . . .

Mr. BUTLER: . . . was 1,100 . . .

LAUER: . . . those sites . . .

Mr. BUTLER: . . . buildings.

LAUER: . . . in our opinion?

Mr. BUTLER: Well, no, we—we can’t know without inspection. But we had excellent intelligence information in the past that weapons were stored there, that materials, with which to make weapons were stored there. Matt, it’s always been the same, and it is the same today. The Iraqis say they have no weapons, OK. If they don’t, let the inspectors in. And what they have tried to do today, as they did four years ago, is say you can come in up to a point . . .

LAUER: Right.

Mr. BUTLER: . . . but not in the places that we say are presidential. That’s not good enough.

LAUER: And real, real quickly, how easy would it be, in your opinion, Mr. Butler, for the Iraqis to arm a terrorist group or an individual terrorist with weapons of mass destruction?

Mr. BUTLER: Really quickly, Matt? Extremely easy. If they decide to do it, piece of cake.

LAUER: Richard Butler. Mr. Butler, thanks very much for your time.

Mr. BUTLER: Thank you.

LAUER: It's 17 after the hour. Once again, here's Katie.

KATIE COURIC (co-host): Thanks, Matt.

Ms. SNOWE. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S.J. Res. 45, which the clerk will report.

The senior assistant bill clerk read as follows:

A joint resolution (S.J. Res. 45) to authorize the use of United States Armed Forces against Iraq.

Pending:

Lieberman/Warner Modified Amendment No. 4856, in the nature of a substitute.

Graham Amendment No. 4857 (to Amendment No. 4856), in the nature of a substitute.

The PRESIDING OFFICER. The senior Senator from Virginia.

Mr. WARNER. The Senate now turns to the resolution, it is my understanding.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. The leadership has indicated there have been expressions of interest to speak this morning from Senator FEINGOLD for approximately 30 minutes; Senator KAY BAILEY HUTCHISON for 30 minutes; the Presiding Officer, Senator LEAHY, for 20 minutes; and Senator GRASSLEY for 20 minutes.

Further, we have expressions on this side by about half a dozen other Members who would hope to speak during the course of the day and the afternoon, but we will await announcement of names and times until the other side indicates the expression of interest on their side.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. I am advised it is the Graham second degree amendment.

Mr. MCCAIN. I thank the President for informing me of what the pending

business is before the Senate. I urge my colleagues to come and speak on behalf or in opposition to the Graham amendment so we can dispose of that amendment. It is my intention to move to table the Graham amendment after a reasonable length of time for my colleagues to come and speak for or against that amendment, which is my right, as is any Senator's right, but I want to make sure every Senator has the time, if they so wish, to speak on the pending business.

I see my dear friend from Wisconsin in the Chamber. I know he is talking about the overall issue. We need Senators to speak on the Graham amendment. I am sure my friend from Wisconsin and my colleague from West Virginia would be glad to speak, but we need to dispose of the pending Graham amendment and move on to other amendments.

I understand by 1 p.m. all amendments have to be filed. So let us move on and dispose of the Graham amendment.

I yield the floor.

Mr. REID. Mr. President, in debating this resolution on which we spent so much time and so much thought, we are making one of the most important decisions we have ever faced. The decision to send American troops into battle is not one we take lightly and I don't take lightly.

There is much at stake for this Nation. There is much at stake for the State of Nevada. Thousands of men and women in Nevada would undoubtedly be called to support or directly serve in a military conflict with Iraq. Our pilots from Fallon Naval Air Station and Nellis Air Force Base are considered the best aviators in the world. I know they would be asked to play a leading role in eliminating the threat posed by Saddam Hussein.

I am personally very grateful for the contributions that would be made by the National Guard and Reserve forces not only from Nevada but from across our country. These heroic citizen soldiers are such an integral part of the American military. We simply could not succeed without them. We must be mindful that their sacrifices are great because they leave their families and civilian occupations behind and become citizen soldiers. They serve proudly on behalf of our Nation. When called upon, they do not complain. They did not question the need to act. They did not ask why.

However, we must explain that these brave men and women are the reason for making this life-and-death decision. Therefore, I rise today to explain to one man why I intend to vote and how I intend to vote. That man is President George W. Bush. I say, President Bush, your father may recall that a decade ago I was the first Democrat in this body to publicly support his request for congressional authorization to make war to free Kuwait. At that time, I compared Saddam Hussein to Benito Mussolini. My position has not

changed, although I believe our continued efforts have degraded Hussein from a second-grade dictator to a third-rate thug.

In 1991, I said I thought the constitutional role of the Chief Executive is to make war. That is our role—halt or prevent an unjust or unwise conflict. I stated my strong belief that the President must be able to use the diplomatic corps and the Marine Corps with equal facility, subject only to our power to force a halt to actions taken contrary to the national interests.

President Bush, I intend once again to vote to give you that power on a geographically limited basis, but I do so with more reluctance because the situation has changed. We do not, as we did 10 years ago, face a dictator who successfully invaded a tiny and relatively defenseless neighbor.

We have not enlisted, as your father did so magnificently, the whole world to fight by our side. We have not yet convinced our people or the world that international law is on our side, or that we are champions of the new world order envisioned by your father in which the power of a nation is measured by the strength of its moral values and not by the size of its Armed Forces.

President Bush, the core ideal which motivated the Founding Fathers was that this would be a nation of laws not men. As such a decent respect to the opinions of mankind requires that we should declare the causes which impel our action. Our quarrel with Iraq is not about one two-bit tin-horn dictator. Rather, it is, and it ought to, be explained as a question of the rule of law.

I am voting you this power, Mr. President, because I know this nation would be justified in making war to enforce the terms we impose on Iraq in 1991, if we have to. But I am also voting you this power secure in the knowledge that no President of the United States of whatever political philosophy, will take this nation to war as a first resort alternative rather than as a last resort.

I found most encouraging your speech on Monday when you said war was not inevitable.

I urge you Mr. President to continue to make the case to the American people and to the world. The international coalition you have started to build is critical, not only for military and cost-sharing reasons, but also to assist in the rebuilding of Iraq.

Your father chose not to carry our fight into the cities of Iraq in 1991, and we have to live with his decision. He gave the Iraqi leadership a chance to reenter the community of peaceful nations. Saddam Hussein has squandered that opportunity.

We stopped the fighting based on an agreement that Iraq would take steps to assure the world that it would not engage in further aggression and that it would destroy its weapons of mass destruction. It has refused to take those steps. That refusal constitutes a breach of the armistice which renders

it void and justifies resumption of the armed conflict. President Bush, if you believe the time has come to use force, this resolution authorizes you to do so. I trust you will use this force wisely.

I have not doubt that is Iraq continues to refuse to abide by its agreement the nations united in 1991 will again support enforcement in the United Nations. But Mr. President, the rule of law matters, and so does a decent respect for opinion of the rest of the world. As President of the United States you are the leader of the free world; you are not its ruler.

I will support the Lieberman amendment. But I have said enough, President Bush, and I have said it to explain my vote to you, to the people of Nevada, to the people of this Nation, and to the world. I have confidence, sir, that you will do the right thing.

Mr. FEINGOLD. Mr. President, what is the regular order?

The PRESIDING OFFICER. The regular order is for Senators to debate the Graham amendment to S.J. Res. 45. Senators will be recognized as they seek to speak, as they so appropriately do.

Mr. FEINGOLD. My understanding was there was an order entered whereby I would be recognized at this point.

The PRESIDING OFFICER. It was not a unanimous consent request, but the distinguished Senator from Virginia had mentioned others would be coming. Of course, the Senator from Wisconsin now has the floor and he is in control of his time.

Mr. FEINGOLD. I thank the Chair.

Mr. BYRD. Will the distinguished Senator yield for a question?

Mr. FEINGOLD. I yield for a question.

Mr. BYRD. This Senator has to go downtown and speak around noon. Does the Senator intend to speak a considerable length at this point?

Mr. FEINGOLD. Not that long. I will be concluded in time for the Senator to speak prior to that.

Mr. BYRD. Prior to that time?

Mr. FEINGOLD. Yes, sir.

Mr. BYRD. I wonder if I might ask unanimous consent to follow the Senator from Wisconsin?

Mr. WARNER. I say to my colleague that Senator REID, the assistant Democrat leader, working with us, established the order. In consultation with Senator REID, if he wishes to come back and suggest to us an amendment to what he had in mind, certainly we will take into consideration the desire of the Senator from West Virginia. But at this time, I feel the leadership has established this, and I would not be at liberty to agree to anything else.

Mr. BYRD. If the Senator will yield further without losing the floor?

Mr. FEINGOLD. Yes.

Mr. BYRD. If and when Senator REID comes back to the floor and attempts to change the list—

Mr. REID. I am here.

Mr. BYRD. I was about to say, I was hoping I might be considered on the

list and be able to follow the statement by Mr. FEINGOLD.

Mr. REID. Without the Senator from Wisconsin losing his right to the floor, could we answer a few questions that are pending? I was watching the proceedings from my office.

It is my understanding there is an order that is now in effect. Could the Chair announce what that is?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. It is my understanding, under the order, we have four Senators who are set to speak, and they have been given time. Senator FEINGOLD is first. The Republican is Senator HUTCHISON of Texas, to speak for 30 minutes, as I recall. Then Senator LEAHY speaks for 30 minutes, and then Senator GRASSLEY speaks. That is as far as we went this morning.

Mr. MCCAIN. Is there a unanimous consent in effect?

Mr. REID. That order has already been entered.

The PRESIDING OFFICER. The Chair was in error before. There is a unanimous consent that was granted this morning before the present occupant took the chair, giving the allocated times to Senator FEINGOLD, Senator HUTCHISON, Senator LEAHY, and Senator GRASSLEY in the order as described by the senior Senator from Virginia.

Mr. REID. Yesterday, we tried to line up Senators and give specific times, but it did not work. So what we decided to do, with the consent of the two leaders, is to line up a couple on each side. We hope that works better than yesterday. Yesterday we had a little bit of downtime because some people did not speak long enough, some people spoke too long. So if the Senators from Arizona and West Virginia wish to get in the queue, I think that is totally appropriate.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. If the Senator from Nevada will yield, I stated earlier the pending business before the Senate is the Graham amendment. The Graham amendment should be dispensed with. That is why I hope any Senator who supports or opposes the Graham amendment would speak on it because I intend to move to table the Graham amendment, which is my right. So when we line up people to talk, I am all for that, but I would seek recognition at some time—sooner rather than later—so we could dispose of the Graham amendment. We need to move forward on this issue, I say to my friend from Nevada.

Mr. REID. The Senator from Arizona is totally correct. I have been in touch with the Senator from Florida, and he needs to come and speak. Otherwise, his motion is going to be tabled because it is not only the Senator from Arizona but others have the same thing in mind. As we all know, once that motion is made, it is nondebateable. From what I have been able to determine, it is likely that motion would prevail.

I would like to hear from the Senator from West Virginia. Does the Senator from West Virginia wish to speak after the four we have lined up?

Mr. BYRD. I have an engagement downtown. I had hoped to speak immediately following Mr. FEINGOLD. I would have to say to my friend from Arizona my remarks are on the general subject. They are not precisely on the point with respect to the Graham amendment.

May I make a parliamentary inquiry? I ask if the Senator will yield for that purpose?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. FEINGOLD. I do not want to lose my right to the floor at this point. Can the Senator from West Virginia pose a question to me?

Mr. BYRD. I would like to make a parliamentary inquiry of the Chair.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. FEINGOLD. If I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator for yielding for the inquiry. Is there a motion to invoke cloture before the Senate?

The PRESIDING OFFICER. Two cloture motions were filed yesterday, on the resolution itself and on the Lieberman substitute amendment.

Mr. BYRD. If I might ask, until what time today are Senators in a position to offer amendments in the first degree to the cloture motion on the Lieberman amendment?

The PRESIDING OFFICER. Under rule XXII, a 1 p.m. filing deadline is imposed on the first-degree amendments.

Mr. BYRD. I wonder if Senators would yield consent to allow Senators to file first-degree amendments until a later point today. For example, my own situation is such, I have so many things going on, including a conference on the Defense appropriations. I also have other problems that would impinge upon my ability to offer an amendment by 1 p.m.

Could all Senators have a little longer than that today?

Mr. REID. If I may, with the permission of the Senator from Wisconsin, I will respond to the Senator from West Virginia. I will be happy, while Senator FEINGOLD is speaking, to see if we can work with both sides to see if that is possible. We will do that.

You are scheduled to speak for how long, Senator?

Mr. FEINGOLD. Thirty minutes.

Mr. REID. And I say to my friend from Arizona, we have heard from Senator GRAHAM from Florida. He was ready to come anytime today, but because we lined up the speakers, he did not come. We will make sure he has an opportunity to speak on his amendment and that you are recognized.

Mr. WARNER. Mr. President, we can rearrange the Senators on our side because the Senator from Arizona made

the point last night, Senator GRAHAM came in—we were here—unexpectedly, laid that amendment down, and indicated to this Senator that he was going to pursue it early in the morning.

Mr. REID. I say to my friend from Virginia it is not his fault. He is anxious to speak.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. REID. I ask unanimous consent that the time to which the Senator from Wisconsin is entitled still be in effect.

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

Mr. BYRD. I thank the distinguished Senator from Wisconsin for his kindness and courtesy.

Mr. FEINGOLD. Mr. President, many have spent months reviewing the issue on advisability of invading Iraq in the near future, from hearings and meeting on the process and the very important role of Congress to the difficult questions of substance, including foreign policy and military implications. After my own review and carefully listening to hundreds of Wisconsin citizens in person, I spoke on the floor on Thursday, September 26. I indicated my opposition to the original draft use of force authorization by the President. I also used that opportunity to raise some very important questions to which I needed answers before supporting a narrower and more responsible resolution.

Now, after many more meetings and reading articles and attending briefings, listening to my colleagues' speeches, and especially listening to the President's speech in Cincinnati on Monday, I still do not believe the President and the administration have adequately answered the critical questions. They have not yet met the important burden to persuade Congress and the American people we should invade Iraq at this time.

Both in terms of the justifications for an invasion and in terms of the mission and the plan for the invasion, the administration's arguments do not add up. They do not add up to a coherent basis for a new major war in the middle of our current challenging fight against the terrorism of al-Qaida and related organizations. Therefore, I cannot support the resolution for the use of force before the Senate.

My colleagues, my focus today is on the wisdom of this specific resolution, vis-a-vis Iraq, as opposed to discussing the notion of an expanded doctrine of preemption, which the President has articulated on several occasions. However, I associate myself with the concerns eloquently raised by Senator KENNEDY and Senator BYRD and others that this could well represent a disturbing change in our overall foreign and military policy. This includes grave concerns about what such a preemption-plus policy will do to our relationship with our allies, to our national security, and to the cause of world peace in so many regions of the

world where such a doctrine could trigger very dangerous actions with very minimal justification.

I want to be clear about something. None of this is to say that I don't agree with the President on much of what he has said about the fight against terrorism and even what he has said about Iraq. I agree, post-9/11, we face, as the President said, a long and difficult fight against terrorism. We must be very patient and very vigilant, and we must be ready to act and make some very serious sacrifices.

With regard to Iraq, I agree, Iraq presents a genuine threat, especially in the form of weapons of mass destruction, chemical, biological, and potentially nuclear weapons. I agree that Saddam Hussein is exceptionally dangerous and brutal, if not uniquely so, as the President argues. And I support the concept of regime change. Saddam Hussein is one of several despots whom the international community should condemn and isolate with the hope of new leadership in those nations.

Yes, I agree; if we do this Iraq invasion, I hope Saddam Hussein will actually be removed from power this time. I agree, we cannot do nothing with regard to Saddam Hussein in Iraq. We must act. We must act with serious purpose and stop the weapons of mass destruction and stop Saddam Hussein. I agree, a return to the inspections regime of the past alone is not a serious, credible policy.

I also believe and agree, as important and as preferable as U.N. action and multilateral solutions to this problem are, we cannot give the United Nations the ability to veto our ability to counter this threat to our people. We retain and will always retain the right of self-defense, including self-defense against weapons of mass destruction. When such a threat requiring self-defense would present itself—and I am skeptical that is exactly what we are dealing with here—then we could, if necessary, act alone, including militarily.

These are all areas where I agree with the administration. However, I am increasingly troubled by the seemingly shifting justifications for an invasion at this time. My colleagues, I am not suggesting there has to be only one justification for such a dramatic action, but when the administration moves back and forth from one argument to another, it undercuts the credibility of the case and the belief in its urgency. I believe this practice of shifting justifications has much to do with the troubling phenomenon of many Americans questioning the administration's motives in insisting on action at this time.

What am I talking about? I am talking about the spectacle of the President and senior administration officials citing a reported connection to al-Qaida one day, weapons of mass destruction the next day, Saddam Hussein's treatment of his own people on another day, and then on some days the issue of Kuwaiti prisoners of war.

For some of these, we may well be willing to send some 250,000 Americans into harm's way; for others, frankly, probably not.

These litanies of various justifications—whether the original draft resolution discussions or the new White House resolution, or, regrettably throughout the President's speech in Cincinnati—in my view set the bar for an alternative to a U.S. invasion so high I am afraid it almost locks in—it almost requires—a potentially extreme and reckless solution to these problems.

I am especially troubled by these shifting justifications because I and most Americans strongly support the President on the use of force in response to the attacks on September 11, 2001. I voted for S.J. Res. 23—the use of force resolution—to go after al-Qaida and the Taliban and those associated with the tragedies of September 11, and I strongly supported military actions pursuant to S.J. Res. 23. But the relentless attempt to link 9/11 and the issue of Iraq has been disappointing to me for months, culminating in the President's singularly unpersuasive attempt in Cincinnati to intertwine 9/11 and Iraq, to make the American people believe there are no important differences between the perpetrators of 9/11 and Iraq.

I believe it is dangerous for the world—and especially dangerous for us—to take the tragedy of 9/11 and the word “terrorism” in all their powerful emotion and then too easily apply them to many other situations—situations that surely need our serious attention, but are not necessarily the same as individuals and organizations who have shown a willingness to fly suicide planes into the World Trade Center and into the Pentagon.

Let me say the President is right, we have to view the world, the threats, and our own national security in a very different light since 9/11. There are shocking new threats. But it is not helpful to use virtually any strand or extreme rhetoric to suggest the new threat is the same as other preexisting threats.

I think common sense tells us they are not the same. They cannot so easily be lumped together as the President sought to do in Cincinnati.

I have reviewed the intermittent efforts to suggest a connection of 9/11 and Saddam Hussein, or suggest the possibility such a connection has developed since 9/11. I want to be very clear. In fact, if there was a connection in planning for the 9/11 attacks by Saddam Hussein or his agents and the perpetrators of 9/11 and al-Qaida, I have already voted for military action. I have no objection. But if it is not, if this is premised on some case that has supposedly been made with regard to a subsequent coalition between al-Qaida and the Iraqi government, I think the President has to do better. He has to do

better than the shoddy piecing together of flimsy evidence that contradicts the very briefings we have received by various agencies. I am not hearing the same things at the briefings I am hearing from the President's top officials.

In fact, on March 11 of this year, Vice President CHENEY, following a meeting with Tony Blair, raised the possibility of weapons of mass destruction falling into the hands of terrorists. He said:

We have to be concerned about the potential marriage, if you will, between a terrorist organization like al-Qaida and those who hold or are proliferating knowledge about weapons of mass destruction.

In March, there was a potential marriage.

Then the Vice President said on September 8, without evidence—and no evidence has been given since that time—that there are:

“Credible but unconfirmed” intelligence reports that 9/11 ringleader Mohammad Atta met in Prague with senior Iraqi intelligence officials a few months before the 9/11 attacks.

We have seen no proof of that.

Finally, the Secretary of Defense follows on September 27 of this year, and says:

There is “bulletproof evidence” of Iraqi links to al-Qaida, including the recent presence of senior al-Qaida members in Baghdad.

I don't know where this comes from. This so-called “potential marriage” in March is beginning to sound like a 25th wedding anniversary at this point.

The facts just aren't there. At least they have not been presented to me in the situations where they should have been presented to me as an elected Member of this body. In other words, the administration appears to use 9/11 and the language of terrorism and the connection to Iraq too loosely—almost like a bootstrap.

For example, I heard the President say in Cincinnati that Iraq and al-Qaida both regard us as a common enemy. Of course they do. Who else are we going to attack in the near future on that basis alone?

Or do we see an attempt to stretch the notion of harboring terrorists? I agree with the President, if any country is actively harboring and assisting terrorists involved in 9/11, we have to act against them. But I don't think you can bring to the definition of harboring terrorists the simple presence of some al-Qaida members somewhere in Iraq. After all, apparently we have al-Qaida agents active in our country as well. They are present in our Nation as well. How can this be a sufficient basis on its own?

Therefore, without a better case for an al-Qaida connection to Saddam Hussein, this proposed invasion must stand on its own merit—not on some notion that those who question this invasion don't thoroughly condemn and want to see the destruction of the perpetrators of 9/11 and similar terrorist attacks on the United States.

Invasion of Iraq must stand on its own—not just because it is different

than the fight against the perpetrators of 9/11, but because it may not be consistent with and may even be harmful to the top national security issue of this country. And that is the fight against terrorism and the perpetrators of the crimes of 9/11.

In fact, I am so pleased to see one of the most eloquent spokesmen on this viewpoint here in the Senate Chamber, Senator GRAHAM, who has done a terrific job of trying to point out our top priorities in this area. He said:

Our first priority should be the successful completion of the war on terrorism. Today, we Americans are more vulnerable to international terrorist organizations than we are to Saddam Hussein.

I ask: Is this war against terrorism going so terribly well when we see the possible explosion of the French tanker in Yemen, when we see the tremendous difficulties in trying to pursue stability in Afghanistan itself, and when we realize we are not certain at all whether Mr. Osama bin Laden is alive or dead? Will the invasion of Iraq encourage our allies and Islamic friends to help us in the fight against terrorism, or just make them extremely nervous?

I met with a group of African Ambassadors the other day in my role as chairman of the Africa Subcommittee of the Foreign Relations Committee. They told me various people were placing bets on what country would be next after Iraq under this new doctrine the President is putting forward. Will this idea of invading Iraq at this time, on this case, on these merits, help or hurt cooperation in our fight against terrorism, against the known murderers of Americans who are known to be plotting more of the same?

I am especially dismayed at the weak response to the potential drain on our military capability and resources in our fight against terrorism, if we go forward with this invasion at this time. The administration likes to quickly say, whenever asked whether we can do this and fight the war against terrorism—they just simply say we can do both. There is no proof. There is no real assurance of this.

I find these answers glib, at best.

When former Secretary of State Kissinger was asked in this regard, he said:

It is not clear to me what measures that are required in the war against terrorism would be interrupted or weakened by the actions that may be imposed on us if it is not possible to do away with the stockpiles of weapons of mass destruction in Iraq by other means.

That is the only explanation the former Secretary of State gave us on this tough question.

But let's look at what the current Secretary of State, Colin Powell, said in response to a similar question. He said:

So the campaign against terrorism is going in full swing. And I don't see why there is a suggestion that somehow, if we had to undertake this mission, it would be at the expense of the campaign against terrorism.

That is all he said. Now, that is a pretty weak reassurance, to me, that such an enormous undertaking will not call into question some of our other military efforts and priorities.

What about what we are doing in Bosnia? What about what we are doing in Kosovo? What about all the resources stretching from the Philippines all the way to portions of the former Soviet Union, to the Middle East, to parts of Africa, that are being employed in the fight against terrorism? What about the fact we are using our National Guards and Reserves, many times within our country, to protect our own citizens at public events with regard to the challenge of the fight against terrorism?

All of this, and an invasion of Iraq, too? I wonder. As mighty as we are, I wonder if we are not very close to being overextended. Invasion of Iraq in the next few weeks or months could, in fact, be very counterproductive. In fact, it could risk our national security.

In any event, I oppose this resolution because of the continuing unanswered questions, including the very important questions about what the mission is here, what the nature of the operation will be, what will happen concerning weapons of mass destruction in Iraq as the attack proceeds and afterward, and what the plan is after the attack is over.

In effect, we are being asked to vote on something that is unclear. We do not have the answers to these questions. We are being asked to vote on something that is almost unknowable in terms of the information we have been given.

In my judgment, the issue that presents the greatest potential threat to U.S. national security—Iraq's pursuit of weapons of mass destruction—has not been addressed in any comprehensive way by the administration to date. Of course, I know we don't need to know all the details, and we don't have to be given all the details, and we shouldn't be given all the details, but we have to be given some kind of a reasonable explanation.

Before we vote on this resolution, we need a credible plan for securing WMD sites and not allowing materials of concern to slip away during some chaotic course of action. I know that is a tall order, but it is a necessary demand.

As I said, I agree with the administration when it asserts that returning to the same restricted weapons inspection regime of the recent past is not a credible policy for addressing the WMD problem in Iraq. But there is nothing credible about the “we will figure that out later” approach we have heard to date.

What if actors competing for power in the post-Hussein world have access to WMD? What if there is chaos in the wake of the regime's fall that provides new opportunities for non-state actors, including terrorist organizations, to bid on the sinister items tucked away in Iraq?

Some would say those who do not unquestionably support the administration are failing to provide for our national security. But, I am sure of this: these issues are critical to that security, and I have yet to get any answers.

We need an honest assessment of the commitment required of America. If the right way to address this threat is through internationally supported military action in Iraq, and Saddam Hussein's regime falls, we will need to take action to ensure stability in Iraq and to help the country on the road to reconstruction.

This could be very costly and time-consuming. It could involve the occupation—the occupation—of a Middle Eastern country. Now, this is not a small matter: the American occupation of a Middle Eastern country. Consider the regional implications of that scenario: the unrest in moderate states, the calls for action against American interests, the difficulty of bringing stability to Iraq so we can extricate ourselves in the midst of regional turmoil.

We need much more information about how we propose to proceed so we can weigh the costs and benefits to our national security.

In Afghanistan, the Government of President Karzai works under constant threat, and instability plagues the country outside of Kabul. Many Afghan people are waiting for concrete indicators that they have a stake in this new Taliban-free future. The task is daunting, and we only have just begun that task.

What demands might be added in a post-Saddam Iraq?

I do believe the American people are willing to bear high costs to pursue a policy that makes sense. But right now, after all of the briefings, after all of the hearings, and after all of the statements, as far as I can tell, the administration apparently intends to wing it when it comes to the day after, or, as others have suggested, the decade after. I think that makes no sense at all.

So, Mr. President, I believe to date the administration has failed to answer the key questions to justify the invasion of Iraq at this time.

Yes, September 11 raises the emotional stakes and raises legitimate new questions. This makes the President's request understandable, but it does not make it wise.

I am concerned the President is pushing us into a mistaken and counterproductive course of action. Instead of, in his words, this action being "crucial to win the war on terrorism," I fear it could have the opposite effect.

So this moment—in which we are responsible for assessing the threat before us, the appropriate response, and the potential costs and consequences of military action—this moment is of grave importance. Yet there is something hollow in our efforts. In all of the administration's public statements, its presentations to Congress, and its exhortations for action, Congress is urged

to provide this authority and approve the use of our awesome military power in Iraq without knowing much at all about what we intend to do with it.

We are about to make one of the weightiest decisions of our time within a context of confused justifications and vague proposals. We are urged to get on board and bring the American people with us, but we do not know where the ship is sailing.

On Monday night, the President said in Cincinnati: "We refuse to live in fear." I agree. But let us not overreact or get tricked or get trapped out of fear, either.

Mr. President, on the 11th of September, 2001, our country came under attack, and the world suddenly seemed shockingly small and unquestionably dangerous. What followed that horror continued to be frightening and disorienting: anthrax attacks, color-coded threat levels, report after report of terrorist cells seemingly everywhere.

In the weeks and months since September 11, Americans have had to contend with these changes and to come to grips with the reality this could happen again and there are forces planning to do us harm, and we cannot unconditionally guarantee our own safety.

In this new world, we cannot help but sense the future is uncertain, our world is disordered, unpredictable, up for grabs. So when our leaders propose taking action, Americans do not want to resist. But they are resisting this vague and worrisome proposal.

My constituents have voiced their concerns in calls, at town meetings, in letters, and through e-mails or faxes. They are not calling for Congress to bury its head in the sand. They are not naively suggesting Saddam Hussein is somehow misunderstood. But they are asking questions that bear directly on our national security, and they are looking for answers that make sense. They are setting the standard, just as they should do, in a great democracy.

Their standard is high. We should work together to develop a policy toward Iraq that meets it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WARNER. The Senator from Texas is present in the Chamber. My understanding is, she is next to be recognized.

The PRESIDING OFFICER. The Senator is right. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the Senators from Virginia, Arizona, and Connecticut for all of the efforts being made to bring a full debate on this issue to the Senate.

Congress has no greater responsibility under the Constitution than to

provide for our Nation's common defense. There is no decision we make that requires more careful consideration than a decision to authorize the use of armed forces and, in so doing, send America's sons and daughters into harm's way.

Shortly after I was elected to the Senate, our Nation suffered through the brutal battle in Mogadishu, Somalia. It left 18 of our soldiers dead. Our mission was vague. There was no clear American national security threat in Somalia. The President did not come to the American people and explain the rationale for continued military involvement.

The impact of this uncertainty became very clear to me soon after the tragedy when I met a constituent on a flight from Washington, DC, to Dallas.

He came up to me and said: Senator, my name is Larry Joyce. I am your constituent.

I said: Hi, Larry, how are you doing? What were you doing in Washington?

He said: I was burying my son in Arlington National Cemetery.

His son Casey had been killed in the street ambush that was depicted in the book "Black Hawk Down," also a movie.

Colonel Joyce said to me, with tears rolling down his face: Senator, I am a military man. I served two tours in Vietnam. And now my son Casey, on his first mission as an Army Ranger, is not coming home. Senator, I can't tell you why.

I vowed that day that I would never vote to send an American into battle unless I could answer that question. I want to be able to face any parent and say: This is the national security interest of our country, and that is why your child signed up and was willing to fight and was sent to do so.

Since Somalia, I have come to the Senate floor to express grave reservations about deployments to Haiti, Bosnia, and Kosovo. In each case, I called on the President to come to Congress, make the case to the American people, and outline the U.S. security interest.

After the tragic events of 9/11, President Bush sought and received the authorization to use force to find and destroy the terrorists who had launched that heinous crime. There was no question in my mind and in the minds of most Members of Congress that our national security demanded our support of the President.

Today, President Bush seeks congressional authorization to use military force to deal with the threat Saddam Hussein poses with weapons of mass destruction. We must answer the major question for America: What is the U.S. security interest? Why Saddam? Why now?

It is a question I thought about as I sat among the hushed crowds at the Pentagon's memorial service on September 11, 2002. It was a poignant moment. I was surrounded by those who had suffered so much and many who will ultimately bear the consequences of the decision we are about to make.

I doubt there is anyone in America who doesn't feel as I do. If we could have prevented 9/11, we certainly would have. We didn't have warning, and we paid a heavy price.

It is this experience that has led President Bush to think in a different way about protecting our homeland. I believe he doesn't want to wait until an enemy is finished building his deadly arsenal and ready to attack from a position of strength. It is one thing to turn three commercial airliners into weapons of mass destruction. It is another to have a nuclear missile ready to deploy or to arm an unmanned aerial vehicle with anthrax ready to ship anywhere in the world.

Each generation of Americans has been called to defend our freedom. Each time, our forefathers and mothers have answered the call. Our generation's time of national trial has come. We are being called to stop a new kind of enemy, different from any we have ever fought before. This enemy is not just contained in one country or two, it is spread throughout the world and even within our own borders. This enemy purposely kills itself in order to harm others.

This enemy is patient, building resources and striking when and where we are least prepared. This enemy uses a different method each time. This enemy requires a new kind of defense. That is what the President is attempting to build.

The cold war ended when the Iron Curtain and Berlin Wall came tumbling down. The post-cold-war era ended when the World Trade Center towers came crashing down. September 11 made it abundantly clear that the strategy of deterrence alone is not enough.

The President recently released a new national security strategy. It articulates a policy of preemption and dominance. Some fear that our new national security strategy is too bold. A bold defense does not cause calamities to occur, but a lack of action will. It is not our defense strategy that will provoke attacks on the United States. Rather, it is when we fail to act or fail to lead that our enemies strike. It is when they think we have become soft and complacent that they will kill innocent Americans again.

We have learned hard and valuable lessons these past few years. The first terrorist attack on the World Trade Center occurred in 1993, a bombing that killed 6 Americans and injured more than 1,000. What did we do? In 1996, Hezbollah extremists bombed the United States military barracks at Khobar Towers in Saudi Arabia, killing 19 American servicemembers and injuring 500 others. What did we do? In 1998, al-Qaida terrorists bombed the United States Embassies in Kenya and Tanzania, killing and injuring hundreds. What did we do? In 2000, al-Qaida terrorists again attacked Americans, this time bombing the U.S.S. *Cole* in Yemen, killing 17 American

servicemembers and injuring scores more. What did we do?

Then came the devastating attacks of 9/11. Our Nation finally was awakened. We put the pattern together to see the threat to the very freedom that we cherish. We did do something. We took action against our enemy swiftly and boldly after 9/11. Now we must follow through.

The President has asked for authority to meet this threat. Congress gave him wide latitude to root out terrorism. We and our allies are doing that job in Afghanistan, the home base of al-Qaida.

We have liberated millions and millions of innocent Afghans from the cruel Taliban regime.

Now the President is asking for authority to go into Iraq. Why Iraq? Why now? Because we have learned the lessons of complacency. We have learned the lessons of not being prepared.

The President has solid information that with a small amount of highly enriched uranium, Iraq could have a nuclear weapon in less than a year. We know Iraq already has the means to deliver it. He has hard intelligence that Iraq has chemical and biological weapons and small, unmanned aerial vehicles to disseminate them, potentially killing thousands of people anywhere in the world. The President is saying: "Do we wait for the attack, or do we take steps to prevent it?" Our post-9/11 defense strategy demands that we prevent it.

Saddam Hussein has fired on coalition aircraft patrolling the no-fly zones over Iraq 2,500 times since the Gulf War. Saddam Hussein has rewarded the families of Palestinian suicide bombers. He has attempted to assassinate the former U.S. President who led the international coalition that defeated him in the Gulf War. His No. 1 enemy is the United States of America.

So if all diplomatic efforts fail, and if the U.N. weapons inspectors are not allowed unfettered access to suspected sites, our President wants to be able to take away Saddam Hussein's means to destroy us and our allies.

It is our responsibility to give the President the authorization he needs. The question of whether the security of the United States is threatened has been answered. The answer is yes.

It is with a heavy heart and a realization of the consequences that I will vote yes. But it would be a burden I could not carry to vote no and then, a year or 2 from now, see a preventable attack kill thousands more innocent Americans or our allies.

Mr. President, we are going to meet this test of our generation. We are going to protect the freedom and the way of life that has become the beacon to the world of the way life should be. We can do no less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Has the Senator completed her statement?

Mrs. HUTCHISON. Yes.

Mr. REID. Mr. President, I ask unanimous consent that following the statement of Senator GRASSLEY, Senator GRAHAM of Florida be recognized.

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

Mr. WARNER. Reserving the right to object. Senator MCCAIN will address the Chair.

Mr. MCCAIN. Mr. President, I ask the Senator to repeat that.

Mr. REID. I said that following the statement of the Senator from Iowa, Mr. GRASSLEY, Senator GRAHAM be recognized. Based on our conversations, following that, the Senator from Arizona would like to be recognized.

Mr. MCCAIN. That is fine.

Mr. REID. I add to the request, Mr. President.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, might I at this juncture complete my statement to express strong support for the remarks made by the distinguished Senator from Texas. She has been very much involved in the planning for this resolution, and I very much appreciate her remarks.

(Mr. REID assumed the Chair.)

Mrs. HUTCHISON. Thank you. I say to the Senator from Virginia that I appreciate that. We have worked together on this resolution to try to ensure that the President has the authorization he needs and that Congress plays its constitutional role. I appreciate all the cooperation on both sides of the aisle to make this happen.

Mr. MCCAIN. Mr. President, pending the arrival of Senator LEAHY, I ask unanimous consent for a colloquy with Senator SPECTER and LIEBERMAN. I imagine Senator LEAHY will be here shortly.

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

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I had discussed briefly with the Senator from Connecticut a couple of questions, and I would like to engage him in a colloquy. The first relates to the difference in language between the 1991 resolution authorizing then-President Bush to use force, which says in pertinent part:

The President is authorized to use United States Armed Forces, pursuant to resolutions of the UN, in order to achieve implementation of those Security Council resolutions.

Now, that is different from the authorization in the current resolution, which says:

The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate.

The current resolution might be called a subjective standard, which gives substantially greater latitude to President Bush to use force "as he determines to be necessary and appropriate." This language is very much

subjective as contrasted with the 1991 language, which is more objective, authorizing the President to use force to achieve implementation of certain Security Council resolutions.

I ask the Senator from Connecticut if the intent here, in trying to develop some legislative history, notwithstanding the language in the present resolution, is really about the same—or is the same—as the 1991 resolution.

Mr. LIEBERMAN. Mr. President, I thank my colleague from Pennsylvania for his thoughtful question. The intent is the same, although we may have a different understanding of what that intent is. I will say that the operative language here may be somewhat different because the circumstances that engendered the resolution of Congress in 1991 are different than now. Then, we had a specific act, which was the Iraq invasion of Kuwait. Resolutions have been passed by the U.N. so that there was specifically reference in the authorizing resolution that Senator WARNER and I were privileged to cosponsor in 1991.

Now we have a totality of circumstances, including the repeated violation of some of those same resolutions, but others calling for inspections, calling for the destruction of weapons of mass destruction that Saddam Hussein has. In fact, in the initial suggestion of a resolution drafted by the White House, there was an enumeration of specific U.N. resolutions, and Members of Congress negotiating—I believe from the other body—preferred to have the term that we have in there now, giving the President the power to use the Armed Forces to enforce all relevant United Nations Security Council resolutions.

In either case, I think what is involved here is an understanding both in the 1991 resolution and in this one that Congress, using its authority under article I of the Constitution to declare war, authorize military action, does so and sets the parameters, but that ultimately, according to article II, it is the President who is the Commander in Chief of the Army, Navy, United States militia of the several States, when called into the actual service of the United States. Implicit in that has to be the understanding that the President will use the force that he determines to be necessary and appropriate.

As I said yesterday, with the authority to give the President comes accountability. So, bottom line: There are two different circumstances that engender slightly different resolutions. In each case, Congress is fulfilling its responsibility to authorize military action, ultimately, within the parameters set forth in both resolutions. You have to give the President, as Commander in Chief, the authority to make decisions that he deems to be necessary and appropriate in the defense of our national security, and then be held accountable for those decisions.

The PRESIDING OFFICER. Senator LEAHY is now recognized for up to 30 minutes.

Mr. LEAHY. Mr. President, was the Senator from Pennsylvania seeking further time?

Mr. SPECTER. I ask, Mr. President, the Senator from Vermont if I may pose one more question.

Mr. MCCAIN. Mr. President, I suggest the regular order.

The PRESIDING OFFICER. The time will come off Senator LEAHY's time.

Mr. LEAHY. I will have no objection to that provided the time is not taken from the time the Senator from Vermont has reserved.

Mr. MCCAIN. Reserving the right to object, how long will it take?

Mr. SPECTER. Probably less than the time to inquire about it. I will ask the question in a minute or less.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for up to 1 minute.

Mr. SPECTER. The question I have for the Senator from Connecticut is on the expansive whereas clauses. One of these clauses refers to repression of the civilian population of Iraq. I ask whether the resolution intends to give the President the power to use force to cure those kinds of matters, which are separate from the issues of weapons of mass destruction, and whether the issue on weapons of mass destruction is satisfied, so that the UN resolutions are satisfied, and whether the clause on authorization relating to defending the national security interests of the United States will be satisfied with the resolution of the weapons of mass destruction without picking up the whereas clause on regime change.

I think that is less than a minute, Mr. President.

Mr. LIEBERMAN. I probably should let the Senator from Arizona respond because he will do it much more quickly than I.

Mr. LEAHY. Again, Mr. President, I ask this not be deducted from the time available to the Senator from Vermont.

Mr. LIEBERMAN. Mr. President, I will try to do this within a minute and perhaps give time for Senator SPECTER to clarify this. The whereas clauses, the preamble, speak for themselves. It suggests a totality of circumstances that lead the sponsors of the resolution to want to authorize the President, if all else fails, to take military action against Iraq under Saddam Hussein.

Clearly—and what the President has said and what the sponsors of the resolution have said—the focus of our concern is the weapons of mass destruction and the means to deliver them. As we said yesterday, this resolution is intended to send a message to Saddam: Disarm, as you promised to do 11 years ago at the end of the gulf war, or we will use force to disarm you with our allies and the international community.

Nonetheless, the other conditions describing the totality of Saddam's brutality—violation of international law, invasion of his neighbors, et cetera—are stated in the preamble and con-

sistent with what I said in response to the earlier question.

The President, as Commander in Chief, is given the authority, the responsibility, and accountability to enforce all relevant U.N. Security Council resolutions regarding Iraq. I do not think anyone expects the President to take military action against Iraq if, hopefully, and in some sense miraculously, Saddam disarms, destroys his ballistic missiles, unmanned aerial vehicles, allows inspections without any restrictions. Under those circumstances, it is hard to imagine the President would authorize military action, for instance, in regard to some of the lesser U.N. resolutions as generally understood by this body.

Mr. SPECTER. I thank the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Vermont is recognized for up to 30 minutes.

Mr. LEAHY. Mr. President, I have enjoyed this colloquy and would yield further, but I know there are other Senators awaiting their turn to speak.

On September 26, I spoke at length in this Chamber about the important issue before us. I voiced my concerns and the concerns of a great many Vermonters—in fact, a great many Americans from whom I have heard. I spoke about the President's plan to send Americans into battle to overthrow Saddam Hussein.

Many Senators have also expressed their views on this difficult decision. As I prepared to speak 2 weeks ago, I listened to Senator BINGAMAN urge the administration to seriously consider a proposal for "coerced inspections." After I finished speaking, Senator JOHNSON voiced his support for providing the President with the broad authority he seeks to use military force against Iraq.

The opportunity and responsibility to have this debate is one of the cornerstones on which this institution, and indeed this country is built. Some have suggested that expressing misgivings or asking questions about the President's plan to attack Iraq is somehow unpatriotic. Others have tried to make it an election year issue on bumper stickers or in TV advertisements.

These attempts are misguided. They are beneath the people who make these attempts and they are beneath the issue. This is an issue of war. An issue of war should be openly debated. That is a great freedom of this Nation. We fought a revolution to have such debates.

As I and others have said over and over, declaring war is the single most important responsibility given to Congress. Unfortunately, at times like this, it is a responsibility Congress has often shirked. Too often, Congress has abdicated its responsibility and deferred to the executive branch on such matters. It should not. It should pause and read the Constitution.

In the Senate, we have a duty to the Constitution, to our consciences, and

to the American people, especially our men and women in uniform, to ask questions, to discuss the benefits, the risks, the costs, to have a thorough debate and then vote to declare war or not. This body, the Senate, is supposed to be the conscience of the Nation. We should fulfill this great responsibility.

In my 28 years in the Senate, I can think of many instances when we asked questions and took the time to study the facts. It led to significant improvements in what we have done here.

I can also remember times when Senators in both parties wished they had taken more time to carefully consider the issues before them, to ask the hard questions, or make changes to the legislation, despite the sometimes overwhelming public pressure to pass the first bill that came along.

I know following the Constitution is not always politically expedient or popular. The Constitution was not designed to be politically expedient, but following the Constitution is the right course to take. It is what we are sworn to do, and there is no question that having this debate, which really began some months ago, has helped move the administration in the right direction.

Today, we are considering a resolution offered by Senator LIEBERMAN to authorize the use of force. Article I of the Constitution gives the Congress the sole power to declare war. But instead of exercising this responsibility and voting up or down on a declaration of war, what have we done? We have chosen to delegate this authority and this burden to the executive branch.

This resolution, like others before it, does not declare anything. It tells the President: Why don't you decide; we are not going to.

This resolution, when you get through the pages of whereas clauses, is nothing more than a blank check. The President can decide when to use military force, how to use it, and for how long. This Vermonter does not sign blank checks.

Mr. President, I suppose this resolution is something of an improvement. Back in August the President's advisors insisted that there was not even any need for authorization from Congress to go to war. They said past resolutions sufficed.

Others in the administration argued that the United States should attack Iraq preemptively and unilaterally, without bothering to seek the support of the United Nations, even though it is Iraq's violations of U.N. resolutions which is used to justify military action.

Eventually, the President listened to those who urged him to change course and he went to the United Nations. He has since come to the Congress. I commended President Bush for doing that.

I fully support the efforts of Secretary Powell to negotiate a strong, new Security Council resolution for the return of weapons inspectors to Iraq, backed up with force, if necessary, to overcome Iraqi resistance.

Two weeks ago, when the President sent Congress his proposed resolution authorizing the use of force, I said that I hoped his proposal was the beginning of a consultative, bipartisan process to produce a sensible resolution to be acted on at the appropriate time.

I also said that I could envision circumstances which would cause me to support sending U.S. Armed Forces to Iraq. But I also made it clear that I could never support the kind of blank check resolution that the President proposed. I was not elected to do that.

I commend Senator DASCHLE, Senator HAGEL, and others who tried hard to work with the administration to craft a bipartisan resolution that we could all support.

But while the resolution that we are considering today is an improvement from the version that the President first sent to Congress, it is fundamentally the same. It is still a blank check. I will vote against this resolution for all the reasons I have stated before and the reasons I will explain in detail now.

Mr. President, there is no dispute that Saddam Hussein is a menace to his people and to Iraq's neighbors. He is a tyrant and the world would be far better without him.

Saddam Hussein has also made no secret of his hatred of the United States, and should he acquire a nuclear weapon and the means to deliver it, he would pose a grave threat to the lives of all Americans, as well as to our closest allies.

The question is not whether Saddam Hussein should be disarmed; it is how imminent is this threat and how should we deal with it?

Do we go it alone, as some in the administration are eager to do because they see Iraq as their first opportunity to apply the President's strategy of preemptive military force?

Do we do that, potentially jeopardizing the support of those nations we need to combat terrorism and further antagonizing Muslim populations who already deeply resent our policies in the Middle East?

Or, do we work with other nations to disarm Saddam, using force if other options fail?

The resolution now before the Senate leaves the door open to act alone, even absent an imminent threat. It surrenders to the President authority which the Constitution explicitly reserves for the Congress.

And As I said 2 weeks ago, it is premature. I have never believed, nor do I think that any Senator believes, that U.S. foreign policy should be hostage to any nation, nor to the United Nations. Ultimately, we must do what we believe is right and necessary to protect our security, whenever it is called for. But going to war alone is rarely the answer.

On Monday night, the President spoke about working with the United Nations. He said:

To actually work, any new inspections, sanctions, or enforcement mechanisms will

have to be very different. America wants the U.N. to be an effective organization that helps keep the peace. That is why we are urging the Security Council to adopt a new resolution setting out tough, immediate requirements.

I could not agree more. The President is right. The status quo is unacceptable. Past U.N. resolutions have not worked. Saddam Hussein and other Iraqi officials have lied to the world over and over and over. As the President points out, an effort is underway in the U.N. Security Council—led by the United States—to adopt a strong resolution requiring unconditional, unimpeded access for U.N. weapons inspectors, backed up with force if necessary.

That effort is making steady progress. There is wide acceptance that a new resolution is necessary before the inspectors can return to Iraq, and this has put pressure on the other nations, especially Russia and France, to support our position.

If successful, it could achieve the goal of disarming Saddam without putting thousands of American and innocent Iraqi lives at risk or spending tens of billions, or hundreds of billions, of dollars at a time when the U.S. economy is weakening, the Federal deficit is growing, and the retirement savings of America's senior citizens have been decimated.

Diplomacy is often tedious. It does not usually make the headlines or the evening news. We certainly know about past diplomatic failures. But history has shown over and over that diplomatic pressure cannot only protect our national interests, it can also enhance the effectiveness of military force when force becomes necessary.

The negotiations are at a sensitive stage. By authorizing the use of force today, the Congress will be saying that irrespective of what the Security Council does, we have already decided to go our own way.

As Chairman and sometime Ranking Member of the Foreign Operations Subcommittee for over a decade, I have received countless letters from Secretaries of State—from both Democratic and Republican Administrations—urging Congress not to adopt legislation because it would upset ongoing negotiations. Why is this different?

Some say the President's hand will be strengthened by Congress passing this resolution. In 1990, when the United States successfully assembled a broad coalition to fight the gulf war, the Congress passed a resolution only after the UN had acted. The world already knows that President Bush is serious about using force against Iraq, and the votes are there in Congress to declare war if diplomatic efforts fail and war becomes unavoidable.

More importantly, the resolution now before the Senate goes well beyond what the President said on Monday about working through the United Nations. It would permit the administration to take precipitous, unilateral action without following through at the U.N.

Many respected and knowledgeable people—former senior military officers and diplomats among them—have expressed strong reservations about this resolution. They agree that if there is credible evidence that Saddam Hussein is planning to use weapons of mass destruction against the United States or one of our allies, the American people and the Congress would overwhelmingly support the use of American military power to stop him. But they have not seen that evidence, and neither have I.

We have heard a lot of bellicose rhetoric, but what are the facts? I am not asking for 100 percent proof, but the administration is asking Congress to make a decision to go to war based on conflicting statements, angry assertions, and assumption based on speculation. This is not the way a great nation goes to war.

The administration has also been vague, evasive and contradictory about its plans. Speaking here in Washington, the President and his advisors continue to say this issue is about disarming Saddam Hussein; that he has made no decision to use force.

But the President paints a different picture when he is on the campaign trail, where he often talks about regime change. The Vice President said on national television that “The President’s made it clear that the goal of the United States is regime change. He said that on many occasions.”

Proponents of this resolution argue that it does put diplomacy first. They point to section 4, which require the President to determine that further diplomatic or other peaceful means alone will not adequately protect the national security, before he resorts to military force. They say that this ensures that we will act only in a deliberative way, in concert with our allies.

But they fail to point out that the resolution permits the President to use unilateral military force if he determines that reliance on diplomacy along.

... is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq . . .”

Unfortunately, we have learned that “not likely” is a wide open phrase that can be used to justify just about anything. So let us not pretend we are doing something we are not. This resolution permits the President to take whatever military action he wants, whenever he wants, for as long as he wants. It is a blank check.

We have the best trained, best equipped Armed Forces in the world, and I know they can defeat Iraq. I hope, as we all do, that if force is used the Iraqi military surrenders quickly.

But if we have learned anything from history, it is that wars are unpredictable. They can trigger consequences that none of us would intend or expect. Is it fair to the American people, who have become accustomed to wars waged from 30,000 feet lasting a few weeks with few casualties, that we not

discuss what else could happen? We could be involved in urban warfare where large numbers of our troops are killed.

And what of the critical issue of rebuilding a post-Saddam Iraq, about which the Administration has said virtually nothing? It is one thing to topple a regime, but it is equally important, and sometimes far more difficult, to rebuild a country to prevent it from becoming engulfed by factional fighting.

If these nations cannot successfully rebuild, then they will once again become havens for terrorists. To ensure that does not happen, do we foresee basing thousands of U.S. troops in Iraq after the war, and if so, for how many years? How many billions of dollars will we spend?

Are the American people prepared to spend what it will take to rebuild Iraq even when the administration is not budgeting the money that is needed to rebuild Afghanistan, having promised to do so? Do we spend hundreds of billions in Iraq, as the President’s Economic Adviser suggested, while not providing at home for homeland defense, drought aid for farmers, education for our young people, and other domestic priorities?

Who is going to replace Saddam Hussein? The leading coalition of opposition groups, the Iraqi National Congress, is divided, has questionable support among the Iraqi people, and has made little headway in overthrowing Saddam. While Iraq has a strong civil society, in the chaos of a post-Saddam Iraq another dictator could rise to the top or the country could splinter along ethnic or religious lines.

These are the questions the American people are asking and these are the issues we should be debating. They are difficult issues of war and peace, but the administration, and the proponents of this resolution, would rather leave them for another day. They say: vote now! and let the President decide. Don’t give the U.N. time to do its job. Don’t worry that the resolution is a blank check.

I can count the votes. The Senate will pass this resolution. They will give the President the authority he needs to send United States troops to Iraq. But before the President takes that step, I hope he will consider the questions that have been asked. I hope he considers the concerns raised by former generals, senior diplomats, and intelligence officials in testimony before Congress. I hope he listens to concerns raised privately by some of our military officers. Above all, I hope he will listen to the American people who are urging him to proceed cautiously and not to act alone.

Notwithstanding whatever disagreements there may be on our policy toward Iraq, if a decision is made to send troops into battle, there is no question that every Member of Congress will unite behind our President and our Armed Forces.

But that time has not yet come. Based on what I know today, I believe in order to solve this problem without potentially creating more terrorists and more enemies, we have to act deliberately and not precipitously. The way the United States responds to the threat posed by Iraq is going to have consequences for our country and for the world for years to come.

Authorizing a U.S. attack to overthrow another government while negotiations at the United Nations are ongoing, and before we exhaust other options, could damage our standing in the world as a country that recognizes the importance of international solutions. I am afraid that it would be what the world expects of a superpower that seems increasing disdainful of international opinion or cooperation and collective diplomacy, a superpower that seems more and more inclined to “go it alone.”

What a dramatic shift from a year ago, when the world was united in its expressions of sympathy toward the United States. A year ago, the world would have welcomed the opportunity to work with us on a wide agenda of common problems.

I remember the emotion I felt when I saw “The Star Spangled Banner” sung by crowds of people outside Buckingham Palace in London. The leading French newspaper, *Le Monde*, declared, “We are all Americans.” China’s Jiang Zemin was one of the first world leaders to call Washington and express sympathy after September 11.

Why squander the goodwill we had in the world? Why squander this unity? If September 11 taught us anything, it is that protecting our security involves much more than military might. It involves cooperation with other nations to break up terrorist rings, dry up the sources of funding, and address the conditions of ignorance and despair that create breeding grounds for terrorists. We are far more likely to achieve these goals by working with other nations than by going it alone.

I am optimistic that the Administration’s efforts at the U.N. will succeed and that the Security Council will adopt a strong resolution. If Saddam Hussein refuses to comply, then force may be justified, and it may be required.

But we are a great nation, with a wide range of resources available to us and with the goodwill of most of the world. Let us proceed deliberately, moving as close to our goal as we can by working with our allies and the United Nations, rather than writing a blank check that is premature, and which would continue the trend of abdicating our constitutional authority and our responsibility.

Mr. President, that trend started many years ago, and I have gone back and read some of the speeches the Senators have made. For example, and I quote:

The resolution now pending is an expression of American unity in this time of crisis.

It is a vote of confidence . . . but is not a blank check for policies that might in the future be carried on by the executive branch of the Government without full consultation by the Congress.

Do these speeches sound familiar? They were not about Iraq. They were spoken 38 years ago when I was still a prosecutor in Vermont. At the end of that debate, after statements were made that this resolution is not a blank check, and that Congress will always watch what the Executive Branch is doing, the Senate voted on that resolution. Do you know what the vote was? 88 to 2. It passed overwhelmingly.

In case everyone does not know what resolution I am talking about, I am talking about the Tonkin Gulf resolution. As we know all too well, the Tonkin Gulf resolution was used by both the Johnson and Nixon administrations as carte blanche to wage war on Vietnam, ultimately involving more than half a million American troops, resulting in the deaths of more than 58,000 Americans. Yet, even the Tonkin Gulf resolution, unlike the one that we are debating today, had a sunset provision.

When I came to the Senate, there were a lot of Senators, both Republicans and Democrats, who had voted for the Tonkin Gulf resolution. Every single Senator who ever discussed it with me said what a mistake it was to write that kind of blank check on the assurance that we would continue to watch what went on.

I am not suggesting the administration is trying to mislead the Congress about the situation in Iraq, as Congress was misled on the Tonkin Gulf resolution. I am not comparing a possible war in Iraq to the Vietnam war. They are very different countries, with different histories, and with different military capabilities. But the key words in the resolution we are considering today are remarkably similar to the infamous resolution of 38 years ago which so many Senators and so many millions of Americans came to regret.

Let us not make that mistake again. Let us not pass a Tonkin Gulf resolution. Let us not set the history of our great country this way. Let us not make the mistake we made once before.

I yield the floor.

Mr. WARNER. Madam President, late last night in a colloquy between myself and the Senator from Oregon, the Senator from Oregon read into the RECORD portions of a letter addressed to Senator GRAHAM, chairman, Select Committee on Intelligence, signed by George Tenet. I ask unanimous consent that that letter be printed in the RECORD today, followed by a statement issued by Mr. Tenet bearing on his interpretation and intent in writing that letter.

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

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, October 7, 2002.

Hon. BOB GRAHAM,
Chairman, Select Committee on Intelligence,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter of 4 October 2002, we have made unclassified material available to further the Senate's forthcoming open debate on a Joint Resolution concerning Iraq.

As always, our declassification efforts seek a balance between your need for unfettered debate and our need to protect sources and methods. We have also been mindful of a shared interest in not providing to Saddam a blueprint of our intelligence capabilities and shortcoming, or with insight into our expectation of how he will and will not act. The salience of such concerns is only heightened by the possibility for hostilities between the U.S. and Iraq.

These are some of the reasons why we did not include our classified judgments on Saddam's decisionmaking regarding the use of weapons of mass destruction (WMD) in our recent unclassified paper on Iraq's Weapons of Mass Destruction. Viewing your request with those concerns in mind, however, we can declassify the following from the paragraphs you requested.

Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW against the United States.

Should Saddam conclude that a US-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions. Such terrorism might involve conventional means, as with Iraq's unsuccessful attempt at a terrorist offensive in 1991, or CBW.

Saddam might decide that the extreme step of assisting Islamist terrorists in conducting a WMD attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

Regarding the 2 October closed hearing, we can declassify the following dialogue.

Senator Levin: . . . If (Saddam) didn't feel threatened, did not feel threatened, is it likely that he would initiate an attack using a weapon of mass destruction?

Senior Intelligence Witness: . . . My judgment would be that the probability of him initiating an attack—let me put a time frame on it—in the foreseeable future, given the conditions we understand now, the likelihood I think would be low.

Senator LEVIN: Now if he did initiate an attack you've . . . indicated he would probably attempt clandestine attacks against us . . . But what about his use of weapons of mass destruction? If we initiate an attack and he thought he was in extremis or otherwise, what's the likelihood in response to our attack that he would use chemical or biological weapons?

Senior Intelligence Witness: Pretty high, in my view.

In the above dialogue, the witness's qualifications—"in the foreseeable future, given the conditions we understand now"—were intended to underscore that the likelihood of Saddam using WMD for blackmail, deterrence, or otherwise grows as his arsenal builds. Moreover, if Saddam used WMD, it would disprove his repeated denials that he has such weapons.

Regarding Senator Bayh's question of Iraqi links to al-Qa'ida, Senators could draw from the following points for unclassified discussions:

Our understanding of the relationship between Iraq and al-Qa'ida is evolving and is based on sources of varying reliability. Some of the information we have received comes from detainees, including some of high rank.

We have solid reporting of senior level contacts between Iraq and al-Qa'ida going back a decade.

Credible information indicates that Iraq and al-Qa'ida have discussed safe haven and reciprocal non-aggression.

Since Operation Enduring Freedom, we have solid evidence of the presence in Iraq of al-Qa'ida members, including some that have been in Baghdad.

We have credible reporting that al-Qa'ida leaders sought contacts in Iraq who could help them acquire WMD capabilities. The reporting also stated that Iraq has provided training to al-Qa'ida members in the areas of poisons and gases and making conventional bombs.

Iraq's increasing support to extremist Palestinians, coupled with growing indications of a relationship with al-Qa'ida, suggest that Baghdad's links to terrorists will increase, even absent US military action.

Sincerely,

JOHN McLAUGHLIN
(For George J. Tenet, Director).

STATEMENT BY DCI GEORGE TENET, October 8, 2002

There is no inconsistency between our view of Saddam's growing threat and the view as expressed by the President in his speech. Although we think the chances of Saddam initiating a WMD attack at this moment are low—in part because it would constitute an admission that he possesses WMD—there is no question that the likelihood of Saddam using WMD against the United States or our allies in the region for blackmail, deterrence, or otherwise grows as his arsenal continues to build. His past use of WMD against civilian and military targets shows that he produces those weapons to use not just to deter.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 20 minutes.

Mr. GRASSLEY. Madam President, before I give my reasons for my vote on this resolution, I would like to point out some ironies and inconsistencies in some positions of some of my colleagues.

It is not unusual for Senators to be inconsistent in positions taken, but in recent weeks we have had some colleagues blaming the administration for not responding to the pre-9/11 warnings of possible terrorist attacks on the United States. I am talking about the warnings of whether or not the CIA and the FBI had information about that and whether or not the President had access to that information. The insinuation is that maybe the President knew more than what he did and, why didn't he do something about 9/11?

It seems to me the same colleagues are now refusing to support the President's call to disarm Saddam Hussein. The President is trying to preempt Saddam Hussein from unleashing on Americans his weapons of mass destruction. Yet my colleagues who are inconsistent in this way apparently want the President to wait until we are attacked again. I ask, if you were expecting preemption before September 11, 2001, why wouldn't you expect the President to preempt an attack on the United States today?

I come to the floor today to share my thoughts concerning the resolution before the Senate. Again we find ourselves in the midst of an important debate with one of the most important decisions that many Senators will make in our lifetime. The issue of war and peace involves the threats to the lives of the men and women we send to battle. This issue may even involve threats to the American civilian population, as well.

It was just a little more than a decade ago that many Members were here making similar decisions in regard to the Persian Gulf war.

As many of my colleagues may remember, I was just one of two Senate Republicans who opposed the resolution authorizing military action against Iraq in 1991. I voted against that resolution because I questioned the timing of military action while diplomatic measures and economic sanctions had just been started. I felt they needed a chance to work. Opposing the resolution was a difficult decision, but one that I have never regretted.

While today's decision is not one to be taken lightly, it stands in stark contrast to that of 1991. While I opposed that resolution for the reasons I stated, I intend to support the compromise resolution before us because I believe the time to hold Saddam Hussein accountable is past due.

But, this is not the first time since 1991 that Congress has approved a resolution approving military action against Iraq.

In 1998, by unanimous vote by the Senate and an overwhelming 407-6 vote in the House, Congress approved a resolution, and subsequently President Clinton bombed Iraq in December of 1998.

Let us see how forthrightly the Senate spoke at that time about the dangers of Iraq and Saddam Hussein.

I speak from page 2 of the Iraq Liberation Act of 1998. It says in section 3:

It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace the regime.

It is pretty clear we knew about the threat of Saddam Hussein under a Democratic President—President Clinton—with a bipartisan action by consensus of this body. Why should anybody be surprised if President Clinton and the Senate, in a bipartisan way, would be expressing the same concern 4 years later?

What was the basis of that overwhelming vote? Primarily, it was because Iraq has kicked United Nations weapons inspectors out, as they did in 1998. Today we have a lot of intelligence information saying it is a far more dangerous situation today, and particularly for the United States.

Thousands of Americans were killed in that 9/11 attack by terrorists.

Iraq is aligned with those terrorists, and Iraq is building weapons of mass

destruction. We must, therefore, respond appropriately.

One of the most pressing concerns expressed by my constituents over the past few months is that of timing. The question: Why now? The question: Why can't we continue to pursue inspections and other diplomatic measures? They are legitimate questions. Many of my colleagues will answer this differently than I will. But the response for me is quite simple. I believe the actions by Saddam Hussein over the past 10 years builds a strong case why firm action is needed and why we cannot afford as a Congress delaying a decision any longer.

None of this precludes inspections or diplomatic missions. But these alternatives demand full cooperation by Iraq if a military response is to be withheld.

However, during the past 10 years, the international community has worked with Iraq through diplomatic efforts, various inspection regimes, economic sanctions, and even limited military force in an effort to encourage Saddam Hussein to abide by the very resolutions he agreed to at the end of the gulf war. He agreed to follow these within the rule of law—the international rule of law. We can legitimately expect any person to agree to follow those agreements.

Yet Saddam Hussein has consistently and convincingly evaded and defied those obligations he agreed to.

In the spring of 1991, the United Nations Security Council agreed to Resolution 687, which required Saddam Hussein to destroy his chemical and biological weapons and to unconditionally agree not to acquire or develop nuclear weapons. That same resolution also demanded Iraq not develop or acquire any weapons of mass destruction. However, the CIA reported Iraq is continuing to develop and acquire chemical and biological weapons.

The report states since the United Nations weapons inspectors left in 1998, Iraq has maintained its chemical weapons effort and invested even more heavily in biological weapons.

In addition, the CIA estimated Iraq could develop nuclear weapons in the near term with the proper supply of material.

United Nations Resolution 687 also required Saddam Hussein to end his support for terrorism and to prohibit terrorist organizations from operating inside the borders of Iraq.

Yet there is clear evidence Iraq has provided safe haven to a number of prominent, international terrorists. Iraq has provided assistance to terrorist organizations whose sole purpose is to disrupt and prevent peace efforts in the Middle East.

Most importantly, fleeing al-Qaida members now reside in Iraq. Of course, it is only a matter of time before these two enemies of the United States join forces—and maybe they already have.

Altogether, Saddam has defied at least 16 United Nations resolutions

during the past decade. He has manipulated U.N. weapons inspectors, tortured and repressed Iraqi people, supported international terrorists, and violated United Nations economic sanctions.

So he continues to thumb his nose at the world, and particularly the rule of law under the international regimes we all respect.

The issue is as much about protecting people as it is about enforcing the international rule of law. But enforcing international rule of law is one way to eliminate chaos so people can live peacefully.

Will the United Nations take a stand in defense of their very own resolutions and hold Saddam Hussein accountable? Will the United Nations resolutions, which seek to provide peace and security in the region, continue to be unenforced?

This resolution before the Senate then asks the United Nations: Does the organization want to be relevant during the 21st century, an instrument of peace in this century, or does it somehow want to fade away as the League of Nations did because of its failures in Abyssinia in the 1930s?

I want, and I hope all my colleagues want, the U.N. to be relevant. I want the U.N. to lead. Its moral leadership is important. We have to discourage tin-horn dictators from violating the rule of law. The time for accountability is right now.

According to former President Clinton, in a speech on December 16, 1998:

Heavy as they are, the costs of action must be weighed against the price of inaction. If Saddam defies the world and we fail to respond, we will face a far greater threat in the future. Saddam will strike again at his neighbors. He will make war on his own people. And mark my words, he will develop weapons of mass destruction. He will deploy them, and he will use them.

That is what President Clinton said in a speech on December 16, 1998.

Former President Clinton's words are very applicable to the situation now, even 4 years later.

I have also heard concerns from people who question this resolution, saying that by supporting it, we are supporting preemptive military action against a sovereign nation. However, for the last decade, the United States and allied forces have patrolled no-fly zones in northern and southern Iraq to protect Kurdish and Shiite minority populations from Saddam Hussein, and all the while they have been fired upon by Iraq's military.

These are American pilots. Some of them have been Iowans because over the past 6 years the Iowa Air National Guard has completed five 90-day missions and will likely be needed for a sixth mission before the end of this year. And as the President stated earlier this week, the American and British pilots have been fired upon more than 750 times. In a sense, we have been involved in military action in Iraq since the 1991 gulf war. So what is contemplated by this resolution cannot be described as preemptive.

Some of my constituents have also questioned the effect this will have on our war on terrorism. I believe that forcing Iraq to disarm is part of the war against terrorism and is consistent with the war on terrorism. Iraq has already been labeled by previous administrations as a state sponsor of terrorism. Iraq is one of seven nations to be designated by our own State Department as a state sponsor of terrorism. And given Iraq's support for international terrorists and its support for efforts to provide safe haven for al-Qaida, it is clear that this effort should not be seen as separate from the war on terrorism but very much an integral part of the war on terrorism.

It is because of our obligations to enforce international law, and to disarm this threat to our national security and to the security of the entire world, that I have decided to support the resolution offered by Senator LIEBERMAN and Senator WARNER.

A decade ago, as I said, I opposed war with Iraq because I believed we had not exhausted all alternatives available at that time. Today, I support this resolution because we have exhausted all other remedies, unless somehow Saddam Hussein has a change of heart. After years of evasion, after years of defiance, the time has come to stand firm and enforce the resolutions to disarm Iraq. Or, on the other hand, it is time for Saddam Hussein to repent and fully cooperate. But his track record in that regard is not very promising.

It is important to keep in mind that this resolution before the Senate does not guarantee military action, nor do I think it should. But it does authorize the use of United States military forces to defend the national security of the United States against this continuing threat posed by Iraq and to enforce all relevant U.N. resolutions regarding Iraq. In other words, this is as much about enforcing the rule of law as a policeman in Washington, DC, would enforce the domestic rule of law to prevent chaos and to encourage law-abiding citizenry, as it is about military action, at least from my standpoint.

Most importantly, this resolution makes clear that if the United Nations fails to ensure full compliance with international law, we will not sit quietly and let this tinhorn dictator ignore the rule of law. At the same time, we will be sending the message to other tinhorn dictators around the world that they had better not violate the international rules of law.

The terrorist attacks on September 11, 2001, dispelled notions of America's invincibility, it placed greater demands on our Government to protect and defend American citizens, and it put more demand on American citizens themselves to look out for their own safety, as a Jerusalem-type terrorist bombing could happen in New York City or Washington, DC, as much as it happens in Jerusalem.

My resolve is stronger than ever to win the war on terrorism, protect U.S.

citizens, secure the homeland, and, most importantly, defend American values and our way of life. By supporting this resolution, we will send a strong signal to the United Nations, as well as our friends and allies around the world, that we will not sit idly by and allow a ruthless dictator to violate international law and threaten the security of that region and, in fact, impact the whole world. This resolution says to the world community that America stands together, committed to the rule of law and the security of all nations.

So, Madam President, I urge my colleagues to support this resolution offered by our colleagues, Senator LIEBERMAN and Senator WARNER.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I believe there is an order. I ask unanimous consent that I be able to speak for a moment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I thank the Senator from Iowa for his strong and thoughtful statement and for his expression of intention to vote for this resolution—all the more significant, as he pointed out, because he was one of two Republican Members of the Senate to vote against the similar resolution prior to the gulf war. And I think his support—a respected and solid Member of the Senate, as he is—gives encouragement to those of us who are the sponsors of this resolution that when the final roll is called, we will enjoy the broad bipartisan support that I truly believe this resolution deserves and the moment requires.

I thank my colleague and the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I alert Members that at 1:30 or a quarter to 2, thereabouts, there will be a vote. Knowing that the Senator from Arizona usually does not speak for long periods of time, it will probably be closer to 1:30. There will be a vote on the Graham amendment, the pending amendment.

Mr. MCCAIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Madam President, I rise in support of an amendment which I have offered which will increase the authority of the President of the United States to use force to protect the people of the United States.

This amendment will designate a set of international terrorist organizations for whom the President does not now

have the authority to use force as within the range of his authority.

There has been a lot of discussion over the past several months about connecting the dots, seeing a pattern out of what might appear to be isolated independent events. It is always easier to do that after the disaster, after September 11, than it is before. I consider us today as standing before the event has occurred, and I think we can begin to see the pattern of the dots today. What are those dots? What is that pattern?

First, a new element has been added to our assessment of national security risk. That is the element of what is the risk to Americans in the homeland. When we went to war in Korea, we did not ask the question: What will this mean to our people at home? We did not ask that question in Vietnam. We did not ask that question when we voted together to authorize the President to use force in the Persian Gulf. This is a new phenomenon in the paradigm of American and national security consideration.

The second dot is, who poses the greatest risk inside the homeland? In my judgment, it is those nations, organizations, and persons who possess three primary characteristics: One, access to weapons of mass destruction; two, a hatred for the United States; and three, a significant presence of trained operatives within the United States. It is that triumvirate which makes our enemy lethal.

The third dot, that we have the opportunity to reduce the risk of that triumvirate. We can do it by rolling up the terrorists here at home, or we can do it by cutting off the support which the terrorists are receiving from abroad. I suggest we ought to be doing both.

If we are going to effectively attack over there, it requires we have the resources, a strategy, and the authorization to use the force against our enemy over there.

The next dot is a surprising dot. It is essentially a void. Unlike many Members of this Chamber—and I will cite one who just a few moments ago gave a speech in which he implied the President of the United States today has the authority to take on international terrorists who meet these requirements: Access to weapons of mass destruction, hatred of the United States, and a significant presence inside the United States of America. The answer is, no, the President today does not have such authority. In my judgment, the Congress should grant this authority and do so concurrent with the granting to the President his power to use force in Iraq, because it is that act of giving the authority to commence war in Iraq that is going to raise the risk of those terrorists among us attacking.

Those are the dots I see. That is the sequence I think the dots lead us to.

There is one thing we agree upon, and that is that Saddam Hussein is an evil man. He is a tyrant. He has used

chemical and biological weapons on his own people. He has disregarded United Nations resolutions calling for inspections of his capabilities and research and development programs. His forces regularly fire on American and British jet pilots enforcing the no-fly zones in the north and south of his country. And he has the potential to develop and deploy nuclear weapons, a potential that we need to monitor closely.

Saddam Hussein lives in a tough neighborhood. It is a neighborhood in which the United States has a number of commitments and threats. The underlying resolution suggests Saddam Hussein is the ultimate bully, the baddest dog in this rough neighborhood, and that taking him out now and for good is in the Nation's highest priority.

I respectfully disagree. And in so disagreeing, I am, or at least I was, joined by the President of the United States and the Secretary of Defense.

Less than 13 months ago, 9 days after the terrorist attack of September 11, the President declared our top national priority to be a war on terrorism. This is what he said:

Our war on terror begins with al-Qaida but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated.

In his State of the Union speech on January 29 of this year, President Bush restated our priority:

Our nation will continue to be steadfast and patient and persistent in the pursuit of two great objectives. First, we will shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. And, second, we must prevent the terrorists and regimes who seek chemical, biological or nuclear weapons from threatening the United States and the world.

That is what the President said on January 29.

Just Monday of this week, on the anniversary of the commencement of the war in Afghanistan, Secretary of Defense Donald Rumsfeld recommitted himself to the war on terrorism. The Secretary repeated the statement he had made one year earlier:

Our objective is to defeat those who use terrorism and those who house or support terrorists. The campaign will be broad, sustained, and we will use every element of American power.

The Secretary of Defense proceeded to say:

Today, Afghanistan is no longer a safe haven for terrorists, but there is no question that free nations are still under threat. Thousands of terrorists remain at large in dozens of countries. They're seeking weapons of mass destruction that would allow them to kill not only thousands but tens of thousands of innocent people. Our objective in the global war on terror is to prevent another September 11th, or an attack that is far worse, before it happens.

The war on terrorism did not begin in Afghanistan. For us, it began in the United States of America on September 11th, 2001. It began and it continues in our homeland. As we assess the many challenges faced by the

United States—and Saddam Hussein is clearly among those challenges—we must ask: What is our greatest responsibility? In my opinion, the answer is easy: Securing the peace and safety of the homeland or our great Nation.

And what is the most urgent threat to our peace and security? In my judgment, it is that shadowy group of international terrorists who have the capabilities, the materials, conventional and weapons of mass destruction, the trained core of zealots united by their hatred for the United States, and the placement of many of those bombthrowers so they are sleeping among us, waiting for the order to assault.

For the better part of 2 years, 19 of those killers took silent refuge in the sanctuary of the United States, silent refuge until they struck us on September 11. Three thousand twenty-five innocent lives later, we have learned the bitter lesson of the power of those who live dual lives in our communities. To the outside they were appearing to be unexceptional, while they were prepared to do the most unimaginable evil. Those who committed mass murder left behind a much larger number of terrorists, continuing their dual existence of duplicity.

How many of these are there, Mr. President? What are the skills they possess? What are their plans and intentions? Why are they so driven by hatred? The answer is we know only dimly.

Unfortunately, our ability to tear out these weeds from our home garden is limited because the attention we have paid to understanding this enemy next door has been grossly inadequate.

The Inspector General at the Department of Justice issued a report just last month, in September. That report concluded:

The Federal Bureau of Investigation serves as the Federal Government's principal agency for responding to and investigating terrorism.

But the IG report went on:

The FBI has never performed a comprehensive, written assessment of the risk of a terrorist threat facing the United States.

So we arm for battle with a shield of ignorance at home. Unfortunately, one of the realities of the startup of the proposed Department of Homeland Security is that, for at least a transition period, Americans will be even more vulnerable in the homeland. Agencies such as the Coast Guard, Border Patrol, Immigration Service, which will play a key role in protecting our perimeter defenses, will be distracted as organizational relationships of decades or more are reshuffled. And a final increased vulnerability is the likelihood that, if war starts and intensifies in Iraq, this very conflict thousands of miles away could spark a wake-up call to action from the sanctuaries of the Middle East and Central Asia to the sleepers in your hometown.

Mr. President, I refer you to the front-page story in today's Washington

Post, which talks about the possibility of counterattacks in the United States after a war commences in Iraq.

The first prong of our defense here in the homeland, which is to root out the terrorists among us—both because of the instability of the days through which we are and will be living and our lack of preparation through the quality of intelligence we need—is not a shield that should give us great hope.

Thus, the importance of a second strategy for disrupting and decapitating the enemy among us—attacking them at their source, just as we have done with such devastating effectiveness against al-Qaida in Afghanistan. One of the reasons the anticipated second, third, and fourth wave of terrorist acts have not occurred since September 11 is the military assault we began on October 7, 2001, has largely dismantled the command-and-control operations of al-Qaida, making it more difficult for them to support and provide financing and logistics to their large number of operatives in the United States.

I believe we need to adopt a similar strategy of disruption and dismantlement. What is it going to take to do so? First, it is going to require the President of the United States have the authority to use that necessary force to dismantle, as he said in his State of the Union speech, the terrorist camps, terrorist plans, and the command-and-control centers of these organizations. Here we come to a point of widespread confusion, and that is the President already has this authority.

On Sunday afternoon, a prominent foreign policy spokesman appeared immediately after Senator SHELBY and myself on a talk show and, in passing in the hallway, she said, "I support the position that you have taken that we need to go after these international terrorists, but doesn't the President already have the authority to do so?" I quickly explained that the answer was no. I think she was stunned at the vulnerability we have and by the limited authority the President has.

Our colleague, the Senator from Texas, today in her remarks implied she thought the President of the United States had the authority to attack international terrorism broader than those who are directly linked to the events of September 11.

If I might say, the very language of the resolution we are considering today carries the same inference.

The language of the resolution states that:

Acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those who planned, authorized, committed, or aided in the terrorist attack that occurred on September 11.

The fact is the only group the President has authority to use force against is those who planned, authorized, committed, or aided in the terrorist attack that occurred on September 11. The

President specifically was denied the authority to take on the other terrorist groups who, in my judgment, represent the greatest threat inside the American homeland today.

Let me just give a little bit of history. On September 12, President Bush requested robust authority to launch a full-scale war on terror. He sent to the Congress a proposed resolution which stated:

The President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, harbored, committed, or aided in the planning or commission of the attacks against the United States on September 11, 2001, and to deter and preempt any future acts of terrorism or aggression against the United States.

That is what the President asked for on September 12, 2001. But Congress demurred. They only granted the President the power to use necessary force related to those nations or organizations and persons which were determined to be connected to the tragedy of September 11. Al-Qaida was not only our bull's-eye, it was the totality of the target. Two days after the Congress gave the President this limited authority, President Bush, on September 20, expanded the scope of the war:

In a joint session of Congress, our war on terror begins with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.

From that point until today, Mr. President, the stated mission of the United States in the war on terror has fallen well beyond the authority we have given to the President of the United States to deliver on that mission.

The President continues:

... to be limited to those nations, organizations, and persons who can be indicted as conspirators and participants in September 11.

This limited authority to use force has made it possible for America and our allies to crush the Taliban and severely cripple al-Qaida. The amendment I offer would extend that power to the President to use necessary force through the next still vigorous and violent band of terrorists.

Against whom would the President by this amendment be given power to use force? The State Department has identified 34 international terrorist organizations, approximately two-thirds of which are in the region of the Middle East and central Asia. They list five, in addition to al-Qaida, that have these characteristics: They currently receive support from a state that possesses weapons of mass destruction; they have a history of hating and killing Americans; and they have the ability today to strike within the United States of America.

Who are these groups? I will name them and then talk about the A team: The Abu Nidal organization, Hamas, the Islamic Resistance Movement, the Palestine Islamic Jihad, and the Palestine Liberation Front.

Who is the A team? The A team is Hezbollah, "the party of God." Hezbollah was formed in 1982 in response to the Israeli invasion of Lebanon. This organization, which is based primarily in Lebanon and Syria and financed from Iran, is a radical Shi'a group which takes its ideological inspiration from the Iranian revolutions and teachings of Ayatollah Khomeini.

Hezbollah formally advocates the ultimate establishment of Islamic rule in Lebanon and liberating all occupied Arab lands, including Jerusalem. It has expressed as a goal the elimination of Israel. Although closely allied with and closely directed by Iran, the group may have conducted operations that were even beyond those approved by the Government of Iran.

While Hezbollah does not share the Syrian regime's secular orientation, the group has been a strong tactical ally in helping Syria advance its political objectives in the region.

What are some of the activities of Hezbollah? It is known or suspect to have been involved in numerous anti-U.S. terrorist attacks, including the suicide truck bombing of the U.S. Embassy in Beirut in April of 1983; the U.S. Marine barracks in Beirut in October 1983; the U.S. Embassy annex in Beirut in September of 1984; three members of Hezbollah are on the FBI's list of the 22 most wanted terrorists for the hijacking of TWA flight 847 during which a U.S. Navy diver was murdered; elements of the group are responsible for the kidnaping and detention of U.S. and Western hostages.

The group also attacked the Israeli Embassy in Argentina in 1992 and is suspect in the 1994 bombing of the Israeli Cultural Center in Buenos Aires, and the Senator from Texas stated, in her judgment, they were also responsible for Khobar Towers.

This group receives a substantial amount of financial, training, weapons, explosives, diplomatic, and organizational aid from Iran and receives diplomatic, political, and logistical support from Syria. Hezbollah has a significant presence of its trained merchants of death placed in the United States of America.

Mr. President, you will note that several of these organizations gravitate around one axis of evil: Iran. And not surprisingly.

Yesterday, October 8, former FBI Director Louis Freeh testified before the joint inquiry on the attacks of September 11 which are being conducted by the House and Senate Intelligence Committee. Mr. Freeh cited the conclusions of the National Commission on Terrorism that:

Iran remains the most active state supporter of terrorism. The Iranian Revolutionary Guard Corps and the Ministry of Intelligence and Security have continued to be involved in the planning and execution of terrorist acts. They also provide funding, training, weapons, logistical resources, and guidance to a variety of terrorist groups, including the Lebanese Hezbollah, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine.

My amendment says that those five groups should also be brought within the ambit of evil that the President of the United States should be entitled to use force against to protect the security of the people of the United States of America.

What strategy should be used against the designated international terrorist groups? The decision will be left to the President. The Congress invested its confidence in the judgment of the President on September 18 of last year when it gave him the power to use force against the Taliban and al-Qaida. If the underlying resolution is adopted, he will have the authority to use force against Iraq.

This amendment will give the President the next stage of powers which he will be required to have in order to wage war on terror and to do so to a successful conclusion. The President would have the authority and the subsequent accountability to use these three authorities in whatever sequence and with whatever impact he deems to be in our national interest.

In this stage on the war on terror, the President has already fashioned a war plan: To take out the training camps, the incubators from which in the 1990s thousands of youth were given the skills and the determination to be hardened assassins; to attack the terrorists' plans, to disrupt and dismantle.

Many of these operations, and particularly the training camps, are flourishing today in the orbit of Iran. We should empower the President to take those acts that are going to be necessary to protect the security of the United States.

Director Freeh, in his remarks yesterday, spoke of the need for a full arsenal of weapons to triumph over terrorists. Director Freeh said:

We must recognize the limitations inherent in a law enforcement response. As we see at this very moment in history, others, to include Congress, must decide if our national will dictates a fuller response.

I am not prepared to say the only response I want against these five organizations that have access to weapons of mass destruction, that have a history of killing Americans and have a capability to do so here at home because of a significant presence of their operatives among us, that we are going to tell the President of the United States that he does not have the authority to attack with force these terrorists groups where they live and to disband and dismantle their capability of continuing to provide support to their agents in the United States.

I believe our national will and our obligation to the security of the American people, especially their security on our native soil, demand a fuller response to meet this fuller challenge.

I conclude by saying that I am not optimistic about the prospects for this amendment, but I am deeply concerned, and I am deeply saddened. I am concerned in part because I see us making life-and-death decisions without

consideration because we do not have access to what might be critical, and I would suggest determinative, information. I believe the national security interests are being put at risk by this information not being available.

I am saddened because I fear the action we are going to take will increase the risk at home without increasing our capability to respond to that risk.

I have been described as a cautious man. I will accept that label. I do not see the world as a simple set of blacks and whites. I see the world as a complex of grays. That leads to caution. I believe that caution today is to recognize that we are not dealing with one evil, as evil as Saddam Hussein might be. We are dealing with a veritable army of evils.

We must be prepared to respond to that army of evils. I believe the step we can take today is to give to the President of the United States the opportunity to exercise his judgment as to whether he believes it would be appropriate to use U.S. force against these five international terrorist groups which represent, in my judgment, the most serious urgent threat to the interests of the United States of America, including a threat to Americans at home.

I urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my colleague from Florida for the thoughtful statement he has made. I agree with so much he has said, certainly about the threats that are represented by the terrorist groups cited in his amendment, but I want to explain why I have reluctance about the amendment. It is for reasons that are both procedural and substantive.

The resolution offered by Senator MCCAIN, Senator WARNER, Senator BAYH, myself, and others—including the occupant of the Chair, the Senator from Georgia—is the result of a detailed, open, and sincere process of negotiation between Members of both Chambers, both parties, and the White House.

This is not to say it is a perfect document, but in responding to the threat to our national security posed by Iraq under the leadership of Saddam Hussein, it represents our best effort to find common ground to dispatch our constitutional responsibility and to provide an opportunity for the broadest bipartisan group of Senators to come together and express their support of action to enforce the United Nations resolutions that Saddam Hussein has constantly violated, and in so doing endangered his neighbors, his people and, of course, the rest of the world, including us. We have a well-worked-over and finely calibrated document.

In his amendment, the Senator from Florida has opened new territory, and I am reluctant to see that added to this resolution, all the more so since the new territory he opens up was consid-

ered in the immediate aftermath of the attacks against us on September 11 when the initial resolution in which the President sought to have authority to take action against terrorists generally—not just those who had planned, authorized, committed, or aided terrorist attacks that occurred on September 11 of last year—was rejected or was opposed by a large number of Members of the Senate, including particularly those on the Democratic side, and in that sense the amendment offered by the Senator from Florida may well reopen concerns expressed by many Senate Democrats about granting too much authority to the President at this point.

Let me get to the essence of what is said. Clearly, I agree with what the Senator has said, and I agree wholeheartedly with his description of the terrorist groups he has cited, specifically five in number, and the extent to which they represent a threat to the areas in which they operate, as well as the American people.

I respectfully disagree with him that the President of the United States would not be authorized, without this action, to take action against any of these groups—the Abu Nidal organization, Hamas, Hezbollah, Palestine Islamic Jihad, Palestinian Liberation Front—if the President, as Commander in Chief, concluded that any one of those groups or its members posed a threat to the security of the American people or any group of Americans. It seems to me that is inherent in the authority given to the President, as Commander in Chief, under article II, section 2 of the Constitution, followed by other descriptions of the authority that the President has in that regard, and not just the general constitutional authority but the specific acts of this Congress that have dealt with terrorism and have established a counterterrorism center at the Central Intelligence Agency, counterterrorism programs in the FBI, counterterrorism activities in the Department of Defense and the Department of State, all of them funded by Congress.

Implicit in that is not that the money was funded just to study or investigate but that there is a presumption that if all of those programs produce evidence that any one of those groups is seeking to do damage to any one of the American people or group of Americans, then the President is authorized implicitly, inherently, in his authority as Commander in Chief to take action against them. In fact, as has been testified to publicly, the Special Operations Forces of our military, an extraordinary group we are fortunate to have in our service, has been working on programs together with the intelligence community and various nations around the world to watch—using the term “watch” in the broadest sense of the term—and be prepared to take specific action, not just court action.

After September 11, we have made a transition to understanding that ter-

rorists are at war with the United States so there are times when the best defense we can give is not to build a case in court but to take military action to stop the terrorists from striking before they ever do.

So while I appreciate and support the concerns of the Senator from Florida, my own conclusion is that they would do some damage to the broad support that otherwise will come together for the resolution that we have introduced that deals with the immediate problem of Saddam Hussein, and that in the end it is not necessary because the President, as Commander in Chief, has the inherent authority, under the Constitution and the laws of the United States, to take exactly the action that the Senator's amendment would specifically authorize him to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I associate myself with the remarks of our distinguished colleague from Connecticut and therefore I will not elaborate given the shortage of time.

I say to my colleague from Florida, I am very impressed by his statement today. I think there is merit to be found. I draw the Senator's attention to Public Law 107-40. As the Senator recalls, that is the amendment that the Congress adopted on September 14, 2001, and that dealt with the authorization for use of military force against those responsible for the recent attacks against the United States.

It seems to me that particular statute and that body of law is the place where an amendment like that of the Senator from Florida should be placed, and I say that with all due respect.

My further added observation is that our Secretary of State is now busily engaged at the United Nations with regard to the possible framework of a possible 17th resolution. The draft amendments before the Senate and the House of Representatives are indeed the subject of those discussions.

At this time, to broaden that base could well in some respects jeopardize the efforts on behalf of the United States and others to craft a tough resolution directed clearly at the weapons of mass destruction, Saddam Hussein, and those surrounding his regime.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I will reserve a few moments to close when others who wish to speak on this motion to table have completed their remarks.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I inform my friend from Florida, under the normal procedures, as soon as I made a motion to table, the vote would begin. But if the Senator from Florida would like for me to ask unanimous consent for him to speak up to how many minutes he would like to before the vote, I would be pleased to propound that.

Does the Senator from Connecticut want to speak again?

Mr. LIEBERMAN. I ask for an additional 2 minutes.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Connecticut be permitted to speak for 2 minutes without my losing my right to the floor.

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

The Senator from Connecticut.

Mr. LIEBERMAN. From the text of the resolution we have submitted in section 4(b) after our authorization, we require, as soon as feasible, but not later than 48 hours after exercising such authority—that is, directly deploying forces of the United States—that the President has to make available to the Congress his determination that—and there are two sections he has to report. The material section is this: The President has to declare to Congress that pursuant to this resolution—which is to say deploying forces for the purpose of enforcing U.N. resolutions against Iraq in protecting the national security of the American people against Iraq—is consistent with the United States and other countries continuing to take the necessary actions against international terrorist and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided terrorists in the attacks that occurred on September 11, 2001.

I stress that this is not limited to those terrorists who acted against us on September 11.

I see in this further support for the end goal, which the Senator from Florida has, which is to make sure the war against Iraq does not deter our war against terrorism and not just against al-Qaida but against any terrorist group that threatens the people of the United States, including the five the Senator from Florida enumerated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that following my remarks and making the motion to table the Graham amendment, Senator GRAHAM be recognized for up to 10 minutes, and immediately following that, the vote occur on my motion to table.

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

Mr. MCCAIN. Mr. President, I commend the Senator from Florida for his thoughtful statement about the threat of terrorist organizations of global reach posed to American national security. The Senator from Florida has devoted much of his time and professional energies to investigating the terrorist threat in great detail as chairman of the Senate Intelligence Committee.

Again, I thank the Senator for the superb job he has done as chairman of the Intelligence Committee in probably the most trying times this country has experienced since World War II—from

an intelligence standpoint, perhaps the most difficult times. And I am grateful we have a man of his caliber in a leadership role. He is an eloquent and thoughtful spokesman on these issues.

I agree that ultimately the war on terrorism will not be won until we have ended these groups' murderous activities and held them accountable for killing American citizens.

However, I must oppose the amendment because it provides our Commander in Chief with authority he has not requested. It is highly unusual for Congress to provide the President the authority to use military force to defend American security against a particular threat when the President himself has not requested such authority.

For the President to determine that the terrorist organizations listed in the Senator's amendment posed an imminent danger to the United States, and if the President requested congressional authorization to use military force to deal with that danger, I don't doubt Congress would have full consideration or debate to provide that authority.

It does seem unusual in a time of war, and in response to the President's request for congressional authorization to confront a threat he has identified as imminent, for Congress to identify and grant the President the authority to use military force to confront a different enemy.

The Graham amendment would increase beyond what was requested by the administration the scope of authority provided to the President. Including these groups in the resolution, unfortunately, muddies the strong message the United States must send to the United Nations Security Council and the world that we are intent on dealing with the threat posed by Iraq.

The President wants a strong statement authorizing the use of force against Iraq. He understands the value of an overwhelming congressional vote to American diplomacy and to demonstrating American seriousness to the world.

The pending resolution represents a carefully crafted, bipartisan, bicameral agreement on providing the President with the authority to use force against Iraq. This amendment is the product of negotiations between the Speaker of the House, Congressman GEPHARDT, the Democrat leader, and the White House. It was carefully crafted. We intentionally introduced the exact same language so that when the other body passes it and we pass it, it will be the exact same message. Modifying that agreement could reopen issues that otherwise have been resolved and would unnecessarily slow down consideration of a resolution that the President has requested and made clear is an urgent priority for his administration.

Yesterday, when asked about the amendment, Secretary Powell stated that Congress should focus in on the threat posed by Iraq. The Secretary

also made clear the administration's desire that both Houses of Congress pass identical resolutions to send a message to the world that we are united in our resolve to confront Saddam Hussein and to send a message to Iraq that we are serious about doing so.

The administration opposes the Graham amendment on procedural grounds. The President has requested congressional authorization to use all means necessary to protect American national security against the threat posed by Iraq. For this body to supercede the President's request by identifying other threats to American national security—I could come up with a long list of such threats myself—would send a confused message to the American people and the world as we come together to end the threat posed by Saddam Hussein's regime.

Some have argued that the President's determination to hold Iraq to account would undermine the global war against al Qaeda. I believe this is a false argument, for as the president has said, Iraq and al Qaeda are two faces of the same evil. The Graham amendment would expand our global campaign to target not just al Qaeda but several of the most sophisticated terrorist organizations on earth. I would assume that anyone who worries about diversions from the war on terrorism would vote against expanding that war at this time.

I want to stress, however, that ultimately the war on terrorism will not be won until we have dealt with the threat posed by terrorist groups with global reach such as Hezbollah. Hezbollah and other organizations listed in the Graham amendment have killed Americans and deserve no quarter. They ultimately represent a grave threat to America—a threat that will not diminish until we have dismantled these organizations and held them accountable for murdering Americans.

The pending resolution is not the proper vehicle for this debate. I look forward to working with the Senator from Florida to address the threat posed by Hezbollah and the other terrorist organizations he has listed.

I urge my colleagues to support the request of our Commander in Chief by tabling the Graham amendment.

I ask unanimous consent to have printed in the RECORD a letter from the White House.

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

THE WHITE HOUSE,
Washington, October 9, 2002.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for asking the Administration's position on the Graham amendment to the Iraq Resolution. The Administration opposes it.

The Lieberman-Warner-Bayh-McCain amendment represents a carefully crafted bipartisan, bicameral agreement on providing the President with use-of-force authority against Iraq. The Graham amendment would

increase—beyond what was requested by the Administration—the scope of authority provided to the President, and introduce additional elements to the resolution. Modifying the agreement now, as the Graham amendment would, could reopen issues otherwise resolved and unnecessarily slow consideration of this important resolution.

Sincerely,

NICHOLAS E. CALIO,
*Assistant to the President
for Legislative Affairs.*

Mr. MCCAIN. I say to my friend from Florida that the administration's message is very clear that they do not disagree with his assessment of the threat. He is held in the highest regard by all who have observed his distinguished work as chairman of the Intelligence Committee.

I thank my friend from Florida for his contributions. I know that in the days ahead he and I will be joining together with other Members of this body in addressing the serious threats to American national security which he has so eloquently described in his statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate the thoughtful remarks of the Senator from Connecticut and the Senator from Arizona. The Senator from Arizona concluded with the hope that we may soon be working together on expanding our efforts to reach those who threaten us here at home. I only hope we will not have another 3,025 Americans unnecessarily exposed to the risks that I see if we do not supplement this resolution with the immediate authority of the President to use force against those organizations which have access to weapons of mass destruction, which have killed Americans, and which have substantial numbers of operatives inside the United States of America at this hour. I invite anybody to say Iraq doesn't meet those standards.

We are not talking about a threat 90 days from now. We are not talking about a threat that may come a year from now if nuclear material is made available. I am talking about a threat that can happen this afternoon.

Let us trace the history of what Congress did. The President asked for this authority on September 12, 2001. We denied it.

When I was in law school, one read the legislative history to try to arrive at legislative intent. It seems to me, just as a first-year-law legislative interpretation, that probably doesn't mean giving the President authority beyond that which is specifically provided. Therefore, the President of the United States, in my judgment, does not have the authority today to use force against Hezbollah or these other groups.

But even beyond the legal limits, let us talk about the pragmatics. The President of the United States in his State of the Union Address on January 29 said our first priority was terror-

ists—our first priority. And do you know what the first priority of the first priority was? The training camps. Why did he say that? Because those who were responsible said if there was one major mistake we made in the 1990s, it was allowing al-Qaida training camps to be a sanctuary where every year thousands and thousands of young people were converted into hardened assassins.

If that is the criticism we are going to have, because in the 1990s we allowed that to go on month after month and year after year, what is going to be our excuse today when similar training camps are in operation in Iran, Syria, and Syrian-controlled areas of Lebanon? And we are not going to give the President of the United States the authority to use force against those camps? It is inconceivable to me. The very fact that the President, recognizing this, has not acted against those camps is, in my judgment, the strongest verification that he doesn't think he has the authority to do so.

I believe it is not in our national interest to leave this question ambiguous. We want to deter groups such as Hezbollah from continuing to aid, or to provide aid, comfort, and support to their operatives who are placed in the United States. Until we reach the point that we can domestically, through law enforcement means and domestic intelligence, locate and eradicate those operatives who are in this country, we must pursue as aggressively as possible to cut off their support system.

I cannot believe we are saying we are not prepared today to make an unambiguous decision. We don't want to have the Hezbollah going to their lawyers and asking the question, What is the legislative interpretation of what Congress did on September 18, 2001? Does it put us under the gun? I don't want them to have that in their mind. I want them to know, with the clearest method we can write in English and that can be interpreted in all the languages these people speak, that we mean they are under the gun, and they are under the gun now.

There has been a lot of discussion about urgency. Why do we need to do things now? Why can't we wait for 60 days?

Let me tell you why we cannot afford to wait. We are taking an action by authorizing the President to take action against Saddam Hussein. I will stand first in line to say he is an evil person. But we, by taking that action, according to our own intelligence reports—and, friends, I encourage you to read the classified intelligence reports which are much sharper than what is available in declassified form—we are going to be increasing the threat level against the people of the United States. I think we have a moral and legal obligation to at the same time be taking what reasonable steps we can to confront that increased vulnerability.

If you do not like what I am suggesting, if you do not think we ought

to give the President authority to use force against groups such as Hezbollah, what do you think we ought to do? Or do you disagree with the premise that we are going to be increasing the threat level inside the United States?

If you disagree with that premise, what is the basis upon which your disagreement is predicated? If you reject that, and believe that the American people are not going to be at additional threat, then, frankly, my friends—to use the term—blood is going to be on your hands. I think we are going to be at substantially greater threat.

I think there are some things we ought to be doing now. We certainly should be escalating the FBI intelligence and other efforts to root out the terrorists who are among us. But we also ought to be attacking the terrorists where they live because it is on the offensive—not the defensive—in my judgment, that we are going to eventually win this war on terror.

My friends, as I said, I am not optimistic about the adoption of this. I recognize there are backroom deals made. This is what people have come together on and locked down on, and say: We are locking down on the principle that we have one evil, Saddam Hussein. He is an enormous, gargantuan force, and that is whom we are going to go after.

That, frankly, is an erroneous reading of the world. There are many evils out there, a number of which are substantially more competent, particularly in their ability to attack Americans here at home, than Iraq is likely to be in the foreseeable future.

But we are going to say we are going to ignore those and we are going to allow them to continue to fester among us. I do not wish to be part of that decision. I am concerned by those who see only one evil, who believe we must all commit ourselves to the arrangement that has been made by a few who have that view of the world. I urge my colleagues to open their eyes to the much larger array of lethal, more violent foes who are prepared today to assault us here at home.

I said in my closing remarks that I was concerned and saddened. I am saddened because I know my colleagues would not knowingly place U.S. lives in unnecessary peril. I am as sure as I have ever been of anything in my life, the peril here in America caused by the action we are about to take could be substantially reduced by giving to the President of the United States the additional powers to send the strongest possible message, and, if necessary, the force to eradicate those who are evil and who have placed evildoers among us, and who are prepared to awaken those evildoers to attack. The responsibility is ours.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I move to table the—

Mr. REID. Will the Senator yield for a question, first?

Mr. McCAIN. I am glad to yield to the Senator from Nevada.

Mr. REID. Mr. President, I have the greatest respect for the Senator from Florida, but the Senator from Arizona and I came to the Congress together. And I hope that my friend from Florida was not implying the Senator from Arizona was involved in any backroom deals because I have never known the Senator from Arizona to be involved in any backroom deals.

Mr. McCAIN. I have been singularly unsuccessful in orchestrating any backroom deals in the years I have served here, I say to my friend from Nevada. And I thank him.

Mr. President, I move to table the pending Graham amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question occurs on agreeing to the motion to table Graham amendment No. 4857.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN) is necessarily absent.

The result was announced—yeas 88, nays 10, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—88

Akaka	Edwards	McConnell
Allard	Enzi	Mikulski
Allen	Feingold	Miller
Bayh	Feinstein	Murkowski
Bennett	Fitzgerald	Murray
Biden	Frist	Nelson (NE)
Bingaman	Gramm	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Brownback	Hagel	Roberts
Bunning	Harkin	Santorum
Burns	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lott	Wyden
Dorgan	Lugar	
Durbin	McCain	

NAYS—10

Baucus	Dayton	Rockefeller
Breaux	Graham	Torricelli
Byrd	Lincoln	
Corzine	Nelson (FL)	

NOT VOTING—2

Ensign
Landrieu

The motion was agreed to.

The PRESIDING OFFICER (Mr. JOHNSON). The majority leader is recognized.

Mr. DASCHLE. Mr. President, I wanted to inform my colleagues, after consultation with the distinguished Republican leader, that it is our inten-

tion, assuming we get cloture tomorrow—the cloture vote will be cast on the resolution tomorrow—it would be my intent to stay in for the full 30 hours, or whatever period of time would be required to complete our work on the resolution.

I said at the beginning of the week, it would be my determination to finish our debate on this resolution before the end of the week and that is still my determination. So if cloture is achieved, we would go for whatever length of time to accommodate Senators who wish to be heard under the rules of cloture.

We would expect, therefore, a vote on final passage on the resolution prior to the time we leave this week. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, shortly I will yield to my distinguished senior colleague, Mr. THURMOND, for not to exceed—what time does he want?

Mr. NICKLES. Five minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to my senior colleague, Mr. THURMOND, for not to exceed 5 minutes, without losing my right to the floor.

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

NOMINATION OF JUDGE DENNIS SHEDD

Mr. THURMOND. Mr. President, I rise today to express my outrage at yesterday's proceedings in the Judiciary Committee. In an unprecedented move, Chairman LEAHY violated committee rules and removed the nomination of Judge Dennis Shedd from the agenda. On a procedural vote, the committee refused to consider Judge Shedd's nomination.

I am hurt and disappointed by this egregious act of destructive politics. Chairman LEAHY assured me on numerous occasions that Judge Shedd would be given a vote. I took him at his word.

Dennis Shedd is a fine judge who has received a rating of well qualified by the American Bar Association. President Bush nominated him to the Fourth Circuit Court of Appeals on May 9, 2001, but his hearing did not take place until June 27 of this year. Since that time, he has answered all questions asked of him.

For over 17 months, I have waited patiently. On July 31, Chairman LEAHY stated publicly before the Judiciary Committee that we had reached a solution regarding Judge Shedd that would be satisfactory. The chairman's recent actions are not only unsatisfactory, but they are unacceptable. In my 48 years in the Senate, I have never been treated in such a manner.

Mr. President, I hope this situation will be corrected and that Judge Shedd will soon be confirmed as a judge on the Fourth Circuit Court of Appeals.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. REID. Mr. President, may I ask the Senator from West Virginia if he will be kind enough to allow me to respond to the distinguished Senator from South Carolina, as the name of my friend, Senator LEAHY, was mentioned on several occasions.

Mr. BYRD. How much time does the Senator need?

Mr. REID. A few minutes; 6 or 7 minutes at most.

Mr. BYRD. Not to exceed 7 minutes. I make that request.

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

Mr. REID. Mr. President, we understand that Senator THURMOND is disappointed that the Judiciary Committee was not able to proceed on Judge Dennis Shedd's nomination at its meeting this week. We all have great respect for Senator THURMOND and I know that the committee is working toward a committee vote on the Shedd nomination.

The Judiciary Committee has continued to receive opposition from South Carolina and from African American and other civil rights organizations and leaders from around the country to the Shedd nomination. Senators are taking those concerns seriously and being thoughtful and deliberate in reaching their own conclusions.

Over the past weeks, the committee—led by Chairman LEAHY who has done such an outstanding job—has received hundreds of letters from individuals and organizations, both in and out of South Carolina, expressing concerns about elevating Judge Shedd, and these letters raise serious issues. Many of these letters have arrived in just the last week or so. The committee has just received a letter from the Mexican American Legal Defense and Educational Fund, citing the interests of the many Latinos living in the Fourth Circuit, and expressing opposition to Judge Shedd. A letter arrived recently from the Black Leadership Forum asking for more time to consider the nomination. It was signed by a number of well respected African American leaders, including the forum's chairman, Dr. Joseph Lowery, and over a dozen other nationally recognized figures. In recent weeks, State legislators from Delaware, North Carolina, South Carolina, and Maryland, have written with their misgivings about the elevation of Judge Shedd. And hundreds, probably thousands, of letters from South Carolina citizens have been arriving that urge a closer look at Judge Shedd's fitness for this job.

Senator LEAHY was correct in his judgment that beginning the debate on the nomination of Judge Shedd on Tuesday morning would not have resulted in a final vote, but might well have prevented committee action on 17

other judicial nominees of this President. Indeed, as it was, Republicans almost prevented those 17 judicial nominations and six executive branch nominations from being reported before the end of that business session.

Unfortunately, this partisan procedural maneuvering obstructed the committee from reaching any items on the legislative agenda, even the simplest consensus items of significant importance. Republican Senators even objected to granting consent to an amendment of the American Legion charter. I understand that today Republicans boycotted a business meeting of the Governmental Affairs Committee.

I understand that at Senator THURMOND's request, the Judiciary Committee held a hearing for Judge Shedd who has a lifetime appointment to the District Court in south Carolina. Judge Shedd's hearing was the second for a nominee to the Fourth Circuit since the reorganization of the committee in the summer of 2001.

In fact, no judge was confirmed to the fourth Circuit during the last 30 months of Republican majority control even though there were nominees of significant qualifications. Neither Judge James Beaty, Judge Rich Leonard, Judge James Wynn, Judge Roger Gregory, Judge Andre Davis or Elizabeth Gibson received a hearing or a vote from the Republican majority on their nominations to the Fourth Circuit.

In contrast, the first nominee on which the Judiciary Committee held a hearing in July 2001 and the first confirmed after the change in majority was a Fourth Circuit nominee, Judge Gregory.

In addition, the Committee worked hard to consider and report the nomination of Judge Terry Wooten to be a Federal district court judge in South Carolina at the request of Senator THURMOND. Judge Wooten's nomination was not without controversy but with hard work and perseverance the committee was able to report that nomination to the Senate and the Senate confirmed Judge Wooten last November.

The committee also expedited consideration of Strom Thurmond, Jr., to be the U.S. Attorney for south Carolina last fall, under tremendous pressure to Senator LEAHY.

During the last 15 months, the Judiciary Committee has held hearings on over 100 judicial nominees, voted on 100 and reported 98. The Senate has confirmed 80 to date with 18 more on the calendar, as we speak. That is more hearings for more nominees and more votes on nominees and more confirmations of more nominees than in the last 30 months in which Republicans controlled the Senate.

The Judiciary Committee is doing a good job of helping reduce the judicial vacancies it inherited from the Republicans when they delayed and obstructed President Clinton's nominees.

I understand Senator THURMOND's disappointment, but he has to under-

stand Senator LEAHY is doing an outstanding job. And I and the rest of the Democrat conference totally support this good man, the Senator from Vermont.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. HATCH. Mr. President, I ask the Senator from West Virginia to allow me 5 minutes to respond.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Utah, Mr. HATCH, for not to exceed 5 minutes—I hope this will be the last request—not to exceed 5 minutes, and that I retain my right to the floor.

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

Mr. HATCH. Mr. President, I thank the Senator from West Virginia for his courtesy. I appreciate it.

I listened to these remarks, and I am outraged. I know they were not written by any staffer for Senator REID, and they are not accurate. I think we have had very disdainful treatment of one of the most prestigious and important Senators in the history of this body.

Let's think about it. Yesterday, Chairman Leahy denied a vote on Dennis Shedd, President Bush's nominee for the Fourth Circuit Court of Appeals, the nominee from South Carolina. This action was outrageous because yesterday may very well have been the last markup Senator THURMOND, the former chairman of the Judiciary Committee, who cares very deeply about Judge Shedd's nomination, was able to attend.

The committee rules are very clear. They allow an agenda item held over from 1 week, which Judge Shedd was held over, to be brought up on the next agenda. He was held over on September 19 on that markup agenda by the Democrats.

Yesterday, Chairman LEAHY, in violation of committee rules, removed Judge Shedd from the agenda. This is not right. To my knowledge, that is the first time that has ever happened. It may have happened before, but I do not remember it.

What makes this even more unusual and has our Members outraged is that we operate in the Senate under a presumption that a Senator's word is as good as gold. Chairman LEAHY assured several Republican Senators—our leader, Senator THURMOND, Senator GRASSLEY, Senator BROWNBACK, and myself—that Judge Shedd would get a vote. He promised that to me, and all of these others. It is fair to say the entire Republican caucus expected a vote yesterday on Judge Shedd.

There is no doubt about Judge Shedd's qualifications. He has strong bipartisan support. One of his most ardent supporters from South Carolina is none other than my dear friend and colleague, Senator FRITZ HOLLINGS. The people of South Carolina support him. The ABA, long held to be the gold standard by the Democrats, gave him a well-qualified rating. So it is not Judge

Shedd's qualifications that are standing in the way. Simply put, there is no good reason that Judge Shedd did not get a vote at yesterday's markup.

In accordance with the rules, I moved to have a vote. The chairman ruled it out of order. It was a 9-to-9 vote, not sustaining his position but basically not allowing the vote.

The real reason Judge Shedd was not on the agenda was there are liberal special interest groups in this city that seem to have lock-stock control over the Judiciary Committee. When I was chairman, I never ceded control to any of these outside groups. In fact, I told them to get lost. I have to say I paid a big price for it, too. It is atrocious that ceding of control is happening now.

With regard to the Fourth Circuit Court of Appeals and those nominees cited by the distinguished Senator from Nevada, they did not have home State senatorial support. We cannot do much about that when there is not home State senatorial support, which has always been a courtesy that has been extended.

Think about it. Judge Shedd has been waiting for almost 18 months. Now all of a sudden, at the last minute, we come up with all of these lame excuses to not give him a vote. All we were asking for was a vote in accordance with the rules of the Senate—a vote in the Judiciary Committee and then a vote on the floor—for a man who used to be chief of staff of the Judiciary Committee, who was sponsored by one of the most dignified and important Senators in the history of this body. Just one committee vote and a floor vote.

If they want to vote him down, they can do that, but Senator THURMOND deserved the benefit of the doubt. He deserved the privilege of having a vote on his nominee, especially since this nominee has waited for almost 18 months. He was peppered with all kinds of questions. He answered them. He did everything he possibly could. He has a wonderful reputation. He had it when he was on the committee. What is more, every member of that committee who sat when he was here knows it.

Now this is wrong. It is wrong to treat a senior Senator like this. It is wrong to treat a distinguished Federal district court judge like this. It is wrong to break the rules. It is wrong to break them with impunity. And I think it is wrong to treat the President's nominees this way.

To make a long story short, virtually everything that was said yesterday and even today was not very accurate. I would ask that this body reconsider, that my friends on the other side—

The PRESIDING OFFICER. The Senator has spoken for 5 minutes.

Mr. HATCH. I ask for 30 seconds more, and I will finish.

Mr. BYRD. Mr. President, I yield an additional minute to the Senator, under the same conditions.

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

Mr. HATCH. I am grateful to my colleague.

I ask for simple courtesy from the other side. Give us an up-or-down vote on Dennis Shedd. Everybody who is on the Judiciary Committee knows this man, and I think most others in the Senate know this man and know what a good person he is. But everybody knows Senator THURMOND, that he is an honest, decent man, and he deserves this kind of courtesy, especially at the end of the longest, most distinguished career in the Senate.

I thank my dear colleague from West Virginia.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ—Continued

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I take the floor at this time to urge the joint leadership of the Senate to delay the vote on cloture which is set this moment for 10:15 tomorrow morning. I urge the leadership of this body to consider and to help bring about an order that will vitiate that vote on cloture tomorrow morning at 10:15.

I make my plea on behalf of the mothers, fathers, grandmothers, and grandfathers of this country, the fate of whose sons, daughters and grandchildren hinges upon the outcome of the vote on cloture; shutting off the debate of this Senate, shutting it down to 30 hours, with each Senator to have only 1 hour unless other Senators can be prevailed upon to seek unanimous consent to yield that Senator additional time, with the exception of the managers, the majority leader, and the minority leader, who have an additional 2 hours automatically.

What is involved is the fate of the service men and women in this country who may have to go to Iraq, the fate of the reserves, the fate of our National Guardsmen and Guardswomen in this country who may have to go to Iraq.

This decision is going to be made no later than 10:15 tomorrow morning unless it is changed. This is a fateful decision. It involves the treasure of this country. It involves the blood of our fighting men and women. It is too momentous and too far reaching a decision to be signed, sealed, and delivered by 10:15 tomorrow morning.

I know it is in accordance with the rules of the Senate. Nobody knows the rules of the Senate more than I do, and nobody has used the rules of the Senate more than I have in past years. But I say that this rule, which is perfectly within order, should be set aside because of the fateful, momentous, and far-reaching implications and ramifications of this vote.

If we go through with this vote, Senators are going to have 1 hour each, up to 30 hours, and only amendments which are germane can be offered. This is too much, and I appeal to the sense of justice, the sense of right, and the

sense of our duties to our people. I appeal to all Senators and to the leadership that we seek to get unanimous consent to put off that vote, to delay it.

Mr. SARBANES. Mr. President, will the Senator yield for a question?

Mr. BYRD. Yes, I yield.

Mr. SARBANES. I ask the very able and distinguished Senator from West Virginia—it is my understanding that the motion to proceed to this resolution took place a week ago. Is that the Senator's understanding?

Mr. BYRD. Mr. President, I yield to the Senator for such a parliamentary inquiry.

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

Mr. SARBANES. Parliamentary inquiry. When did the Senate proceed to this resolution?

The PRESIDING OFFICER. It appears from the Journal, the Senate proceeded to this measure on October 4.

Mr. SARBANES. October 4, and today is October 9. October 4, I am told by the Chair. Today is October the 9th, on a resolution that may take the Nation into war.

Mr. BYRD. That includes Saturday and Sunday.

Mr. SARBANES. The distinguished Senator, I think I am correct in recalling, was the leader of the Senate at the time we did the Panama Canal treaties.

Mr. BYRD. The Senator is correct.

Mr. SARBANES. Did the Senator recall there were two treaties, the neutrality treaty and the canal treaty itself? We went to the neutrality treaty. Floor debate began on February 6 of 1978. We voted on March 16 of 1978. So we had a period from February the 6th until March 16 to consider that treaty.

We then went to the Panama Canal treaty. We began debate on March 17 of 1978 and we voted on that treaty on April 18 of 1978. In other words, roughly 6 weeks on one treaty and a month on the other treaty.

Mr. BYRD. Yes.

Mr. SARBANES. Neither of which involved the prospect of going to war.

Mr. BYRD. Exactly.

Mr. SARBANES. Now, as I understand it, we are facing the prospect of, in effect, terminating all debate, precluding a lot of potential amendments, and ending this matter in about one week's time, a matter of this grave import. I ask the Senator if that is correct.

Mr. BYRD. Absolutely correct. Absolutely correct.

Mr. SARBANES. I make this observation to my colleague. It seems to me it is a sad commentary.

Mr. WARNER. Might I make an observation along the lines of the distinguished colleague now debating this?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Then I will be glad to yield.

Mr. SARBANES. The distinguished Senator from Virginia, I have been watching him. He is marshaling the war forces on the floor of the Senate.

Mr. MCCAIN. Is this regular order?

Mr. SARBANES. I see as part of that process, any time anyone speaks, he wants to make an observation. I would be happy to hear it so I get an opportunity to respond.

The PRESIDING OFFICER. The regular order is the Senator from Maryland may ask a question of the Senator from West Virginia.

Mr. BYRD. Mr. President, I share that feeling, and in due time we will get that explanation.

At this moment I appeal, I appeal to the Members of the Senate to find a way to give unanimous consent to put aside this vote on tomorrow and delay it so as to give this Senate more time to debate and to act upon this resolution, which is so weighty, involving, as it does, the most serious, the most solemn question that can ever face this Senate, the question of peace or war. We are being hurried by the rules of the Senate, we are being hurried into reaching a decision that is premature.

I appeal to my colleagues. I appeal to my colleagues. The people out there in the country deserve better than this. They deserve a decision taken after due time, due consideration, ample consideration, ample opportunities to offer amendments and to have them decided.

As it is under the rules of the Senate, we will be forced tomorrow at 10:15 a.m. to vote on cloture. If enough Senators voted against cloture, that would be one thing. If 41 Senators opposed it—or put it this way: If those who support this resolution cannot get 60 votes tomorrow, then we would automatically have additional time.

I am concerned the way this Senate is being stampeded, stampeded. I don't blame any Senator in particular. Every Senator here is acting in accordance with the rules. I am asking that in this peculiar, unique situation involving so much of the country's treasury, in blood and in dollars, I am asking the Senators join with me in putting off this decision. It can be done. It can be done by unanimous consent. That is not asking too much. That is not asking too much.

We are talking about people who are in the military of this country who may have to go to war in a foreign country, depending on this vote tomorrow.

Mrs. BOXER. Will the Senator yield?

Mr. WARNER. Will the Senator yield?

Mr. BYRD. Let me first yield to the distinguished Senator from Virginia for a question, without losing my right to the floor.

Mr. WARNER. I thank my colleague and dear friend from West Virginia.

To both of my colleagues, the Senator from Maryland and the Senator from West Virginia, this debate, as stated, started on the 4th, which was last Friday.

The PRESIDING OFFICER. The Chair advises the Senator from Virginia and the Senator from Maryland that on further review of the Journal,

this debate began on October 3, rather than October 4.

Mr. WARNER. Fine.

I had the privilege of being on the floor last Friday afternoon for over 5 hours with this debate on that side of that aisle, led by my distinguished colleague from West Virginia. The Senator from Massachusetts, Senator KENNEDY, participated. The Senator from Connecticut, Mr. DODD, participated. We had 5½ hours. I returned to the floor on Monday. We had another roughly 6 hours of debate. Tuesday is fresh in the minds of all. And here we are.

This is the point I wish to make. I share with my distinguished colleague the seriousness of this vote. It is a vote, hopefully, to ensure a resolution which will act as a deterrent, I say most respectfully, a deterrent, to the use of force, a resolution that will support the United Nations that is this very hour working to possibly craft a 17th resolution which would call for inspections. It is timely that the United Nations hear from not only our President, who gave a brilliant speech, but a unified Congress with these resolutions.

I can conclude my remarks by saying in 1990/1991, I and all of the Members here—most of us were involved in that debate—the record shows the debate began on January 10, 1991, on the Persian Gulf resolution. There were two resolutions, one submitted by myself and the distinguished Senator, Mr. LIEBERMAN, the other by the then-majority leader, Mr. Mitchell. That debate started on the 10th. It concluded 2 days later, just 2 days later, on January 12, 1991, concluding with 2 votes on both resolutions.

So that ended up sending men and women of the Armed Forces, ours and other nations', into harm's way. Let us hope we have had adequate time, having begun on the 3rd, as stated by the Chair, and now we are here today with 13 amendments which have just been submitted, which will be respectfully treated by this body in due course, I hope expeditiously.

The rule is being complied with. This is clear. But it is 13 amendments.

Mr. SARBANES. Will the Senator yield?

Mr. BYRD. I yield.

Mr. SARBANES. Will the Senator agree with me the timetables which the Senator from Virginia just set out, both in 1991 and now, show a deterioration in the Senate's level of commitment in terms of debate on important matters of State?

Now, we do not have to go back that far. The time period I cited was 24 years ago, just shy of a quarter of a century. We took up an important matter of foreign policy, the Panama Canal treaty—two of them, 4 weeks on one and 4 weeks on the other. Now we are here with a resolution to take us to war, and we are told, Well, you know, we have been on it not quite a week. As the Senator pointed out, there was an

intervening weekend. Then we are cited as a precedent, Well, in 1991 we did it in a few days.

Not only, it seems to me, does it make my point in terms of the willingness of the Senate to carry on the great national debate that ought to take place on important issues of war and peace, but this is a matter of most fundamental importance.

I ask the Senator. It seems to me it would require the kind of attention and debate that is warranted by an issue of that magnitude.

Mr. BYRD. Mr. President, the distinguished Senator is indubitably correct. There can be no more solemn, no more serious, no more far-reaching a decision than the one which the Senate is approaching.

All of the talk about how many hours or how many days we spent on some previous resolution or subject is entirely aside the point; entirely aside the point.

What I am saying here—and every Senator here knows it—is tomorrow morning at 10:15, we will follow the rules of the Senate. We are going to vote on cloture on the Lieberman resolution, as modified. It has been modified. I don't know how many Senators know that. This resolution has been modified. I only learned about it today. It has been modified in such a way that there is no longer a preamble, or what is considered a preamble. The words "whereas"—I would like to discuss each of these whereas clauses. The whereas clauses have all been changed to "since," which means the preamble is now a part and parcel of the resolution. There is no separate preamble here.

So the wheels have been greased. The wheels of legislative action of debate have been greased.

So here we are now faced with a vote tomorrow morning at 10:15. How many of us are going to be here beyond 6:00 today? It is only 5 minutes to 3 now. How many of us will be here beyond 6:00 today? Then tomorrow, what time are we coming in? 9:00, 10:00?

So we see how little time this Senate is going to be able to focus its full attention on this far-reaching resolution which carries within its pages the fate, the possible fate of this Nation; the fate of hundreds or thousands, or tens of thousands, or hundreds of thousands of servicemen and our National Guardsmen throughout this country. We are holding their fate in our hands.

I say that the rules of the Senate in this instance are being utilized so strictly they are made more demanding.

Why do we have to rush these cloture motions on a matter of this great moment? Why couldn't we have waited and debated this? What is all the hurry?

I say to Senators, and I appeal to the people out there who are watching through those lenses, I appeal to the people in the 50 States and the territory and possessions of this country to

rise up and to let themselves be heard. Don't vote for cloture. Let us put off this cloture vote. That is not asking too much. That is not asking too much.

I hope Senators will consider this seriously. Let's not vote on this tomorrow morning at 10:15.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. BYRD. Yes. I yield for a question.

Mrs. BOXER. I thank the Senator for putting this debate in the proper context and for pointing out what the solemn duty really is in the Senate.

I want to ask my friend a couple of questions.

Has my friend heard, as I have, the President himself and many of his representatives, including Colin Powell, Condoleezza Rice, and Ari Fleischer, repeat over and over again that the President has not yet made a decision to go to war? Has my friend heard that?

Mr. BYRD. There is no question. No farther back than August 21, I read in the newspapers that the President was concerned about the agitation, about all of the commotion—these are my words—that is taking place here concerning his—the President's—plan. Secretary Rumsfeld on that occasion referred to this agitation as a "frenzy". That is my recollection. Go back and check; no farther than August 23.

Here we were being told there were no such plans. As we approach it, the drive is on. We are being stampeded. They are saying, Oh, the vote will take place this week.

Why all the hurry?

I hope we will have an opportunity to debate this resolution. We haven't had a full opportunity to debate this resolution. It has just been modified overnight. Nobody has really had an opportunity to debate each whereas clause.

There are amendments that are going to be offered. We are not going to have a chance to debate those amendments. The distinguished Senator from Michigan has an important amendment.

Mrs. BOXER. If I might ask just a couple of questions—I wanted to say to my friend that not only did they say in August this was a frenzy, and the press was paying so much attention to it, and chastising the press for talking about Iraq—no. They were in a frenzy. But just two nights ago, our President said he has not made a decision to go to war. Colin Powell said that before the Foreign Relations Committee, on which I proudly serve. Condoleezza Rice repeated it. Ari Fleischer repeated it. I tried to check out the history where the President has not made the decision to go to war—over and over again through his operatives, and he himself said it—yet he is coming to this Congress and quickly wants to have a resolution, not just backing a new United Nations resolution, which I think we all feel is very important, and with tough inspections. In fact, most of us believe there should be enforcement

of inspections, if need be, which is in Carl Levin's amendment, which I look forward to voting on.

But our President is asking us to give him the authority to go to war alone—alone, with no one else. Other Senators will say that is silly, Senator BOXER. We are not going it alone. Read the resolution of Senator MCCAIN. He can go it alone. That is the deal.

Some say we are doing it because we want to force the U.N. to act. I agree with Senator LEVIN. I think it takes the heat off the United Nations.

But the question I ask of my friend is this: In closing, here we are being asked to give the President authority to take this country to war without any help, without any other nation, without any of our allies, before he has made a decision to do so. And I want to ask my friend this because I know he has been here a very long time. He is an Officer of the Senate.

Has my friend been briefed on how many of our military people, men and women, it will take to go to this war?

What will the casualties be? How much will it cost? How long will we have to stay there? What happens afterward? What is the impact in the region? Will Saddam Hussein use his weapons of mass destruction on the battlefield against our people? And what protections do they have?

Those are just a few questions. I want to ask my friend, have those questions been answered? I have asked them. They have not been answered. Perhaps my friend, having so many more years here, might have the privilege of a response to that before we are asked to take our people to war.

Mr. BYRD. Mr. President, there are many questions the American people want answered. There are many questions the American people are entitled to have answers to.

I am only pleading here that the Senate give itself time to explore these questions on behalf of the people whom we serve. Give ourselves time. We haven't had time. We have been rushed through this thing. Now, because of the rules of the Senate, we are going to have to vote tomorrow morning at 10:15 on a question that involves peace or war, a question that involves great sacrifices for this country.

Nobody knows how great those sacrifices may be. And there are many questions that need to be answered. What will we do once Iraq is defeated? What will we do with Iraq? Will our service men and women be required to go there? Will they have to stay there 2 months after the defeat of Iraq? 6 months? 1 year? 2 years? 5 years? 10 years?

Who is going to pay for reviving the economy of Iraq? Where are the monies coming from to pay the costs of what may be a war of short duration? of what may be a war of long duration? What is the President's plan? What is the administration's plan? Are we going to use the heavy ground option or the heavy air option, or both the

heavy ground option and the heavy air option?

Go over to the hospitals surrounding this Capitol and take a look at the emergency rooms. See how many people are in those emergency rooms. See how short on personnel those hospitals are. I know. I have had my wife in a hospital just recently with an appendectomy. Those hospitals are short on beds.

What about the veterans hospitals? What about an upsurge, if it comes, in casualties of Americans? Are we prepared for this? Are we prepared?

What is going to happen on the war here at home, homeland security, the security of our country? Look around us here. Just look at the morning papers. The television is full of it. The people of this area are concerned about their children, about the public schools, and they are being asked not to come to school, not to have recesses.

Here we are talking about war in Iraq, when the focus is being taken off the war here at home. The people's eyes are on home, what is happening around us. Here is a sniper in this area. He has already killed six people at least, and they don't know what he looks like, where he lives, nothing about him, except he is a marksman. He is sure a marksman.

Here we are being told: Tomorrow morning at 10:15 we are going to come to the moment of decision. I say it is not right to the American people that we do that.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. BYRD. I do not intend to hold the floor too much longer. I yield to this Senator, and then I will yield to my friend.

Mr. KENNEDY. Mr. President, I have been listening to the Senator over several days. One of the points he makes so effectively is the fact that even if we have been on the resolution a few days, we were, I was reminded, on the Elementary and Secondary Education Act 21 days, the energy bill 23 days, the trade bill 19 days, and the farm bill 18 days.

But even if we have been on this bill, would the Senator not agree with me that the principal debate has been on the resolutions, not the real impact of the war and what would happen to American troops who would be involved—the numbers of American troops who would be involved—what the impact is going to be on our battle with al-Qaida, what is going to be the impact in terms of the region, in terms of what Saddam may do?

I would be interested in the Senator's comments on that.

Secondly, I would be interested in the Senator's comments on the report this morning in the Washington Post—I am so glad it was declassified—in which the Central Intelligence Agency effectively has agreed that—quoting the paper—

Unprovoked by a U.S. military campaign, Iraqi President Saddam Hussein is unlikely

to initiate a chemical or biological attack against the United States, intelligence agencies concluded in a classified report. . . .

That is the first time we have seen that public. That has been classified. Those of us who have been briefed on it have been unable to use that or to say that. That is a major kind of factor, I think, if we are being asked to vote on a resolution of war: to find out, in our Intelligence Estimate, that the possibility of American troops being affected by the use of chemical warfare increases dramatically—dramatically—when we are putting Saddam Hussein's back against a wall.

This was a question that—I see in the Chamber the chairman of the committee, who was there at the time. I remember very clearly that moment.

But does not the Senator believe that this kind of statement is worth the opportunity for discussion and explanation, that we ought to hear at least what the reality is, that the American people ought to understand, and the parents of those servicemen ought to understand what their children are going to be faced with?

Does the Senator not agree with me that we have been talking about resolutions, and we ought to be talking about the whole issue of terror, the impact it is going to have on our society—whether we go to war—what the impact is going to be on our servicemen, on the region, and on our future?

I welcome the Senator's response to the general question about what this debate, to date, has been about, and then the specific issue that has been raised in the newspapers that has to be of central concern to people in relation to authorizing the President to engage in war and the chances of the use of chemical and biological weapons being increased dramatically if Saddam's back is up against a wall in a conflict.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Massachusetts. He has put his finger on several important points, one of which is this: The American people are just now awakening to the fact that the Senate and the House are about to pass a resolution that turns the power of the people, as measured by their elected representatives in Congress, over to a Commander in Chief—the power to determine when to go to war, the power to declare war. They are just now becoming awake to that fact.

The American people are just now beginning to focus on this. They have not been focused on this. They have not been focused on this. And they are just now beginning to.

Also, the article that the Senator raises, from today's newspaper, indicates there are many things that have a bearing upon this question that are just now coming to the surface. Organizations, persons, people with expertise, scientists, and so on, are just now beginning to focus, and their story is just now beginning to get through.

I think we owe it to ourselves. Why would we want to deny ourselves here

in Congress the opportunity to have more facts, the opportunity to study this matter more seriously, the opportunity to debate it, the opportunity to draw up amendments?

Here we are faced, under rule XXII, with having to offer our amendments by 1 o'clock today, in the first-degree amendments. Now, I had to rush to get two amendments ready. I have many other matters that are demanding my time. And other Senators are in the same situation, or even worse situations.

So I plead with the Nation's representatives here in the Senate, with the leadership in the Senate, with the leadership in the other body. I plead with Senators to make every effort to try to get a unanimous consent request to waive this cloture vote on tomorrow.

We are shortchanging the American people. We are shortchanging ourselves as representatives of the American people. We are shutting ourselves out of the opportunity. And it is no fault of any particular Senator. It is the rule that we are up against here, and only by unanimous consent can we waive it.

But I plead in the name of the people of this country, in the name of the young men and women whose lives may be put on the line by the decision that this Senate will make tomorrow morning at 10:15. It is too weighty. It is too far-reaching. It is only fair to the people of America, who are going to be asked to give, in some instances, everything they have, if a war ensues. I tell you my friends, I don't want that on my conscience, not I. I apologize to Senators who have been standing here waiting.

I yield to the Senator from South Carolina.

Mr. HELMS. Will the Senator yield for no more than 5 minutes?

Mr. LEVIN. Will the Senator yield for a question?

Mr. BYRD. Of course, I am entitled to yield for a question, but I would like to yield to the Senator from South Carolina. He has been on his feet.

Mr. LEVIN. Is the Senator yielding his right to the floor? If so, I would ask that before he does that, he open himself to a question.

Mr. BYRD. I have no intention of holding the floor. I do intend to offer an amendment, however, before I yield the floor.

Mr. LEVIN. If the Senator intends to yield the floor before Senator HELMS speaks, would the Senator yield for a question first?

Mr. BYRD. Mr. President, I yield for a question.

Mr. LEVIN. My question is this: In addition to the fact that cloture, if invoked, will close off debate and have the effect which has been described here, it has another effect, does it not, which is that amendments following cloture must be strictly germane?

In preparation for the answer to that question, I want to say the following: The alternative amendment which I in-

tend to offer is an amendment which says we should seek the U.N. to authorize force-to-force inspections, to authorize member states to use force-to-force inspections—in other words, to go multilaterally with force—but does not at this time authorize a go-it-alone approach. That is my alternative.

My alternative also specifically provides—this is the question—

Mr. HELMS. Will the Senator yield, please? Can there be an understanding, when you have completed, that I be recognized for 5 minutes? I won't take that long. Would that be agreeable with the Senator?

The PRESIDING OFFICER (Mr. CARPER). Is there objection to the unanimous consent request?

Mr. KERRY. Reserving the right to object, I would simply request that after the Senator from North Carolina has spoken, I be recognized.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. The rest of my question is this—

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from North Carolina?

Without objection, it is so ordered.

Mr. LEVIN. The alternative resolution which I intend to offer has a provision in it which will be prohibited from being included if cloture is invoked because even though it is obviously relevant to this debate, it is not strictly germane under our rules. I want to ask the Senator about this.

Part of my alternative resolution says: Let us go to the U.N. Let us go together. Let us go multilaterally. Let's have the strength of the world community behind us because it avoids a lot of negative consequences and gives us great strength in proceeding against Saddam to go with the world. But part of my resolution is that Congress would not adjourn sine die so that the Congress could resume session, if necessary, to promptly consider proposals relative to Iraq if, in the judgment of the President, the U.N. Security Council does not promptly act on a resolution to enforce inspections. That is an important part of the resolution that I intend to offer.

But is it not true, I ask my good friend from West Virginia, if that part of the resolution is ruled not strictly germane, although it is obviously relevant, that means I would not be able to offer the resolution in that form? And is that also not a very negative result of cloture being invoked? Does that not deny us an opportunity to vote on something which is so important to this debate?

Mr. BYRD. It is, indeed, most unfortunate.

Mr. LEVIN. I will be offering the resolution in two forms: One that contains this important language which would fall if cloture is invoked; one that does not contain it, which it seems to me would then be denying the

Senate an opportunity to consider, debate, deliberate a full alternative to the President's go-it-alone approach.

Mr. BYRD. That is one of the penalties this Chamber will pay, that the Senator will pay, that the American people will pay as a result of a rule, a rule which I support and have supported. But here we are, caught in a situation where without adequate debate, we have been pushed to a cloture vote in the drive—and I don't mean to criticize any person, it is a stampede—in the drive to have this decision made before the Members of Congress go home for the November elections.

Mr. WARNER. Could I reply to the Senator from Michigan?

Mr. BYRD. That is less than 4 weeks away. It is most unfortunate.

Mr. WARNER. May I ask the Senator from Michigan a simple question?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. WARNER. Could I just ask the Senator from Michigan a simple question? Did you not have the right to offer an amendment on Friday, Monday, Tuesday? That question has been open to the Senator.

Mr. BYRD. I am going to give up the floor very shortly.

The PRESIDING OFFICER. Under the unanimous consent request earlier, the Senator from North Carolina is recognized for 5 minutes, once the Senator from West Virginia has concluded.

Mr. LEVIN. I believe there was only debate on Friday and Monday, no amendments. I am informed, debate only.

Mr. MCCAIN. I would ask my colleagues, please, let's observe the rules of the Senate.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

AMENDMENT NO. 4868 TO AMENDMENT NO. 4856, AS MODIFIED

Mr. BYRD. Before I yield the floor, I call up amendment No. 4868 and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 4868 to amendment No. 4856, as modified:

(Purpose: To provide statutory construction that constitutional authorities remain unaffected and that no additional grant of authority is made to the President not directly related to the existing threat posed by Iraq)

At the appropriate place, insert the following:

SEC. 5. STATUTORY CONSTRUCTION.

Nothing in this joint resolution—

(1) is intended to alter the constitutional authorities of the Congress to declare war, grant letters of Marque and Reprisal, or other authorities invested in Congress by Section 8, Article I of the Constitution; or

(2) shall be construed as granting any authority to the President to use the United States Armed Forces for any purpose not directly related to a clear threat of imminent, sudden, and direct attack upon the United States, its possessions or territories, or the Armed Forces of the United States, unless the Congress of the United States otherwise authorizes.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. KERRY. Mr. President, point of inquiry?

The PRESIDING OFFICER. Will the Senator from North Carolina yield?

Mr. HELMS. I yield for that purpose.

Mr. KERRY. I ask unanimous consent that after the Senator from North Carolina, I be recognized, following the—

Mr. MCCAIN. I object. I will seek and obtain recognition after the Senator from North Carolina.

The PRESIDING OFFICER. Objection is heard.

Mr. KERRY. I ask unanimous consent that the Senator from Arizona be recognized, after which I be recognized following the Senator from Nebraska, and I think the Senator from Connecticut.

Mr. REID. Mr. President, I would like to know what the request is. What is the request?

Mr. HELMS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor and he yielded to the Senator from Massachusetts for an inquiry.

Mr. HELMS. Mr. President, I used to be a sports writer. I know what freezing the ball is doing.

I ask that it be in order for me to make my short statement seated at my desk.

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

Mr. HELMS. Mr. President, the most fundamental and painful of decisions—whether to authorize the President to send U.S. military personnel to war—is being confronted by the Senate today, previous days, and maybe more days. I believe the decision is in good hands.

I have had the privilege of serving in this body for nearly 30 years. The men and women in this chamber are the respected servants of the American people. I have faith in my fellow Senators.

For 3 days in August and 2 days in September, the Foreign Relations Committee heard testimony on the possibility of American military action against Iraq. We heard 23 witnesses, including current and former Secretaries of State, former National Security Advisors, a number of experts on Iraq from academia and from prominent research institutes, an important defector from Iraq's nuclear weapons program, retired senior level military officers, and former members of U.N. inspections teams in Iraq.

The chairman of the committee, Senator BIDEN, deserves our thanks for conducting these hearings in a fair and comprehensive manner.

The hearings established some fundamental points that deserve repeating here on the floor.

First, the threat posed by the Iraqi regime to American national security is serious and growing. Former Secretary of State Madeleine Albright tes-

tified that after U.N. inspectors were banished by Iraq in 1998, “. . . the risk that Saddam Hussein will succeed in reconstituting deliverable weapons of mass destruction has increased. It is in the interest not only of the United States but also of the entire international community to act.”

Former U.S. Ambassador to the United Nations Richard Holbrooke similarly stated: “in my view, Saddam is even more dangerous than [former Serbian leader Slobodan] Milosevic, given his continuing quest for weapons of mass destruction. Left alone, he will only seek to become stronger.”

Now, neither of these two eminent individuals share all of President Bush's foreign policy priorities. But both concede that the threat is real, and growing.

Second, three former high-ranking members of the U.N. Special Commission agreed that inspections will fail to stop Iraq's development of weapons of mass destruction. Charles Deulfer stated that, in his opinion, inspections “are only a short term palliative and do not address the fundamental problem. Saddam knows this.”

Ambassador Robert Gallucci noted that “We can assume that any regime that appeared as though it would be effective in blocking Iraqi WMD acquisition would also be resisted by Iraq. Therefore, the only way to impose such a regime short of war would be to pose to Iraq the credible alternative of a prompt invasion and regime change if the inspection regime change if the inspection regime resisted.”

Lastly, Ambassador Richard Butler, the former head of the inspections team, warned that inspections were doomed to fail if Saddam succeeds once again in what Butler calls the “shell game—phony inspections, more deceit, more concealment.” “That would,” he concluded, “be deeply dangerous, providing an illusion of security.”

Third, a variety of witnesses, including Secretary Powell, agreed that containment of the Iraq threat, our policy since the end of Operation Desert Storm, is no longer suitable.

Secretary Powell told the committee that the box that contains Saddam Hussein's murderous ambitions cannot last much longer. Secretary Powell, said, “[Saddam] continues to bounce against the walls of that box. And one of these days he'll have a box cutter and he'll be out. And we don't want to wait and see that day.”

Ambassador Butler also suggested that containment no longer works. He told the committee, “we also need a specific solution to the specific problems posed by this particular and, I suggest, unique outlaw.” Former Secretary of Defense Caspar Weinberger, National Security Advisor Robert McFarlane, and Dr. Khidir Hamza, former Iraqi nuclear weapons designer, all noted Saddam's absolute commitment to the development of weapons of mass destruction, especially nuclear weapons.

Secretary Weinberger also noted that Saddam's ability to smuggle goods in and out of Iraq, despite U.N. sanctions, earns him billions of dollars per year—money that goes to develop weapons of mass destruction.

In hearings before other committees, our able Secretary of Defense, Donald Rumsfeld, has pointed out that the problem is not inspections but disarmament. Saddam has succeeded in circumventing sanctions and containment to the point where we no longer have the luxury of waiting idly by while he continues to develop the means to threaten us and our allies.

The President's policy is the only way to deal with Iraq today, and we are obliged to give him maximum flexibility to carry it out. Even as the President develops a coalition, we cannot yield to a few countries like China or Russia that would allow Saddam to evade full disarmament.

We can no longer countenance Saddam's delays and obfuscations. The President, in his speech to the Nation Monday night, articulated a series of options to deal with the Iraqi regime of Saddam Hussein. He displayed the essence of leadership, moving forward in the face of evil. Diplomacy absent demonstrated resolve—which was our policy too often in the past—will continue to prove absolutely ineffectual.

I do hope Senators will stand with the President today. He has shown the leadership necessary to rid the world of Saddam Hussein. We should demonstrate that same leadership and authorize the President to do what is now so clearly necessary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, we are trying to set up a couple of speakers on that side, and we are not going to go any more in advance of that. We should tell everybody that, after cloture is invoked, people still will have an opportunity to speak. It is not as if this is the last train out of the station. If people feel inclined to speak, they can do so.

The leader will stay in session as long as people want to speak tonight. I ask unanimous consent that Senator MCCAIN be recognized for 20 minutes; Senator KERRY, up to 45 minutes—he said he may not use all of that time—Senator HAGEL, for 25 minutes; Senator DODD, for 20 minutes.

Mr. WARNER. Mr. President, could we entertain the desire of the Senator from Kansas to speak?

Mr. REID. The Democrats have used 20 minutes more during this time than the Republicans, so how long would Senator ROBERTS speak?

Mr. ROBERTS. About 20 minutes.

Mr. REID. I ask unanimous consent that Senator ROBERTS may speak after Senator DODD for 20 minutes.

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

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, a lot of ground was covered in the time between the last vote and the time that I have been recognized, not necessarily in a structured fashion. I want to respond to some of the questions and comments that were made.

First of all, very importantly, the Senator from West Virginia made an impassioned plea that we not vote for cloture, not move forward with the disposition of this resolution supporting the President of the United States of America to take action, if necessary, to bring about an elimination of the threat to the U.S. national security.

I think it is worthy of a couple of observations, Mr. President. One is, in the recent past the Foreign Relations Committee has held numerous hearings and the Armed Services Committee has held numerous hearings. In reality, though, this issue has been with us for 11 years, and it is not possible to turn on your television set without seeing a discussion and debate over this issue. The night before last, the President of the United States spoke to the people of this country on this issue. Debate is taking place in the U.N. There are discussions in the U.N. Security Council as we speak. This issue, more than any other today, is known to the American people. As we, their representatives, debate and discuss it, it is to further inform them; but they are clearly aware of the major aspects of this issue.

Since the year 1992, we have begun to be aware that Saddam Hussein would not be overthrown.

We became even more aware over time that he was not going to comply with the cease-fire agreements he entered into and the Security Council resolutions requiring him to allow intrusive and comprehensive weapons inspections throughout his country.

His obfuscation, his delay, his outright refusal to allow these inspections culminated in 1998 in ejecting those inspectors, and that resulted in the passage of legislation on August 14, 1998, which President Clinton signed into law, S.J. Res. 54, which declared that the Government of Iraq was in material and unacceptable breach of its international obligations, and urged the President:

to take appropriate action in accordance with the Constitution and relative laws of the United States to bring Iraq into compliance with its international obligations.

On October 31, 1998, then-President Clinton signed into law the Iraq Liberation Act, which stated:

It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a domestic government to replace that regime.

That was October 31, 1998, the Iraq Liberation Act, signed into law by the President of the United States.

I have to say allegations or assertions that somehow the American people are not aware of this issue just do not ring true. Anyone who believes this

issue is not being debated around kitchen tables and in restaurants and other social gathering places throughout America is simply not aware of what is going on in America.

Yes, they pay attention to this debate, but the issue is well known, and there is no reason why we should not invoke cloture.

It was interesting to me that my colleague from Virginia mentioned we really only spent 2 days of formal debate on the floor of the Senate in 1991. The Senator from Connecticut and I were heavily involved in that debate. But the fact is, that issue was debated far and wide. By the time that vote was taken, the American people and the Members of this body were very well aware—very well aware—as to what was at stake and what, at that time, was a far more controversial issue than this one is, if you accept our predictions of an overwhelming vote.

The Senator from Massachusetts asked the Senator from West Virginia if he knew about the stories carried in this morning's papers about Saddam Hussein being likely to use weapons of mass destruction if he is attacked.

Mr. President, I ask unanimous consent that a statement by George Tenet be printed in the RECORD.

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

STATEMENT BY DCI GEORGE TENET

There is no inconsistency between our view of Saddam's growing threat and the view as expressed by the President in his speech. Although we think the chances of Saddam initiating a WMD attack at this moment are low—in part because it would constitute an admission that the possesses WMD—there is no question that the likelihood of Saddam using WMD against the United States or our allies in the region for blackmail, deterrence, or otherwise grows as his arsenal continues to build. His past use of WMD against civilian and military targets shows that he produces those weapons to use not just to deter.

Mr. MCCAIN. Mr. President, I do not want to go through the whole debate again, but here is the point. Saddam Hussein continues to acquire, amass, and improve on his arsenal of weapons of mass destruction. He continues to attempt to acquire a nuclear weapon. These are all well-known facts. So if you believe that Saddam Hussein, after we go through this expression of approval, national debate, Security Council resolutions, is not going to abandon his request for his weapons, then the longer we wait, the more dangerous he becomes. In other words, if we attack Iraq tomorrow—and that is not clear yet; we have Security Council resolutions to go through—perhaps Saddam Hussein in his desperation may want to use a weapon of mass destruction, but if Saddam Hussein does not comply and continues the clear record of violations he has amassed over the last 11 years, then if we have to remove these weapons of mass destruction, each day that goes by he becomes more dangerous, his capabilities become better, and, in

the case of nuclear weapons, it is not a question of whether, it is a question of when.

Experts will debate whether it is 2 years when he acquires these weapons, whether it is 5 years, 7 years, 10 years, but there is no doubt over time he will acquire a nuclear weapon.

Why do I mention a nuclear weapon? We have equipment that can protect our men and women in the military against biological and chemical attack. It is tough to fight, it is bulky equipment, but we do have that equipment. We have not invented any equipment yet that can protect our troops from a nuclear weapon.

Mr. LIEBERMAN. Mr. President, will the Senator yield for a question?

Mr. MCCAIN. I will be glad to yield to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I appreciate the comments the Senator has made. I think they are right on target. Is there any reason from history or evidence to believe Saddam Hussein is developing these weapons of mass destruction for defensive purposes? Isn't the thought he might use them against someone else if attacked indication he would use them offensively as soon as he feels the opportunity to do so?

Mr. MCCAIN. I say to my friend, it is very clear he is not developing these weapons for defensive purposes. He has used them twice—once against his own people, once against troops of a neighboring country in a conflict.

The fundamental point that seems to be lost in this debate sometimes is at any time in the last 11 years, Saddam Hussein could have avoided any threat to Saddam Hussein's illegitimate, terrible regime. It is a terrible and odious regime, but there are lots of bad guys around the world. He could have eliminated any threat if he had just come clean, taken out these weapons of mass destruction, taken out the laboratories, stopped, allowed the inspectors in, so he must have some other agenda. The longer we delay when he is in non-compliance, the more dangerous that threat becomes.

There was no contradiction, in my view, of the comments of the Director of the CIA that were widely quoted in the media this morning. I can understand, by the way, without knowledge of Saddam Hussein, without the background we have of his record, without the knowledge of what he has tried to do over the last 11 years, why those comments might be misconstrued. But taken in the context of the history of this despot, I think it is very clear that if he fails to comply—and we are going to the United Nations and there will be a Security Council resolution or resolutions—then obviously the longer we delay, if he continues on this reckless path, the more dangerous it becomes and, frankly, the more casualties accrue, in response to the Senator from West Virginia.

I wish to make another comment about this debate. There is no Member of this body who has any priority or

any franchise on the lives of American young men and women. All of us place that as our highest priority. All of us recognize the sacred obligation we have when we vote to send young men and women into harm's way, and no one's motives should be or will be impugned in this debate.

I think it is important for the Senator from West Virginia to appreciate that I and others will object to any unanimous consent agreement that would delay a cloture vote tomorrow morning. We believe the American people have been informed, and the Members of this body have been informed.

As the Senator from Virginia said, Friday we had debate, and we will, according to the majority leader, stay as late or as long as anybody in this body wants to talk or debate or discuss.

With all due respect to the Senator from West Virginia, we will object.

Mr. President, we are trying to dispose of 13 amendments. Obviously, people want to speak. I respect that, but I do feel compelled to comment on the amendment of the Senator from West Virginia briefly.

Mr. WARNER. Mr. President, could I ask a brief question before the Senator proceeds to the amendment?

Mr. MCCAIN. I will be glad to yield to the Senator.

Mr. WARNER. Our colleague from Connecticut raises a very valuable question: Is he manufacturing these weapons of mass destruction for the defense of his sovereign nation? The clearest evidence this Senator finds to show that he is not doing that is the excessive amounts.

During the inspection regime, while it was somewhat functional in the early 1990s, they discovered records of clearly documented biological and chemical weaponry that had been made. To this day, it has never been unearthed, never been discovered, never been acknowledged by Saddam Hussein.

So the question is important, and the Senator from Arizona answered it very carefully. I suggest that those who have any doubt address the excess quantities of all of these weapons. And for what reason would he need a nuclear weapon? That is a question to which none of us have an answer.

Mr. MCCAIN. I thank my friend from Virginia.

Mr. President, now I will make a few brief comments about the amendment of the Senator from West Virginia.

The amendment is to provide constitutional authorities to the President of the United States. In the heart of the amendment, it says the President of the United States cannot use the Armed Forces for any purposes not directly related to a clear threat of imminent, sudden, and direct attack upon the United States, its possessions or territories.

If this were 100 years ago, at the time of my hero, Theodore Roosevelt, who was ready to send the Great White Fleet around the world, I would vote

for this amendment in a New York minute because 100 years ago we had two oceans to protect us. One hundred years ago, we did not have in this world weapons of mass destruction that could strike continents away, travel thousands of miles and strike with incredible accuracy. We did not have a threat from a group of people who are yet somewhat unknown to us, who want to destroy our culture, who want to destroy our values, and indeed everything about Western civilization. They travel sometimes in secret without us being able to detect them, in the case of September 11, until too late.

One hundred years ago, we had two oceans to protect us. We knew who our enemies might be, either real or potential, and we could afford to wait until there was an imminent, sudden, or direct attack upon the United States, its possessions or territories. Then I would have supported this amendment.

The fact is, we all know if we wait until there is a direct attack on the United States of America, we pay a very heavy price. I hope the Senator from West Virginia, who I am sorry is not in the Chamber, would have appreciated that lesson from September 11; that we cannot wait until there is a direct, imminent, or sudden attack upon the United States of America. That is why if this amendment were to pass, it would completely prevent the President of the United States of America from addressing a clear and present danger to the United States of America in the form of Saddam Hussein's inventory of weapons of mass destruction.

Mr. LIEBERMAN. Will the Senator yield for a question?

Mr. MCCAIN. I will be glad to yield to the Senator from Connecticut.

Mr. LIEBERMAN. The Senator makes a good series of points about the pending amendment introduced by the Senator from West Virginia.

We have language in our resolution that authorizes the President to take action to protect the national security of the United States against the continuing threat from Iraq. I must say that in my opinion, and I ask the Senator for his reaction, the terms that the Senator from West Virginia has stated are literally being met now for this reason: As my friend from Arizona well knows, the Armed Forces of the United States are under direct attack from Iraq as they fly along with their British colleagues to enforce the no-fly zone.

Approximately 7,500 American men and women in uniform are dispatched there, costing the American taxpayer a billion or more dollars a year. This year alone, there have been more than 400 occasions on which Iraqi forces have fired at the Armed Forces of the United States.

Of course, I am opposed to this amendment, but I ask the Senator from Arizona if he would agree with me that there is a direct attack by Iraq going on right now, not on the United States or its possessions or territories

but on the Armed Forces of our country?

Mr. MCCAIN. I respond to my friend and say that, yes, if this amendment said a clear threat of imminent, sudden, or direct attack upon the Armed Forces of the United States, clearly that is the case. We saw it in the USS *Cole*. We saw it in the attacks on our embassies. We have seen it in many places.

If there has to be a clear threat of imminent, sudden, and direct attack upon the United States, its possessions, or territories, in all due respect, I think Saddam Hussein would be very pleased if we passed this kind of resolution because that would allow him to continue to build up his inventory, to build his weapons of mass destruction, perhaps acquire a missile with sufficient range to reach the United States, and only then could we respond. That is not what I think our responsibilities and duties are to the American people.

I am enjoying this debate. I think it is a good one. I look forward to hearing the next two speakers because both of them have played a very important and informative role, not only on the floor of the Senate but on talk shows and great programs throughout America, both written and in public.

In fact, some of them have been accused of what I have been accused of from time to time, and that is seeking a camera, which is, of course, never true of me or my two colleagues.

I certainly look forward to listening to their arguments. I think these next two speakers will contribute enormously to the debate. I think the American people, as well as our colleagues, will be better informed at the completion of their remarks.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for up to 45 minutes.

Mr. KERRY. Mr. President, I thank my good friend from Arizona for his introduction and for his generous comments about the role that Senator HAGEL and I have played.

My colleague, Senator HAGEL, and I share seats on the Foreign Relations Committee. We have both followed this issue for a long period of time.

Obviously, with respect to an issue that might take Americans to war, we deserve time, and there is no more important debate to be had on the floor of the Senate. It is in the greatest traditions of this institution, and I am proud to take part in that debate now.

This is a debate that should be conducted without regard to parties, to politics, to labels. It is a debate that has to come from the gut of each and every Member, and I am confident that it does. I know for Senator HAGEL, Senator MCCAIN, and myself, when we pick up the newspapers and read about the residuals of the Vietnam war, there is a particular sensitivity because I do not think any of us feel a residual with respect to the choices we are making now.

I know for myself back in that period of time, even as I protested the war, I wrote that if my Nation was again threatened and Americans made the decision we needed to defend ourselves, I would be among the first to put on a uniform again and go and do that.

We are facing a very different world today than we have ever faced before. September 11 changed a lot, but other things have changed: Globalization, technology, a smaller planet, the difficulties of radical fundamentalism, the crosscurrents of religion and politics. We are living in an age where the dangers are different and they require a different response, different thinking, and different approaches than we have applied in the past.

Most importantly, it is a time when international institutions must rise to the occasion and seek new authority and a new measure of respect.

In approaching the question of this resolution, I wish the timing were different. I wish for the sake of the country we were not here now at this moment. There are legitimate questions about that timing. But none of the underlying realities of the threat, none of the underlying realities of the choices we face are altered because they are, in fact, the same as they were in 1991 when we discovered those weapons when the teams went in, and in 1998 when the teams were kicked out.

With respect to Saddam Hussein and the threat he presents, we must ask ourselves a simple question: Why? Why is Saddam Hussein pursuing weapons that most nations have agreed to limit or give up? Why is Saddam Hussein guilty of breaking his own cease-fire agreement with the international community? Why is Saddam Hussein attempting to develop nuclear weapons when most nations don't even try, and responsible nations that have them attempt to limit their potential for disaster? Why did Saddam Hussein threaten and provoke? Why does he develop missiles that exceed allowable limits? Why did Saddam Hussein lie and deceive the inspection teams previously? Why did Saddam Hussein not account for all of the weapons of mass destruction which UNSCOM identified? Why is he seeking to develop unmanned airborne vehicles for delivery of biological agents?

Does he do all of these things because he wants to live by international standards of behavior? Because he respects international law? Because he is a nice guy underneath it all and the world should trust him?

It would be naive to the point of grave danger not to believe that, left to his own devices, Saddam Hussein will provoke, misjudge, or stumble into a future, more dangerous confrontation with the civilized world. He has as much as promised it. He has already created a stunning track record of miscalculation. He miscalculated an 8-year war with Iran. He miscalculated the invasion of Kuwait. He miscalculated America's responses to it. He miscalcu-

lated the result of setting oil rigs on fire. He miscalculated the impact of sending Scuds into Israel. He miscalculated his own military might. He miscalculated the Arab world's response to his plight. He miscalculated in attempting an assassination of a former President of the United States. And he is miscalculating now America's judgments about his miscalculations.

All those miscalculations are compounded by the rest of history. A brutal, oppressive dictator, guilty of personally murdering and condoning murder and torture, grotesque violence against women, execution of political opponents, a war criminal who used chemical weapons against another nation and, of course, as we know, against his own people, the Kurds. He has diverted funds from the Oil-for-Food program, intended by the international community to go to his own people. He has supported and harbored terrorist groups, particularly radical Palestinian groups such as Abu Nidal, and he has given money to families of suicide murderers in Israel.

I mention these not because they are a cause to go to war in and of themselves, as the President previously suggested, but because they tell a lot about the threat of the weapons of mass destruction and the nature of this man. We should not go to war because these things are in his past, but we should be prepared to go to war because of what they tell us about the future. It is the total of all of these acts that provided the foundation for the world's determination in 1991 at the end of the gulf war that Saddam Hussein must:

... unconditionally accept the destruction, removal, or rendering harmless under international supervision of his chemical and biological weapons and ballistic missile delivery systems . . . [and] unconditionally agree not to acquire or develop nuclear weapons or nuclear weapon-usable material.

Saddam Hussein signed that agreement. Saddam Hussein is in office today because of that agreement. It is the only reason he survived in 1991. In 1991, the world collectively made a judgment that this man should not have weapons of mass destruction. And we are here today in the year 2002 with an uninspected 4-year interval during which time we know through intelligence he not only has kept them, but he continues to grow them.

I believe the record of Saddam Hussein's ruthless, reckless breach of international values and standards of behavior which is at the core of the cease-fire agreement, with no reach, no stretch, is cause enough for the world community to hold him accountable by use of force, if necessary. The threat of Saddam Hussein with weapons of mass destruction is real, but as I said, it is not new. It has been with us since the end of that war, and particularly in the last 4 years we know after Operation Desert Fox failed to force him to re-accept them, that he has continued to build those weapons.

He has had a free hand for 4 years to reconstitute these weapons, allowing the world, during the interval, to lose the focus we had on weapons of mass destruction and the issue of proliferation.

The Senate worked to urge action in early 1998. I joined with Senator MCCAIN, Senator HAGEL, and other Senators, in a resolution urging the President to "take all necessary and appropriate actions to respond to the threat posed by Iraq's refusal to end his weapons of mass destruction program." That was 1998 that we thought we needed a more serious response.

Later in the year, Congress enacted legislation declaring Iraq in material, unacceptable breach of its disarmament obligations and urging the President to take appropriate action to bring Iraq into compliance. In fact, had we done so, President Bush could well have taken his office, backed by our sense of urgency about holding Saddam Hussein accountable and, with an international United Nations, backed a multilateral stamp of approval record on a clear demand for the disarmament of Saddam Hussein's Iraq. We could have had that and we would not be here debating this today. But the administration missed an opportunity 2 years ago and particularly a year ago after September 11. They regrettably, and even clumsily, complicated their own case. The events of September 11 created new understanding of the terrorist threat and the degree to which every nation is vulnerable.

That understanding enabled the administration to form a broad and impressive coalition against terrorism. Had the administration tried then to capitalize on this unity of spirit to build a coalition to disarm Iraq, we would not be here in the pressing days before an election, late in this year, debating this now. The administration's decision to engage on this issue now, rather than a year ago or earlier, and the manner in which it has engaged, has politicized and complicated the national debate and raised questions about the credibility of their case.

By beginning its public discourse with talk of invasion and regime change, the administration raised doubts about their bona fides on the most legitimate justification for war—that in the post-September 11 world the unrestrained threat of weapons of mass destruction in the hands of Saddam Hussein is unacceptable, and his refusal to allow U.N. inspectors to return was in blatant violation of the 1991 cease-fire agreement that left him in power. By casting about in an unfocused, undisciplined, overly public, internal debate for a rationale for war, the administration complicated their case, confused the American public, and compromised America's credibility in the eyes of the world community. By engaging in hasty war talk rather than focusing on the central issue of Iraq's weapons of mass destruction, the administration placed doubts in the

minds of potential allies, particularly in the Middle East, where managing the Arab street is difficult at best.

Against this disarray, it is not surprising that tough questions began to be asked and critics began to emerge.

Indeed over the course of the last 6 weeks some of the strongest and most thoughtful questioning of our Nation's Iraq policy has come from what some observers would say are unlikely sources: Senators like CHUCK HAGEL and DICK LUGAR, former Bush Administration national security experts including Brent Scowcroft and James Baker, and distinguished military voices including General Shalikashvili. They are asking the tough questions which must be answered before—and not after—you commit a nation to a course that may well lead to war. They know from their years of experience, whether on the battlefield as soldiers, in the Senate, or at the highest levels of public diplomacy, that you build the consent of the American people to sustain military confrontation by asking questions, not avoiding them. Criticism and questions do not reflect a lack of patriotism—they demonstrate the strength and core values of our American democracy.

It is love of country, and it is defined by defense of those policies that protect and defend our country.

Writing in the *New York Times* in early September, I argued that the American people would never accept the legitimacy of this war or give their consent to it unless the administration first presented detailed evidence of the threat of Iraq's weapons of mass destruction and proved that it had exhausted all other options to protect our national security. I laid out a series of steps that the administration must take for the legitimacy of our cause and our ultimate success in Iraq—seek the advice and approval of Congress after laying out the evidence and making the case, and work with our allies to seek full enforcement of the existing cease-fire agreement while simultaneously offering Iraq a clear ultimatum: accept rigorous inspections without negotiation or compromise and without condition.

Those of us who have offered questions and criticisms—and there are many in this body and beyond—can take heart in the fact that those questions and those criticisms have had an impact on the debate. They have changed how we may or may not deal with Iraq. The Bush administration began talking about Iraq by suggesting that congressional consultation and authorization for the use of force were not needed. Now they are consulting with Congress and seeking our authorization. The administration began this process walking down a path of unilateralism. Today they acknowledge that while we reserve the right to act alone, it is better to act with allies. The administration which once seemed entirely disengaged from the United Nations ultimately went to the United

Nations and began building international consensus to hold Saddam Hussein accountable. The administration began this process suggesting that the United States might well go to war over Saddam Hussein's failure to return Kuwaiti property. Last week the Secretary of State and on Monday night the President made clear we would go to war only to disarm Iraq.

The administration began discussion of Iraq by almost belittling the importance of arms inspections. Today the administration has refocused their aim and made clear we are not in an arbitrary conflict with one of the world's many dictators, but a conflict with a dictator whom the international community left in power only because he agreed not to pursue weapons of mass destruction. That is why arms inspections—and I believe ultimately Saddam's unwillingness to submit to fail-safe inspections—is absolutely critical in building international support for our case to the world.

That is the way in which you make it clear to the world that we are contemplating war not for war's sake, and not to accomplish goals that don't meet international standards or muster with respect to national security, but because weapons inspections may be the ultimate enforcement mechanism, and that may be the way in which we ultimately protect ourselves.

I am pleased that the Bush administration has recognized the wisdom of shifting its approach on Iraq. That shift has made it possible, in my judgment, for the Senate to move forward with greater unity, having asked and begun to answer the questions that best defend our troops and protect our national security. The Senate can now make a determination about this resolution and, in this historic vote, help put our country and the world on a course to begin to answer one fundamental question—not whether to hold Saddam Hussein accountable, but how.

I have said publicly for years that weapons of mass destruction in the hands of Saddam Hussein pose a real and grave threat to our security and that of our allies in the Persian Gulf region. Saddam Hussein's record bears this out.

I have talked about that record. Iraq never fully accounted for the major gaps and inconsistencies in declarations provided to the inspectors of the pre-Gulf war weapons of mass destruction program, nor did the Iraq regime provide credible proof that it had completely destroyed its weapons and production infrastructure.

He has continually failed to meet the obligations imposed by the international community on Iraq at the end of the Persian Gulf the Iraqi regime provide credible proof war to declare and destroy its weapons of mass destruction and delivery systems and to forego the development of nuclear weapons. During the 7 years of weapons inspections, the Iraqi regime repeatedly frustrated the work of the

UNSCOM—Special Commission—inspectors, culminating in 1998 in their ouster. Even during the period of inspections, Iraq never fully accounted for major gaps and inconsistencies in declarations provided to the inspectors of its pre-gulf war WMD programs, nor did the Iraqi regime provide credible proof that it had completely destroyed its weapons stockpiles and production infrastructure.

It is clear that in the 4 years since the UNSCOM inspectors were forced out, Saddam Hussein has continued his quest for weapons of mass destruction. According to intelligence, Iraq has chemical and biological weapons as well as missiles with ranges in excess of the 150 kilometer restriction imposed by the United Nations in the ceasefire resolution. Although Iraq's chemical weapons capability was reduced during the UNSCOM inspections, Iraq has maintained its chemical weapons effort over the last 4 years. Evidence suggests that it has begun renewed production of chemical warfare agents, probably including mustard gas, sarin, cyclosarin, and VX. Intelligence reports show that Iraq has invested more heavily in its biological weapons programs over the 4 years, with the result that all key aspects of this program—R&D, production and weaponization—are active. Most elements of the program are larger and more advanced than they were before the gulf war. Iraq has some lethal and incapacitating agents and is capable of quickly producing and weaponizing a variety of such agents, including anthrax, for delivery on a range of vehicles such as bombs, missiles, aerial sprayers, and covert operatives which could bring them to the United States homeland. Since inspectors left, the Iraqi regime has energized its missile program, probably now consisting of a few dozen Scud-type missiles with ranges of 650 to 900 kilometers that could hit Israel, Saudi Arabia and other U.S. allies in the region. In addition, Iraq is developing unmanned aerial vehicles UAVs, capable of delivering chemical and biological warfare agents, which could threaten Iraq's neighbors as well as American forces in the Persian Gulf.

Prior to the gulf war, Iraq had an advance nuclear weapons development program. Although UNSCOM and IAEA International Atomic Energy Agency inspectors learned much about Iraq's efforts in this area, Iraq has failed to provide complete information on all aspects of its program. Iraq has maintained its nuclear scientists and technicians as well as sufficient dual-use manufacturing capability to support a reconstituted nuclear weapons program. Iraqi defectors who once worked for Iraq's nuclear weapons establishment have reportedly told American officials that acquiring nuclear weapons is a top priority for Saddam Hussein's regime.

According to the CIA's report, all U.S. intelligence experts agree that Iraq is seeking nuclear weapons. There

is little question that Saddam Hussein wants to develop nuclear weapons. The more difficult question to answer is when Iraq could actually achieve this goal. That depends on its ability to acquire weapons-grade fissile material. If Iraq could acquire this material from abroad, the CIA estimates that it could have a nuclear weapon within 1 year.

Absent a foreign supplier, it might be longer. There is no question that Saddam Hussein represents a threat. I have heard even my colleagues who oppose the President's resolution say we have to hold Saddam Hussein accountable. They also say we have to force the inspections. And to force the inspections, you have to be prepared to use force.

So the issue is not over the question of whether or not the threat is real, or whether or not people agree there is a threat. It is over what means we will take, and when, in order to try to eliminate it.

The reason for going to war, if we must fight, is not because Saddam Hussein has failed to deliver gulf war prisoners or Kuwaiti property. As much as we decry the way he has treated his people, regime change alone is not a sufficient reason for going to war, as desirable as it is to change the regime.

Regime change has been an American policy under the Clinton administration, and it is the current policy. I support the policy. But regime change in and of itself is not sufficient justification for going to war—particularly unilaterally—unless regime change is the only way to disarm Iraq of the weapons of mass destruction pursuant to the United Nations resolution.

As bad as he is, Saddam Hussein, the dictator, is not the cause of war. Saddam Hussein sitting in Baghdad with an arsenal of weapons of mass destruction is a different matter.

In the wake of September 11, who among us can say, with any certainty, to anybody, that those weapons might not be used against our troops or against allies in the region? Who can say that this master of miscalculation will not develop a weapon of mass destruction even greater—a nuclear weapon—then reinvade Kuwait, push the Kurds out, attack Israel, any number of scenarios to try to further his ambitions to be the pan-Arab leader or simply to confront in the region, and once again miscalculate the response, to believe he is stronger because he has those weapons?

And while the administration has failed to provide any direct link between Iraq and the events of September 11, can we afford to ignore the possibility that Saddam Hussein might accidentally, as well as purposely, allow those weapons to slide off to one group or other in a region where weapons are the currency of trade? How do we leave that to chance?

That is why the enforcement mechanism through the United Nations and the reality of the potential of the use of force is so critical to achieve the

protection of long-term interests, not just of the United States but of the world, to understand that the dynamic has changed, that we are living in a different status today, that we cannot sit by and be as complacent or even negligent about weapons of mass destruction and proliferation as we have been in the past.

The Iraqi regime's record over the decade leaves little doubt that Saddam Hussein wants to retain his arsenal of weapons of mass destruction and, obviously, as we have said, grow it. These weapons represent an unacceptable threat.

I want to underscore that this administration began this debate with a resolution that granted exceedingly broad authority to the President to use force. I regret that some in the Congress rushed so quickly to support it. I would have opposed it. It gave the President the authority to use force not only to enforce all of the U.N. resolutions as a cause of war, but also to produce regime change in Iraq, and to restore international peace and security in the Persian Gulf region. It made no mention of the President's efforts at the United Nations or the need to build multilateral support for whatever course of action we ultimately would take.

I am pleased that our pressure, and the questions we have asked, and the criticisms that have been raised publicly, the debate in our democracy has pushed this administration to adopt important changes, both in language as well as in the promises that they make.

The revised White House text, which we will vote on, limits the grant of authority to the President to the use of force only with respect to Iraq. It does not empower him to use force throughout the Persian Gulf region. It authorizes the President to use Armed Forces to defend the "national security" of the United States—a power most of us believe he already has under the Constitution as Commander in Chief. And it empowers him to enforce all "relevant" Security Council resolutions related to Iraq. None of those resolutions or, for that matter, any of the other Security Council resolutions demanding Iraqi compliance with its international obligations, calls for a regime change.

In recent days, the administration has gone further. They are defining what "relevant" U.N. Security Council resolutions mean. When Secretary Powell testified before our committee, the Foreign Relations Committee, on September 26, he was asked what specific U.N. Security Council resolutions the United States would go to war to enforce. His response was clear: the resolutions dealing with weapons of mass destruction and the disarmament of Iraq. In fact, when asked about compliance with other U.N. resolutions which do not deal with weapons of mass destruction, the Secretary said:

The President has not linked authority to go to war to any of those elements.

When asked why the resolution sent by the President to Congress requested authority to enforce all the resolutions with which Iraq had not complied, the Secretary told the committee:

That's the way the resolution is currently worded, but we all know, I think, that the major problem, the offense, what the President is focused on and the danger to us and to the world are the weapons of mass destruction.

In his speech on Monday night, President Bush confirmed what Secretary Powell told the committee. In the clearest presentation to date, the President laid out a strong, comprehensive, and compelling argument why Iraq's weapons of mass destruction programs are a threat to the United States and the international community. The President said:

Saddam Hussein must disarm himself, or, for the sake of peace, we will lead a coalition to disarm him.

This statement left no doubt that the *casus belli* for the United States will be Iraq's failure to rid itself of weapons of mass destruction.

I would have preferred that the President agree to the approach drafted by Senators BIDEN and LUGAR because that resolution would authorize the use of force for the explicit purpose of disarming Iraq and countering the threat posed by Iraq's weapons of mass destruction.

The Biden-Lugar resolution also acknowledges the importance of the President's efforts at the United Nations. It would require the President, before exercising the authority granted in the resolution, to send a determination to Congress that the United States tried to seek a new Security Council resolution or that the threat posed by Iraq's WMD is so great he must act absent a new resolution—a power, incidentally, that the President of the United States always has.

I believe this approach would have provided greater clarity to the American people about the reason for going to war and the specific grant of authority. I think it would have been a better way to do this. But it does not change the bottom line of what we are voting for.

The administration, unwisely, in my view, rejected the Biden-Lugar approach. But, perhaps as a nod to the sponsors, it did agree to a determination requirement on the status of its efforts at the United Nations. That is now embodied in the White House text.

The President has challenged the United Nations, as he should, and as all of us in the Senate should, to enforce its own resolutions vis-a-vis Iraq. And his administration is now working aggressively with the Perm 5 members on the Security Council to reach a consensus. As he told the American people Monday night:

America wants the U.N. to be an effective organization that helps keep the peace. And that is why we are urging the Security Council to adopt a new resolution setting out tough, immediate requirements.

Because of my concerns, and because of the need to understand, with clarity, what this resolution meant, I traveled to New York a week ago. I met with members of the Security Council and came away with a conviction that they will indeed move to enforce, that they understand the need to enforce, if Saddam Hussein does not fulfill his obligation to disarm.

And I believe they made it clear that if the United States operates through the U.N., and through the Security Council, they—all of them—will also bear responsibility for the aftermath of rebuilding Iraq and for the joint efforts to do what we need to do as a consequence of that enforcement.

I talked to Secretary General Kofi Annan at the end of last week and again felt a reiteration of the seriousness with which the United Nations takes this and that they will respond.

If the President arbitrarily walks away from this course of action—without good cause or reason—the legitimacy of any subsequent action by the United States against Iraq will be challenged by the American people and the international community. And I would vigorously oppose the President doing so.

When I vote to give the President of the United States the authority to use force, if necessary, to disarm Saddam Hussein, it is because I believe that a deadly arsenal of weapons of mass destruction in his hands is a threat, and a grave threat, to our security and that of our allies in the Persian Gulf region. I will vote yes because I believe it is the best way to hold Saddam Hussein accountable. And the administration, I believe, is now committed to a recognition that war must be the last option to address this threat, not the first, and that we must act in concert with allies around the globe to make the world's case against Saddam Hussein.

As the President made clear earlier this week, "Approving this resolution does not mean that military action is imminent or unavoidable." It means "America speaks with one voice."

Let me be clear, the vote I will give to the President is for one reason and one reason only: To disarm Iraq of weapons of mass destruction, if we cannot accomplish that objective through new, tough weapons inspections in joint concert with our allies.

In giving the President this authority, I expect him to fulfill the commitments he has made to the American people in recent days—to work with the United Nations Security Council to adopt a new resolution setting out tough and immediate inspection requirements, and to act with our allies at our side if we have to disarm Saddam Hussein by force. If he fails to do so, I will be among the first to speak out.

If we do wind up going to war with Iraq, it is imperative that we do so with others in the international community, unless there is a showing of a grave, imminent—and I emphasize

"imminent"—threat to this country which requires the President to respond in a way that protects our immediate national security needs.

Prime Minister Tony Blair has recognized a similar need to distinguish how we approach this. He has said that he believes we should move in concert with allies, and he has promised his own party that he will not do so otherwise. The administration may not be in the habit of building coalitions, but that is what they need to do. And it is what can be done. If we go it alone without reason, we risk inflaming an entire region, breeding a new generation of terrorists, a new cadre of anti-American zealots, and we will be less secure, not more secure, at the end of the day, even with Saddam Hussein disarmed.

Let there be no doubt or confusion about where we stand on this. I will support a multilateral effort to disarm him by force, if we ever exhaust those other options, as the President has promised, but I will not support a unilateral U.S. war against Iraq unless that threat is imminent and the multilateral effort has not proven possible under any circumstances.

In voting to grant the President the authority, I am not giving him carte blanche to run roughshod over every country that poses or may pose some kind of potential threat to the United States. Every nation has the right to act preemptively, if it faces an imminent and grave threat, for its self-defense under the standards of law. The threat we face today with Iraq does not meet that test yet. I emphasize "yet." Yes, it is grave because of the deadliness of Saddam Hussein's arsenal and the very high probability that he might use these weapons one day if not disarmed. But it is not imminent, and no one in the CIA, no intelligence briefing we have had suggests it is imminent. None of our intelligence reports suggest that he is about to launch an attack.

The argument for going to war against Iraq is rooted in enforcement of the international community's demand that he disarm. It is not rooted in the doctrine of preemption. Nor is the grant of authority in this resolution an acknowledgment that Congress accepts or agrees with the President's new strategic doctrine of preemption. Just the opposite. This resolution clearly limits the authority given to the President to use force in Iraq, and Iraq only, and for the specific purpose of defending the United States against the threat posed by Iraq and enforcing relevant Security Council resolutions.

The definition of purpose circumscribes the authority given to the President to the use of force to disarm Iraq because only Iraq's weapons of mass destruction meet the two criteria laid out in this resolution.

Congressional action on this resolution is not the end of our national debate on how best to disarm Iraq. Nor does it mean we have exhausted all of

our peaceful options to achieve this goal. There is much more to be done. The administration must continue its efforts to build support at the United Nations for a new, unfettered, unconditional weapons inspection regime. If we can eliminate the threat posed by Iraq's weapons of mass destruction through inspections, whenever, wherever, and however we want them, including in palaces—and I am highly skeptical, given the full record, given their past practices, that we can necessarily achieve that—then we have an obligation to try that as the first course of action before we expend American lives in any further effort.

American success in the Persian Gulf war was enhanced by the creation of an international coalition. Our coalition partners picked up the overwhelming burden of the cost of that war. It is imperative that the administration continue to work to multilateralize the current effort against Iraq. If the administration's initiatives at the United Nations are real and sincere, other nations are more likely to invest, to stand behind our efforts to force Iraq to disarm, be it through a new, rigorous, no-nonsense program of inspection, or if necessary, through the use of force. That is the best way to proceed.

The United States, without question, has the military power to enter this conflict unilaterally. But we do need friends. We need logistical support such as bases, command and control centers, overflight rights from allies in the region. And most importantly, we need to be able to successfully wage the war on terror simultaneously. That war on terror depends more than anything else on the sharing of intelligence. That sharing of intelligence depends more than anything else on the cooperation of countries in the region. If we disrupt that, we could disrupt the possibilities of the capacity of that war to be most effectively waged.

I believe the support from the region will come only if they are convinced of the credibility of our arguments and the legitimacy of our mission. The United Nations never has veto power over any measure the United States needs to take to protect our national security. But it is in our interest to try to act with our allies, if at all possible. And that should be because the burden of eliminating the threat posed by weapons of mass destruction should not be ours alone. It should not be the American people's alone.

If in the end these efforts fail, and if in the end we are at war, we will have an obligation, ultimately, to the Iraqi people with whom we are not at war. This is a war against a regime, mostly one man. So other nations in the region and all of us will need to help create an Iraq that is a place and a force for stability and openness in the region. That effort is going to be long term, costly, and not without difficulty, given Iraq's ethnic and religious divisions and history of domestic turbulence. In Afghanistan, the administration has given more lipservice

than resources to the rebuilding effort. We cannot allow that to happen in Iraq, and we must be prepared to stay the course over however many years it takes to do it right.

The challenge is great: An administration which made nation building a dirty word needs to develop a comprehensive, Marshall-type plan, if it will meet the challenge. The President needs to give the American people a fairer and fuller, clearer understanding of the magnitude and long-term financial cost of that effort.

The international community's support will be critical because we will not be able to rebuild Iraq singlehandedly. We will lack the credibility and the expertise and the capacity.

It is clear the Senate is about to give the President the authority he has requested sometime in the next days. Whether the President will have to use that authority depends ultimately on Saddam Hussein. Saddam Hussein has a choice: He can continue to defy the international community, or he can fulfill his longstanding obligations to disarm. He is the person who has brought the world to this brink of confrontation. He is the dictator who can end the stalemate simply by following the terms of the agreement which left him in power.

By standing with the President, Congress would demonstrate our Nation is united in its determination to take away that arsenal, and we are affirming the President's right and responsibility to keep the American people safe. One of the lessons I learned from fighting in a very different war, at a different time, is we need the consent of the American people for our mission to be legitimate and sustainable. I do know what it means, as does Senator HAGEL, to fight in a war where that consent is lost, where allies are in short supply, where conditions are hostile, and the mission is ill-defined.

That is why I believe so strongly before one American soldier steps foot on Iraqi soil, the American people must understand completely its urgency. They need to know we put our country in the position of ultimate strength and that we have no options, short of war, to eliminate a threat we could not tolerate.

I believe the work we have begun in this Senate, by offering questions, and not blind acquiescence, has helped put our Nation on a responsible course. It has succeeded, certainly, in putting Saddam Hussein on notice that he will be held accountable; but it also has put the administration on notice we will hold them accountable for the means by which we do this.

It is through constant questioning we will stay the course, and that is a course that will ultimately defend our troops and protect our national security.

President Kennedy faced a similar difficult challenge in the days of the Cuban missile crisis. He decided not to proceed, I might add, preemptively. He

decided to show the evidence and proceeded through the international institutions. He said at the time:

The path we have chosen is full of hazards, as all paths are . . . The cost of freedom is always high, but Americans have always paid it. And one path we shall never choose, and that is the path of surrender, or submission.

So I believe the Senate will make it clear, and the country will make it clear, that we will not be blackmailed or extorted by these weapons, and we will not permit the United Nations—an institution we have worked hard to nurture and create—to simply be ignored by this dictator.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). Under the previous order, the Senator from Nebraska is recognized.

Mr. HAGEL. Madam President, the Senate is, by design, a deliberative institution. Over this past week, we have witnessed thoughtful debate and commentary on how to meet the challenge of Saddam Hussein's Iraq. Ours is not an academic exercise; debate informs our decision whether to authorize the President to use force if necessary to enforce U.N. Security Council resolutions dealing with Iraqi disarmament.

There are no easy answers in Iraq. The decision to commit our troops to war is the most difficult decision Members of Congress make. Each course of action we consider in Iraq leads us into imperfect, dangerous, and unknown situations. But we cannot avoid decision on Iraq. The President cannot avoid decision on Iraq. The risks of inaction are too high. We are elected to solve problems, not just debate them. The time has come to chart a new course in Iraq and in the Middle East.

History informs our debate and our decisions. We know tyranny cannot be appeased. We also know our power and influence are enhanced by both a nobility of purpose and the support of allies and institutions that reinforce an international commitment to peace and prosperity. We know war has its own dynamic, that it favors neither ideology, nor democracy, nor tyranny, that men and women die, and that nations and individuals who know war are never again the same.

President Bush has rightly brought the case against Iraq back before the United Nations. Our problems with Iraq, as well as terrorism and the worldwide proliferation of weapons of mass destruction, are not America's alone. Israel, Iran, Turkey, Saudi Arabia, Kuwait, Iraq's own Kurdish population, and other nations and peoples are on the front lines of Saddam Hussein's ambitions for weapons of mass death.

The United Nations, with American leadership, must act decisively to end Saddam Hussein's decade-long violations of U.N. Security Council resolutions.

America's best case for the possible use of force against Iraq rests with the

American and international commitment to enforcing Iraq's disarmament. The diplomatic process is not easy, and we face the competing interests and demands of Russia, France, China, and others, whose interests in Iraq may not always be the same as ours. A regional and international coalition is essential for creating the political environment that will be required for any action we take in Iraq, and especially for how we sustain a democratic transition in a post-Saddam Iraq. We cannot do it alone.

America—including the Congress—and the world, must speak with one voice about Iraqi disarmament, as it must continue to do so in the war on terrorism.

Because the stakes are so high, America must be careful with her rhetoric and mindful of how others perceive her intentions. Actions in Iraq must come in the context of an American-led, multilateral approach to disarmament, not as the first case for a new American doctrine involving the preemptive use of force. America's challenge in this new century will be to strengthen its relationships around the world while leading the world in our war on terrorism, for it is the success of the first challenge that will determine the success of the second. We should not mistake our foreign policy priorities for ideology in a rush to proclaim a new doctrine in world affairs. America must understand it cannot alone win a war against terrorism. It will require allies, friends, and partners.

American leadership in the world will be further defined by our actions in Iraq and the Middle East. What begins in Iraq will not end in Iraq. There will be other "Iraqs." There will be continued acts of terrorism, proliferating powers, and regional conflicts. If we do it right and lead through the U.N., in concert with our allies, we can set a new standard for American leadership and international cooperation. The perception of American power is power, and how our power is perceived can either magnify or diminish our influence in the world. The Senate has a constitutional responsibility and an institutional obligation in this effort.

Federalist Paper No. 63 specifically notes the responsibilities of the Senate in foreign affairs as follows:

An attention to the judgment of other nations is important to every government for two reasons: The one is that independently of the merits of any particular plan or measure, it is desirable, on various accounts, that it should appear to other nations as the offspring of a wise and honorable policy; the second is that, in doubtful cases, particularly where the national councils may be warped by some strong passion or momentary interest, the presumed or known opinion of the impartial world may be the best guide that can always be followed. What has not America lost by her want of character with foreign nations and how many errors and follies would she not have avoided, if the justice and propriety of her measures had, in every instance, been previously tried by the light in which they would probably appear to the unbiased part of mankind?

Remarkable words. The resolution before us today should be tried in that same light as the Federalist Papers points out. The original resolution proposed by the Bush administration, S.J. Res. 45, would have been a setback for this institution. It did not reflect the best democratic traditions of either Congressional-Executive relations, or the conduct of American foreign policy.

S.J. Res. 46, sponsored by Senators LIEBERMAN, WARNER, MCCAIN, and BAYH, is a far more responsible and accountable document than the one we started with 3 weeks ago. I congratulate my colleagues, especially Senators LUGAR, BIDEN, and DASCHLE, and the four sponsors of this resolution, for their efforts and leadership in getting it to this point.

S.J. Res. 46 narrows the authorization for the use of force to all relevant U.N. resolutions regarding Iraq, and to defending our national interests against the threats posed by Iraq. It includes support for U.S. diplomatic efforts at the U.N.; a requirement that, before taking action, the President formally determines that diplomatic or other peaceful means will not be adequate in meeting our objectives; reference to the war powers resolution requirements; and periodic reports to Congress that include those actions described in the section of the Iraq Liberation Act of 1998 regarding assistance and support for Iraq upon replacement of Saddam Hussein. This resolution recognizes Congress as a coequal partner in dealing with the threat from Saddam Hussein's Iraq.

If disarmament in Iraq requires the use of force, we need to consider carefully the implications and consequences of our actions. The future of Iraq after Saddam Hussein is also an open question. Some of my colleagues and some American analysts now speak authoritatively of Sunnis, Shiites, and Kurds in Iraq, and how Iraq can be a test case for democracy in the Arab world.

How many of us really know and understand much about Iraq, the country, the history, the people, the role in the Arab world? I approach the issue of post-Saddam Iraq and the future of democracy and stability in the Middle East with more caution, realism, and a bit more humility. While the people of the Arab world need no education from America about Saddam's record of deceit, aggression, and brutality, and while many of them may respect and desire the freedoms the American model offers, imposing democracy through force in Iraq is a roll of the dice. A democratic effort cannot be maintained without building durable Iraqi political institutions and developing a regional and international commitment to Iraq's reconstruction. No small task.

To succeed, our commitment must extend beyond the day after to the months and years after Saddam is gone. The American people must be

told of this long-term commitment, risk, and costs of this undertaking.

We should not be seduced by the expectations of "dancing in the streets" after Saddam's regime has fallen, the kites, the candy, and cheering crowds we expect to greet our troops, but instead, focus on the great challenges ahead, the commitment and resources that will be needed to ensure a democratic transition in Iraq and a more stable and peaceful Middle East. +We should spend more time debating the cost and extent of this commitment, the risks we may face in military engagement with Iraq, the implications of the precedent of United States military action for regime change, and the likely character and challenges of a post-Saddam Iraq. We have heard precious little from the President, his team, as well as from this Congress, with a few notable exceptions, about these most difficult and critical questions.

We need only look to Afghanistan where the Afghan people joyously welcomed our liberation force but, months later, a fragile transition government grapples with rebuilding a fractured political culture, economy, and country.

However, Iraq, because of its resources, geography, capabilities, history, and people, offers even more complications and greater peril and, yes, greater opportunities and greater promise. This is the vast unknown, the heavy burden that lies ahead.

The Senate should not cast a vote in the hopes of putting Iraq behind us so we can get back to our campaigns or move on to other issues next year. The decision to possibly commit a nation to war cannot and should not ever be considered in the context of either party loyalty or campaign politics. I regret that this vote will take place under the cloud and pressure of elections next month. Some are already using the Iraq issue to gain advantage in political campaigns. It might have been better for our vote to have been delayed until after the elections, as it was in 1990. Authorizing the use of force against Iraq or any country for any purpose should always be weighed on its own merits, not with an eye on the politics of the vote or campaign TV spots. War is too serious, the human price too high, and the implications unforeseen.

While I cannot predict the future, I believe that what we decide in this Chamber this week will influence America's security and role in the world for the coming decades. It will serve as the framework, both intentionally and unintentionally, for the future. It will set in motion a series of actions and events that we cannot now understand or control.

In authorizing the use of force against Iraq, we are at the beginning of a road that has no clear end. The votes in Congress this week are votes for an intensification of engagement with Iraq and the Middle East, a world of

which we know very little and whose destiny will now be directly tied to ours.

America cannot trade a new focus on Iraq for a lesser effort in the Israeli-Palestinian conflict. The bloodshed between Israel and the Palestinians continues, and the danger mounts. Stability in Afghanistan is not assured. We must carry through with our commitment. Stability in this region depends on it. America's credibility is at stake, and long-term stability in central and South Asia hangs in the balance.

We must also continue to pay close attention to North Korea where there is no guesswork about nuclear weapons. There on the Korean peninsula reside nuclear weapons, ballistic missiles, and 37,000 American troops. Despite setting the right course for disarmament in Iraq, the administration has yet to define an end game in Iraq or explain the extent of the American commitment if regime change is required, or describe how our actions in Iraq might affect our other many interests and commitments around the world.

I share the hope of a better world without Saddam Hussein, but we do not really know if our intervention in Iraq will lead to democracy in either Iraq or elsewhere in the Arab world. America has continued to take on large, complicated, and expensive responsibilities that will place heavy burdens on all of us over the next generation. It may well be necessary, but Americans should understand the extent of this burden and what may be required to pay for it and support it in both American blood and trade.

As the Congress votes on this resolution, we must understand that we have not put Iraqi issues behind us. This is just the beginning. The risks should not be understated, miscast, or misunderstood. Ours is a path of both peril and opportunity with many detours and no shortcuts.

We in the Congress are men and women of many parts. For me, it is the present-day Senator, the former soldier, or concerned father who guides my judgment and ultimate vote? It is pieces of all, for I am pieces of all. The responsibilities of each lead me to support the Lieberman-McCain-Warner-Bayh resolution, for which I will vote.

In the end, each of us who has the high honor of holding public office has the burden and privilege of decision and responsibilities. It is a sacred trust we share with the public. We will be held accountable for our actions, as it must be.

Madam President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized for 20 minutes.

Mr. DODD. Madam President, before he departs the floor, I commend my colleague from Nebraska. I regret—it is late in the day, and I am sure there is

going to be more speechifying tomorrow on this subject matter—but I regret there were not more Members present to hear his comments.

Senator HAGEL is one of the most thoughtful Members of this body. When he talks about the sum of all our parts and talks about being a father and a soldier, it is always in our interest to listen to those who have worn the military uniform into combat when we debate the issues of war and peace because they know more than just intellectually and theoretically what the price can be.

I believe I should give my remarks because I have written these things out, but I can associate myself with the comments of my friend from Nebraska. He pretty much couches a lot of my thinking on how this has evolved, where we are, what we have come to this evening, the pace at which we are moving, the regrets I feel about how I wish this debate were being conducted under circumstances other than on the eve of an election in this country where already the campaign spots are running wildly one way or the other in terms of where people are. So I commend the Senator for his comments this afternoon on this subject matter.

I come this afternoon to speak about the subject which is on the minds not only of all of us but I think millions of our constituents across the country, the possibility of going to war against Iraq.

On Monday night, President Bush, I think, spoke for all of us. I know of no one who really disagrees at all. He described Saddam Hussein as a homicidal dictator who is addicted to weapons of mass destruction. It is that addiction that demands a strong response. We all agree on that. There is no question that Iraq possesses biological and chemical weapons and that he seeks to acquire additional weapons of mass destruction, including nuclear weapons. That is not in debate. I also agree with President Bush that Saddam Hussein is a threat to peace and must be disarmed, to quote President Bush directly. I suspect virtually every Member of this Chamber would not vary too much with those conclusions.

How imminent that threat is, unfortunately, has been extremely difficult to assess. This is because of a troubling new trend by the intelligence agencies to not just give us information and objective analysis but, in my opinion, too often to insert themselves into policymaking. That is not their job. It is not the job of the intelligence agencies to make policy. It is their job to provide others in the executive branch and the Congress with neutral information, with facts on which we will ultimately base our policy judgments.

This is a very troubling trend, in my view, which I believe ought to stop. If we are to go to war, it is even more important that we trust the information given by the intelligence agencies.

Nevertheless, this week we are debating because there are profound dis-

agreements over how, when, and with whom we should act to deal with the threat posed by Iraq.

To have a different answer to these questions than the President should not be considered unpatriotic or partisan. Unfortunately, that is the kind of rhetoric we are hearing too often today.

Let's be honest. We are less than 30 days out from a national congressional election in this country. That is never an easy time for the Congress and the executive branch to come together on much of anything, let alone the question of war and peace.

Some in this Chamber have said the eve of an election is in fact the best time for Members of Congress to make decisions such as these. I could not disagree more. As my good friend and colleague, Senator BYRD, has passionately reminded us every day this week, forcing a vote on this issue so close to an election will, whether we like it or not, embroil the issue in politics more than usual.

The campaign ads running across this country speak for themselves. Forcing Congress's hand on this important matter does a disservice, I believe, to the American public and to this most profound and serious debate. But now we have no choice but to consider the matter and to vote on the issues of this utmost gravity, the issues of war and peace and of life and death, for those who will engage in it.

The President has asked Congress to grant him the authority to use force against Iraq, if he deems it necessary, and Congress will provide the President with the authority to respond effectively to the threat posed by Iraq. But we will do so only after careful consideration of all of the stakes involved.

My colleagues, Senator BYRD, Senator KENNEDY, Senator LEVIN, and others, have done an outstanding job of highlighting their questions and concerns, reflecting the questions and concerns raised by millions of Americans across political and economic lines, across geographic lines in this country; questions and concerns regarding the use of force and the resolution the President originally sent to Congress, a number of these concerns which I think many of us share.

Many of us believe the language of the President's original request was too far reaching, empowering the President to use all means necessary that he would determine appropriate, including force, to restore peace and stability to the region. That was an open invitation for an American military involvement in the broad context of the Middle East. And the language was far too unilateral. It did not even mention a role for the United Nations or our allies.

Thanks to the efforts of our congressional leaders—and I commend specifically Senator DASCHLE and others—we now have a compromise resolution, a modified resolution, correcting many of the evident flaws in the initial resolution that was sent to us.

The resolution now before us is limited to Iraq, and it contemplates the possibility of resolving this threat peacefully through the use of diplomacy. It also acknowledges the importance of maintaining our focus on our continuing war on terrorism as we consider what action to take in Iraq.

Despite these changes, of course, questions do remain. First and foremost, will the President use the authority granted by Congress to go it alone? Or will he take the time to build the international coalition that the overwhelming majority of Americans believe is the better course of action to follow?

If he chooses to go it alone, I believe that will be a terrible mistake, and I think millions of others in this country do as well. Given the geography and the politics of the region in the Middle East, I do not see how the United States could engage Iraq militarily, without the help of others, without seriously undermining our chances of success. And it would be terribly destabilizing to the entire region.

There are many reasons for acting with international support.

I have already commended the President for his decision to look first to the United Nations to answer these questions. On September 12, speaking before the United Nations General Assembly, President Bush enumerated Iraq's repeated failures to meet its international obligations.

The U.N. has been a valued body for the last one-half of the 20th century. It has not always done what we wanted. It has not always acted deliberately. It has not always acted with the kind of force and direction that many of us wish it would have. But think what the world would have looked like over the last 50 years had there not been a United Nations to have a forum where the world gathers to try to resolve the many conflicts that confront us.

It has not served our interests well to have national leadership ridicule this institution. We are the founders, in many ways, of the U.N. system. It was the great leaders in the post-World War II period who insisted we try to frame an international body where we might resolve disputes other than going through what we did throughout World War II. My hope would be that as dark as these clouds may seem as we debate and consider the issue of Iraq, that this may be an opportunity for the institution of the United Nations to mature into the 21st century role it must if we are going to succeed in the efforts against terrorism, the efforts against Iraq or other problems that will emerge, without any question, in the coming years.

My hope will be that this U.N. will look at what we are doing, listen to what we are saying as one nation, and consider how important its role must be in the coming weeks and months. If there ever were a set of circumstances that justified U.N. action, I believe it is now on Iraq, without any question.

If the framework of international law, developed at the U.N. over the last 50 years to protect peace and security, is to stand, then the U.N. must act with leadership. It is my sincere hope that the President has the patience and staying power to make the U.N. work in support of our interests.

There is also no question that the President's speech, in which he called for a more engaged U.N., got Saddam Hussein's attention. Iraq quickly announced its willingness to permit weapons inspections beginning as early as the middle of October.

At the end of the day, I suspect Iraq will accept whatever terms are ultimately contained in a final version of the U.N. resolution now under consideration. To be credible, however, that resolution must have teeth. It must be enforceable, by military means, if necessary, should Iraq fail to comply with any new disarmament regime.

I also have questions about the ultimate goal of U.S. strategy, what it is and what it ought to be. Is it the destruction of Iraqi weapons of mass destruction or the Iraqi regime itself? Secretary of State Colin Powell was definitive before the Senate Foreign Relations Committee in saying—and I quote him—regime change for its own sake was not the administration's goal.

Specifically, he stated:

If Iraq was to disarm as a result of an inspection regime that gave us and the Security Council confidence that it had been disarmed, I think it unlikely that we would find a *casus belli*.

Many Members are still very concerned that President Bush has regime change on his mind. If anything, Monday night's speech clarified this position when he said that "regime change in Iraq is the only certain means of removing a great danger to our Nation."

I hope the President will heed the advice of his Secretary of State and keep our eye on the ball. Iraq's weapons of mass destruction should be our immediate threat or seen as our immediate threat, not some two-bit dictator that Saddam Hussein is. It is the weapons of mass destruction; but for those we would not be here debating or discussing the matter we are this evening.

Finally, I still have concerns about how the President intends to manage the war on terrorism if we confront Iraq militarily. September 11 revealed Saddam Hussein is not the only or perhaps even the greatest threat to our national security. Those who hold no allegiance to any state, who have no name or return address, are a far greater threat to America and the American way of life. As recent arrests in Buffalo, NY, and Portland, OR, remind us, these threats are not always in some distant land. The United States acting without global support could divert our military intelligence assets away from our global effort to combat terrorism and to uproot terrorist organizations. It could also weaken the multilateral coalition forged over the last 12 months to combat this international scourge.

I state for the record I do not hold some ironclad view that the United States should never use force or act alone. And I believe that the President of the United States already has the authority as Commander in Chief to deploy military force to protect America against all imminent threats. The pending resolution recognizes this reality. The fact is, unless force is a real option, our resolution will not have the credibility needed to, once and for all, get Saddam Hussein's full attention on this matter.

As I said earlier, I accept the proposition that we must deal with the Iraqi threat. I stand prepared, as almost all of our colleagues do, to support the unilateral use of force against Iraq but only if U.N. or other multinational efforts prove ineffective, or if Saddam Hussein is using them as a guise to rebuild his offensive weapons capabilities.

We still have time to do this right.

Mr. WARNER. At the appropriate time, could I pose a question on the United Nations to my colleague?

Mr. DODD. After I complete my remarks.

We still have time to do this right. We should have an opportunity to debate and vote on all meaningful alternatives to the pending resolution, regardless of parliamentary technicalities. For that reason, I join with my colleague, Senator BYRD, in opposing cloture when we vote on this issue tomorrow. I am not persuaded that the situation is so dire that a few more days or an additional week of deliberations at the U.N. will be harmful to our interests.

I have been in this body 22 years. The unique role of the Senate is the role of debate, unlimited debate. It is what makes us fundamentally different from the Chamber down the hall. If there are Members of this body who wish to be heard and wish to offer meaningful ideas to something as critical as this, then asking this body to take a few more days to weigh and discuss those matters ought not to be denied. We are invoking cloture too often. I know people are interested in efficiency, but if efficiency was the only goal of the Founding Fathers, they never would have created this body to begin with. They understood the importance of debate and discussion when a matter of this magnitude and this significance is before the American public.

I don't know how many others intend to support my colleague from West Virginia, but I do, not because I necessarily agree with him in his final conclusion, but I stand to defend his right to be heard and to see to it that he has the opportunity to exhaust his ideas, to share them not only with Senators but with the American people. I hope cloture will not necessarily be invoked prematurely.

Our own CIA Director states the likelihood of Iraq using weapons of mass destruction against the United States or passing them off to terrorists to do

so is currently long. The real risk emerges should Saddam Hussein believe an attack by the United States is imminent. That is according to press accounts today.

I hope the President does not see the passage of a resolution in the Congress as a termination state for his efforts at the United Nations but rather as a sign of unity and support of continued effort by the United States to elicit further action by the United Nations.

Senators BIDEN, LUGAR, Senator HAGEL and others crafted an approach to this issue that I found extremely constructive. I regret the administration did not endorse their ideas. This week's debate would be far less contentious had they done so. Their idea was, of course, to focus on the weapons of mass destruction, a multilateral force, unilateral action if the U.N. efforts or multilateral efforts failed and serious thoughts about what you do to win the peace after the conflict is over. That idea will not be offered as an alternative. I regret that is the case. It is an idea that I found potentially rather attractive.

Some very important elements of the Biden-Lugar draft resolution have been incorporated in the White House compromise language. I commend the White House, those that have been involved in crafting this resolution for including this language.

First in this resolution there is an acknowledgment of U.S. efforts within the United Nations Security Council to forge international agreement on a prompt and decisive strategy to compel Iraqi compliance and the explicit congressional endorsement of such evidence.

Second, the requirement that the President make several important determinations before exercising any military option; namely, "that further diplomatic or other peaceful means alone will not adequately protect the national security of the United States." And that our efforts to fight international terrorism will not be undermined by military action against Iraq. Those determinations are going to be extremely important.

Third, and most importantly, the narrowing of the President's authority to use force to specifically defend the national security of the United States against a threat posed by Iraq's possession of weapons of mass destruction. As I noted earlier, Secretary Colin Powell made it clear in testimony before the Senate and in remarks elsewhere, that it is Iraq's weapons of mass destruction that is the threat to our national security. If Iraq disarms or is disarmed, then the immediate threat to our security would evaporate and force would not be necessary. The benefits of that outcome should be obvious to all.

Finally, the new language recognizes the need to have in place an effective exit strategy should military force prove unavoidable. These changes in the original text of the resolution are extremely important. Without them, I

would not be able to consider support of this legislation.

Let me sum up where this Senator stands on this. I support Senator BYRD's motion because more time is needed. It is not a burden on this body to consider questions and to listen to Members. We should not be cut off in debate in being heard on a matter of this importance and significance. I regret Senators BIDEN and LUGAR and others have not moved forward with their proposal. It was the most comprehensive approach, in my view, to dealing with the questions of weapons of mass destruction, U.N. involvement in the aftermath of the conflict.

Third, I think every effort ought to be made to resolve this threat as peacefully as possible.

Fourth, that if military force becomes necessary, every effort must be made to do it multilaterally either through the U.N. or multilateral coalitions.

Fifth, I believe the more immediate threat is international terrorism, and that such a threat can only be contained through collective action.

Sixth, if we must act unilaterally, then the threat must be clear, grave, and imminent.

Last, in cases of preemptive action, we must be even more sure the threat is immediate and grave for the obvious reasons of setting precedent that other nations may model in conflicts that threaten everyone around the globe.

The context within which I deliberated over the difficult decision on how I would vote on this imperfect resolution has been hard, always being mindful of the dangers that could result from granting authority contained in this resolution. Ultimately, my main reason for supporting the resolution is that I believe the chances of avoiding war with Iraq are enhanced substantially if this country is united as a nation.

I know members of the United Nations Security Council are listening to this debate very intently and are going to watch this vote very carefully. American unity will strengthen, I believe, the President's hand in convincing members of the Security Council that the civilized world must act and must unite in its action.

Today, in joining with many of my colleagues in support of this resolution, I do so in the fervent hope that this show of unity in authorizing the President to use force will reduce the likelihood that force will ultimately be necessary.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Nevada is recognized.

Mr. WARNER. Mr. President, I see the distinguished assistant leader. I apologize to the Chair. I understand he has a unanimous consent request.

Mr. REID. Yes. Thank you. I know the Senator from Kansas is to be recognized next.

Mr. President, I ask unanimous consent that following the statement of

the Senator from Kansas, Mr. ROBERTS, that Senator DAYTON be recognized for 15 minutes; following that, Senator FRIST be recognized for 15 minutes; following Senator FRIST, Senator DOMENICI be recognized for 20 minutes; and, following that, Senator LEVIN be recognized for 30 minutes.

Mr. WARNER. Mr. President, there is no objection.

While the leader is in the Chamber—I had the opportunity to speak with the leader just a minute ago—the pending amendment is by the distinguished Senator from West Virginia, Mr. BYRD. I hope, in order to keep the momentum going on this bill, that we can move forward towards debate on that amendment and its terms such that, should there be those on our side who wish to table or otherwise move along—we have 13 amendments here, and a number of them have been determined by the Parliamentarian to be germane. Given cloture tomorrow, of which the assistant leader is familiar, I am just suggesting strongly that the Byrd amendment be the pending amendment.

Is there a possibility in the assistant leader's mind that we might address that amendment tonight by way of a vote?

Mr. REID. I will be speaking to Senator BYRD momentarily.

I also say—to make sure everyone understands—that the majority leader, after the last vote, announced that we are going to finish this legislation tomorrow. Tomorrow takes us into Friday morning. But he has indicated we are going to finish this. There is a lot of work to do. But it can be done—it will be done. There is no question but that we are going to do it. If any Senators are waiting around until next week to give their speech, there will be no next week.

Mr. WARNER. Mr. President, it is obvious to the leader, but the amendments, I respectfully say, are on his side of the aisle. Therefore, his assistance is vital in helping us move these amendments along so that they can be given a proper amount of consideration, and before they are acted upon by a vote, for those that require a vote.

Mr. REID. The reason we have two Republicans is in order to balance out the time. The Senator from Massachusetts spoke for longer than others have spoken.

Mr. WARNER. Mr. President, the distinguished Senator from Nevada, the assistant leader, has been eminently fair in working with Senator MCCAIN and myself in the management of this, as well as Senator LIEBERMAN who also has taken quite an active role in the management. I think we have had a good debate. The pending amendment laid down by the distinguished Senator from West Virginia is a matter that I think should be addressed as early as we can possibly arrange, and possibly dispose of it tonight, one way or the other, so that we can move on with this volume of some 13 amendments, many of which are germane.

Mr. REID. I will speak to Senator BYRD. Senator LIEBERMAN has an amendment on which he has talked for about a week or more. We will have to get consent to set Senator BYRD's amendment aside, or dispose of Senator BYRD's amendment prior to that time.

Mr. WARNER. Mr. President, I will work in consultation with leadership on that side.

Does the Senator think there is an option by which Senator LEVIN's amendment can be disposed of?

Mr. REID. Yes. He follows Senator DOMENICI.

Mr. WARNER. Just a rough calculation—would that be at approximately 8 o'clock?

Mr. REID. No. That will be approximately an hour from now, or an hour and twenty minutes from now. It would be about a quarter to 7.

Mr. WARNER. Give or take an hour here or there. Nevertheless, what the leader is indicating is that there is a possibility that amendment could be acted upon tonight by vote.

Mr. REID. Senator LEVIN has indicated he would like to dispose of that tonight.

Mr. WARNER. Once again, I think Senator LEVIN has several amendments. Do we know which one that might be in this batch of 13?

Mr. REID. It is the amendment he has spoken about for several days. I don't know how to identify it more than that. But it is the alternative—I think is a good way to put it—to the Lieberman amendment.

Mr. WARNER. Fine. Perhaps Senator LEVIN, through his staff or others, could indicate at the earliest possible time which of the several amendments it is so we can be prepared to reciprocate in an active debate and perhaps reach a conclusion.

Mr. President, I was going to direct a question to my colleague from Connecticut.

Mr. REID. Was the unanimous consent request agreed to?

The PRESIDING OFFICER. Without objection, the previous unanimous consent request is agreed to.

Mr. WARNER. Mr. President, I thank the leader for his assistance.

My respect for my colleague from Connecticut is predicated on many—

The PRESIDING OFFICER. The Chair reminds the distinguished Senator from Virginia that Senator ROBERTS is to speak next.

Mr. WARNER. That is right. We are trying to encourage some colloquy and questioning. I will not take a long time.

Mr. DODD. I will be brief in my answer.

Mr. WARNER. I thank the Senator. That will be a salutary moment. We will get quickly to it.

I read to my friend a quote by President John F. Kennedy in connection with the Cuban missile crisis of 1962:

This Nation is prepared to present its case against the Soviet threat to peace and our own proposal for a peaceful world, at any

time, in any forum, in the Organization of American States, in the United Nations, or in any other meeting that could be useful without limiting our freedom of action.

In looking at the amendments, certainly one of them proposed by the distinguished Senator from Michigan says very clearly that authorization for the use of armed forces is predicated on action by the United Nations. To me, that contravenes what President Kennedy laid down as a form of this.

Does the Senator think there is any basis for subordinating the right of our President to use the Armed Forces, if he deems it necessary, to action by the United Nations?

Mr. DODD. I do not know if my colleague was listening to my remarks.

Mr. WARNER. I listened very carefully.

Mr. DODD. I made the point. Certainly my point is that we should try to resolve this matter without conflict, if possible.

There was some confusion about that, when I listened to the Secretary of State and the President, as to whether it is regime change or weapons of mass destruction. There is a lot of confusion in the American public about that as well.

Let us assume they are going to come together and try to resolve that without any conflict. It ought to be done. I think the President's father did it well and right back in 1991 with a coalition. It worked better than imagined. It certainly set a precedent for how we are going to deal or should deal with matters in the future.

I have said the reason I am supporting the resolution is that I believe it will strengthen our hand at the United Nations to get them to act with some assertiveness. But I also have said, at the end of the day, if the security interests of the United States are in jeopardy and there is nothing else to be done in the United Nations, or if other coalitions would not support us, we will never leave the security of this country, this Nation, vulnerable and solely dependent upon the willingness of the international organizations to support us.

Mr. WARNER. I thank my colleague. I share that view. I say to my good friend that acting on it now and not further delaying, with this Chamber and that of the House of Representatives, hopefully, acting on identical language, can in a strong voice say to the United Nations that we stand four-square behind our President in his remarks and his request that the United Nations take strong action.

Mr. DODD. Let me respond very quickly on that.

I understand the management of bills here. I spent 9 days on election reform with 46 amendments; 100 were offered. I think election reform is a pretty important issue. But I don't think it is more important than the issue we are discussing today.

My point simply was to say, on matters such as this, that the role of the

Senate is so critically important and the Founders intended it to be such that if Members of this body, elected to this body, feel strongly and passionately about being heard on this matter and have ideas they wish to contribute to the debate, we ought to be most reluctant to deprive a Member of this body of the opportunity to be heard.

I understand the significance of moving quickly. But it is dangerous indeed on a matter of this gravity to curtail debate to merely try to get a resolution adopted quickly. I want to hear what my colleagues have to say. I know we are going to come to a conclusion on this fairly quickly. But to cut off debate prematurely I think would be a mistake.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I share that sentiment. But I remind my colleague, this Senator was privileged to be on the floor last Friday for 5 hours. You were present. You recall that debate. Senator KENNEDY was present. And Senator BYRD was most active. And again there was debate another 5 or 6 hours on Monday and Tuesday. So there has been adequate opportunity. And there remains opportunity for Senators to be heard. I hope we do not cut off any Senator from the opportunity to speak to this important matter.

I thank the Chair and yield the floor. I know another Senator is about to speak.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank my colleagues for their very learned colloquy to make sure all Senators have an opportunity to speak on this extremely important issue.

As we debate whether to authorize the President, basically, to use military force to remove Saddam Hussein from power and to neutralize his emerging weapons of mass destruction capability, I would like to offer several observations.

The first is that the United Nations, as an institution, has completely and unequivocally failed to disarm Iraq consistent with its own resolutions—the resolutions agreed to also by Saddam Hussein—following the Persian Gulf war of 1991. The key word here is to “disarm.”

During debate on this very crucial issue, I think we have concentrated too much on the concept of “inspections” and the possibility of trying to really somehow initiate a new inspections regime. As a matter of fact, if you read all of the newspaper accounts on this issue, and if you pay attention to the television, the radio, and the debate, it seems to me “inspections” becomes the key word. I don't think that is the case. The key issue is not inspections. The key issue is disarmament.

Again, both Iraq, under the heavy hand of Saddam Hussein, and the United Nations, have failed in the agreed-upon mandate to follow or take

action consistent with resolutions following the Persian Gulf war over a decade ago. And we are talking about actual, transparent, real—real—disarmament.

The second observation I would like to make is that one of the crucial reasons both Houses of Congress should support the Warner and the Lieberman resolution, on behalf of the President, as opposed to, I guess, 13 amendments we are going to be considering—and I do not challenge or wish to impugn any intent on the part of any Member who has an amendment on this important issue—but basically one of the crucial reasons we should really do our business and support this resolution is that it will, I think, strengthen the hand of Secretary of State Powell—he told that to us as of this week, both sides of the body—in his efforts to convince the U.N. Security Council to adopt new resolutions, resolutions whose goal would be to produce tangible—again, not inspections—but inspections that would lead to disarmament. There is always that hope, and, obviously, that would be the preferred outcome as opposed to military action.

So it seems to me that is the goal of the resolution we are now considering.

In that regard, let me stress that we should act prior—prior—to the U.N. deliberations. We should act first. We should act in concert. To tie the hands of this President, or any future President with regard to matters of vital national security interests where war or peace hang in the balance, to subject him to U.N. approval or action, will constrain the freedom of action on the part of the United States by the very countries that are now responsible for a decade of U.N.—U.N.—inaction and almost irrelevance.

Let us be realistic. Let us be realistic. Saddam Hussein has demonstrated ad nauseam over the last 10 years that he will never permit the removal or destruction of his weapons of mass destruction capability. Here is my personal view on this. He cannot, and he will not. Now, why?

They are the very source of his authority in Iraq as well as the Persian Gulf. All of his ambitions—I perceive that he perceives himself as perhaps the heir apparent or maybe even the reincarnation of King Nebbuchadnezzar, Pan-Arabia. He has demonstrated a willingness to use weapons of mass destruction both against his own countrymen and against other nations. He is a student and protege and follows the example of Stalin. And he rules by fear.

So wishful thinking aside—and I have wishful thinking—but wishful thinking aside, I do not believe he is ever going to give up and disarm—ever.

Third, any notion that the United States itself is off limits to a massive attack by groups that are cooperating with or supported by Baghdad should now be gone. It is called sanctuary for further terrorist attacks against our homeland. We are not off limits. We

are now terrorist targets, as proved by 9/11 and previous attacks.

Fourth, any notion that we have time left to coast along as governments in Iraq, Iran, or elsewhere continue to pursue their weapons of mass destruction programs with the possibility, if not intent, to distribute these technologies to fundamentalist terrorist cells should be gone as well.

I know, while "hard evidence" of an Iraqi role in the attacks of 9/11 may be hard to prove—the so-called smoking gun—I do not think we can afford to be naive. Particularly in the Middle East, terror groups and states work together when and where their interests are common. And their intent is the destruction of the United States, the murder of our citizens, and the elimination of our influence, real and perceived.

Just yesterday, in the continuing investigation of the September 11 attack, in an unclassified—let me stress, unclassified—and public hearing, I asked the panel of witnesses—the expert witnesses—what, after 9/11, still kept them up at night. And I asked them what policy drum they could or would beat to bring about a change in policy to safeguard our own country.

The answer was to take away the terrorists' sanctuary; that we mistakenly think that if we can only bring bin Laden to justice, render the al-Qaida harmless, then we can somehow go back to business as usual.

That simply is not the case. I think an error is being made in the debate on this most important topic when we say, now, on one hand, if we do not take action in regard to Iraq we can then continue the war against terrorism. The action against Iraq is to prevent further sanctuary for terrorism. It is inseparable.

The stark fact of the matter is that danger of another terrorist attack on this country is still not a matter of if, it is a matter of when. The distinguished then-chairman of the Armed Services Committee, Senator WARNER, remembers full well creating a subcommittee called the Subcommittee on Emerging Threats. Three years ago we predicted this would happen, citing past attacks. It is not a matter of if, but when. That condition still exists today. It is transnational in terms of the threat. It involves many terrorist organizations and cells. And, yes, it is ongoing.

Yesterday, under the heading of lessons learned from past terrorist attacks, the Intelligence Committee once again heard from experts citing a common thread of transnational, interconnected terrorism. At our peril, difficult connect-the-dots intelligence analyses did not meet the threshold of a threat warning and were ignored. We were risk averse. The terrorists who conducted past attacks attacked again. There were warnings. They were not heeded. They did not meet the criterion of a threshold of a threat warning, and we suffered the consequences.

They attacked at the 1993 World Trade Center, Khobar Towers, our embassies, the thwarted—thank goodness—attack in regard to the Millennium, and, finally, the U.S.S. *Cole*. The attacks are a microcosm of the challenge we face.

If Iraq and, indeed, other regimes are left unchallenged, my colleagues, it is only a matter of time before they transfer the capability for weapons of mass destruction to a terrorist cell that will use that capability against the United States.

Now, remember, the criminal justice model of gathering evidence and presenting a case does not apply here. By the time you have evidence, it is too late. We will not lose buildings and thousands of people when that happens. We will lose whole cities and hundreds of thousands of people.

Iraq is absolutely a component in the war against terrorism. Let me try to make that point. In light of the events of September 11, 2001, I believe this body has more reason to support action against Iraq than it had in the winter of 1991. That is a pretty strong statement. Because preventing weapons of mass destruction from being acquired by terrorist cells should be the No. 1 policy priority of this Federal Government. This means neutralizing regimes that possess or seek such weapons and are predisposed to harboring, assisting, sympathizing with the bin Ladens of the world. That is a real priority for us.

Yes, there is more than one fundamentalist maniac with a significant and diverse following.

I support the resolution endorsed by the White House and sponsored by Senators LIEBERMAN and WARNER because I think our President realizes—most Senators realize—what leaders like Abraham Lincoln and Harry Truman realized: No matter what the short-term consequences would be in regards to politics, American survival must be assured. It is a first priority. It is our highest agenda.

There is reasonable concern about downside risk. You bet there is. I have those concerns. I share those concerns. I have been listening to these concerns during the debate on this subject. We have had several days of very good debate. The President and his national security team know that. All Members of the House and Senate and all thinking Americans know that. Yes, there is real concern.

I am a member of the Armed Services Committee and the Select Committee on Intelligence. I have asked question after question after question in the "what if" category. What if Saddam Hussein uses his weapons of mass destruction—of course, that means he has reconstituted his weapons of mass destruction capability, posing an ever-increasing threat—what if he uses those reconstituted weapons of mass destruction against our troops, against Gulf State partners that will support us, against Israel, or against his own people? He has done that before. Will

Israel, if attacked, simply remain on the sidelines? Will we see prolonged combat? Will there be a violent upheaval in the Mideast, in the Arab nations?

What happens if we win? There has been a lot of discussion about that. How long will we have to stay? What kind of infrastructure improvements will we have to pay for if, in fact, that is the case? What do we win? How do you win a war against a tyrant who may well destroy his own country and kill his own people, blame us, or who would launch or sponsor a terrorist attack in the United States as a result of our involvement, all in the name of self-preservation?

Those are tough questions. Those are very real concerns. The distinguished Senator from West Virginia indicated we need more time to answer these concerns. How many casualties if, in fact, we go into military action against Iraq? Mrs. BOXER, the distinguished Senator from California, asked the question, how much will it cost? Maybe it was reversed. Maybe Senator BYRD asked that question, and Senator BOXER asked about casualties. What about military tactics? I must say that is probably the last thing I hope the Pentagon would share with the Congress, for obvious reasons. What about the sacrifices in regards to the American people? How much will it cost?

All of these concerns and all of these dangers are real. But, my colleagues, there are no specific and easy answers to these questions. As much as we would like otherwise, the intelligence community and the President and the administration, our military cannot provide absolute, specific answers. They can try to be specific, but absolute answers? I am sorry. They do provide estimates, based upon the best collection and analysis that is possible.

This debate and the issues at hand demand candor. President Bush has been candid. As the President said, the hope is we don't have to take military action. But if that becomes necessary, it will be difficult. Time after time in history, and in repeated testimony from those within our intelligence community, we see the greatest risk is to do nothing. We are not free unless we are free from fear. Americans have known fear—be it during the Cuban missile crisis or in the aftermath of Pearl Harbor or the attacks on the World Trade Center and Pentagon. We must not, however, accept fear as our destiny. We must be proactive in regards to national security.

We must be preemptive. Yes, preemptive, that new doctrine that is causing a rethink of our foreign policy, our military strategy, our politics, our foreign relations. It is a brand new world. It is an asymmetrical world. It is a world that was written about by Samuel P. Huntington when he wrote the book "The Clash of Civilizations and the Remaking of the World Order," the preemption doctrine. Here we are and we are debating it.

Make no mistake, this has nothing to do with partisan rivalry. This is about our future, both immediate and long term. This is the state of affairs we leave for our children and our grandchildren.

Senator WARNER just made a statement on the floor I am going to quote again, almost 40 years ago to this date, when President John F. Kennedy addressed the Nation in regard to the Cuban missile crisis. He said:

This nation is prepared to present its case against the Soviet threat to peace, and our own proposals for a peaceful world, at any time and in any forum—in the Organization of American States, in the United Nations, or in any other meeting that could be useful—

Here is the key phrase:

... without limiting our freedom of action.

In that regard, I hope we follow President Kennedy's advice. I urge my colleagues to support the resolution introduced by Senators WARNER and LIEBERMAN and to oppose the various 13 amendments that would weaken the resolution and our resolve.

I ask unanimous consent that an article entitled "A Chronology of Defiance" by Michael Kelly; an article called "The Myth of U.N. Support" by Charles Krauthammer; and an article, "The Weight of American Empire," which talks in detail about the new policy of preemption, by John Keegan, be printed in the RECORD.

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

[From the Washington Post, Sept. 18, 2002]

A CHRONOLOGY OF DEFIANCE

(By Michael Kelly)

"U.N. Inspectors Can Return Unconditionally, Iraq Says," the headline reads. This, to put it mildly, and in the words of an old and apt phrase, shall not stand.

Consider the following darkly comic tale, mostly taken from the Congressional Research Service:

On March 3, 1991, the coalition forces of the Persian Gulf War signed the Safwan accords, ending hostilities in the insane conflict Iraq had forced. On April 3, the United Nations passed Security Council Resolution 687 requiring Iraq to end its weapons-of-mass-destruction programs, recognize Kuwait, account for missing Kuwaitis, return Kuwaiti property and end support for international terrorism. Iraq immediately began a decade-long pattern of defiance, alternating with stalling, tactical capitulation and more defiance. This was particularly so concerning what remains the central issue: the demand that it destroy its weapons of mass destruction and stop developing new ones.

To enforce and conduct inspections, the United Nations created a special commission, UNSCOM, which went to work in April 1991. Almost immediately, Iraq began impeding the inspections. The United Nations responded by passing its first resolution-to-enforce-the-resolution, Resolution 707, on Aug. 15, which ordered Iraq to comply with unfettered inspections of all sites and to make full disclosure of all of its suppliers to its program for weapons of mass destruction. On Oct. 11, the United Nations also passed Resolution 715, which established a long-term monitoring program.

Some success ensued, but Iraq resumed impeding inspections in March 1996. The Security

Council responded with Resolution 1060, on June 12, 1996, demanding, again, Iraqi cooperation, which was not forthcoming. So, on June 21, 1997, the august body duly passed Resolution 1115, which threatened non-cooperating Iraqi government officials with travel restrictions. This was followed on Oct. 23, 1997, by Resolution 1134, which threatened travel restrictions—again—and which banned consideration of lifting the U.N. sanctions against Iraq until April 1998.

On Oct. 29, Iraq barred American inspectors assigned to UNSCOM from conducting any inspections. So, on Nov. 12, 1997, the United Nations went right darned ahead and imposed those mean old travel restrictions. The next day, Iraq expelled all the American inspectors. The U.S. House of Representatives passed a resolution authorizing the use of unilateral U.S. military action if necessary. But the measure died in the Senate, of inattention.

In November 1997, Russia brokered a compromise that allowed UNSCOM to resume some temporary and sharply limited inspections. In February 1998, U.N. Secretary General Kofi Annan put together a second compromise, by which Iraq agreed to allow inspections with the proviso that it be allowed to protect "presidential sites" from undue indignity. Iraq designated eight large tracts of land (containing more than 1,000 buildings) as "presidential sites." Inspectors could visit these sites only after announcing the visit in advance and informing the Iraqis of the composition of the visiting team—nuclear, chemical or biological inspectors. In appreciation of this joke, the Clinton administration supported lifting the travel ban on Iraq and resuming sanction reviews.

In August 1998, Iraq barred UNSCOM from inspecting any new facilities. The Senate and House passed a resolution, signed on Aug. 14, declaring Iraq to be in "material breach" of the cease-fire. On Sept. 9, the Security Council adopted Resolution 1194, suspending sanction reviews. On Oct. 30, the council offered Iraq yet another chance to have the sanctions lifted if it complied with inspections, but Iraq spurned the offer and announced the cessation of all cooperation with UNSCOM. A very angry Security Council passed the very fierce Resolution 1205, which called Iraq's action a "flagrant violation" of the February 1998 agreement. A very, very angry President Clinton very, very fiercely threatened airstrikes. On Nov. 14, Iraq agreed to cooperate. President Clinton promptly canceled the airstrikes.

On Dec. 15, 1998, UNSCOM announced that Iraq had refused to hand over key weapons-program documents and was, again, impeding inspections. UNSCOM inspectors withdrew from the country and the United States and Britain bombed Iraqi military and security targets for several days. UNSCOM never went back into Iraq. On Dec. 17, 1999, the Security Council passed Resolution 1284 establishing a new inspection body, UNMOVIC, and offering Iraq the suspension of most sanctions in exchange for a resumption of inspections. In February 2001, Iraq entered into talks with the U.N. secretary general on this basis, "but the talks made little progress."

I'd say the current Iraqi offer can be dispensed with, oh, now.

[From the Washington Post, Oct. 4, 2002]

THE MYTH OF U.N. SUPPORT

(By Charles Krauthammer)

"This nation is prepared to present its case against the Soviet threat to peace, and our own proposals for a peaceful world, at any time and in any forum—in the Organization of American States, in the United Nations, or in any other meeting that could be useful—without limiting our freedom of ac-

tion."—President John F. Kennedy, Cuban missile crisis, address to the nation, Oct. 22, 1962

"I'm waiting for the final recommendation of the Security Council before I'm going to say how I'm going to vote."—Sen. Edward M. Kennedy, Iraq crisis, address to the Johns Hopkins School of Advanced International Studies, Sept. 27, 2002

How far the Democrats have come. Forty years ago to the month, President Kennedy asserts his willingness to present his case to the United Nations, but also his determination not to allow the United Nations to constrain America's freedom of action. Today his brother, a leader of the same party, awaits the guidance of the United Nations before he will declare himself on how America should respond to another nation threatening the United States with weapons of mass destruction.

Ted Kennedy is not alone. Much of the leadership of the Democratic Party is in the thrall of the United Nations. War and peace hang in the balance. The world waits to see what the American people, in Congress assembled, will say. These Democrats say: Wait, we must find out what the United Nations say first.

The chairman of the Senate Armed Services Committee, Carl Levin, would enshrine such lunacy in legislation, no less. He would not even authorize the use of force without prior U.N. approval. Why? What exactly does U.N. approval mean?

It cannot mean the U.N. General Assembly, which is an empty debating society. It means the Security Council. Now, the Security Council has five permanent members and 10 rotating members. Among the rotating members is Syria. How can any senator stand up and tell the American people that before deciding whether America goes to war against a rogue state such as Iraq, it needs to hear the "final recommendation" of Syria, a regime on the State Department's official terrorist list?

Or maybe these senators are awaiting the wisdom of some of the other nonpermanent members. Cameroon? Mauritius? Guinea? Certainly Kennedy and Levin cannot be saying that we must not decide whether to go to war until we have heard the considered opinion of countries that none of their colleagues can find on a map.

Okay. So we are not talking about these dots on the map. We must be talking about the five permanent members. The United States is one. Another is Britain, which support us. That leaves three. So when you hear senators grandly demand the support of the "international community," this is what they mean: France, Russia and China.

As I recently asked in this space, by what logic does the blessing of these countries bestow moral legitimacy on American action? China's leaders are the butchers of Tiananmen Square. France and Russia will decide the Iraq question based on the coldest calculation of their own national interest, meaning money and oil.

Everyone in the Senate wants a new and tough inspection regime in Iraq; anytime, anywhere, unannounced. Yet these three countries, whose approval the Democrats crave, are responsible for the hopelessly diluted and useless inspection regime that now exists.

They spent the 1990s doing everything they could to dismantle the Gulf War mandate to disarm Saddam Hussein. The Clinton administration helplessly acquiesced, finally approving a new Security Council resolution in 1999 that gave us the current toothless inspections regime. France, Russia and China, mind you, refused to support even that resolution; they all abstained because it did not make yet more concessions to Saddam Hussein.

After a decade of acting as Saddam Hussein's lawyers on the Security Council, these countries are now to be the arbiters of America's new and deadly serious effort to ensure Iraqi disarmament.

So insist leading Democrats. Why? It has no moral logic. It has no strategic logic. Forty years ago, we had a Democratic president who declared that he would not allow the United Nations or any others to tell the United States how it would defend itself. Would that JFK's party had an ounce of his confidence in the wisdom and judgment of America, deciding its own fate by its own lights, regardless of the wishes of France.

Or Cameroon.

[From the Washington Post, Oct. 6, 2002]

THE WEIGHT OF AMERICAN EMPIRE

(By John Keegan)

WARMINSTER, ENGLAND.—The statement of principles that will guide the national security strategy of the United States during the war on terrorism, and against states that acquire weapons of mass destruction for nefarious purposes, is presented in the language of American statecraft at its most traditional. The allusions from the past proliferate—allusions to the Four Freedoms, to the Atlantic Charter, even to President Woodrow Wilson's Fourteen Points. The values that President Bush promises to defend with all the power at his disposal are central to the American way—democratic self-government, free association, freedom of expression, equal rights for individuals. It is a very American, and very old-fashioned, document.

At the same time, it makes commitments that are unprecedented in the language of American national policy. To put it bluntly, the president makes threats. He warns terrorists that they will be opposed by every weapon and every means at America's disposal. That might be expected and is no more than terrorists deserve.

But he also warns that states that harbor terrorists—or are compromised by terrorism—will be held to account, by which he means military account. He goes on to say that enemies of the United States who are preparing weapons of mass destruction (enemies unspecified but by implication already identified by the Pentagon and State Department) will find themselves targets of U.S. action, even if—and this is a particularly menacing note—such preparations are not complete and the threats to American and its allies are not fully formed.

No doubt it is America's readiness to make threats that contributes to the anti-Americanism now rampant in Europe. Fifty years of peace have skewed the European outlook on the world. Apart from some minor Balkan troubles, Europeans have not known war since 1945, and they have fallen into the habit of viewing war as an alien activity to which they have found a superior alternative—the building of pan-European institutions, free trade and the convening of tedious international conferences. They conveniently forget the threat posed until 1990 by the vanished Soviet Union and they show no appreciation at all of the effort and expense undertaken by the United States in acting as the leading military member of NATO during the Cold War.

There can be no doubt that the American approach to the future is far more realistic than the European and would have been so, if stated, even before the Sept. 11 attacks. Indeed, the logic of President Bush's statement depends less on the emergence of terrorism as a serious threat to civilized states, or even on Saddam Hussein's specific defiance of U.N. resolutions requiring him to admit weapons inspectors, than it does on factors already apparent as the Cold War was drawing to its close.

Students of the Cold War perceived that it imposed, for all the rhetoric of nuclear threat and counter-threat, an artificial stability in international relations. The existence of two superpowers, and the confrontation between them, obliged almost all states to choose sides—and, having chosen, to accept a consequent restraint on their foreign military power. The superpowers offered protection to their clients. But they also expected and got a measure of obedience.

In no respect was that more true than in the acquisition of weapons of mass destruction, particularly nuclear weapons. On whatever else they did not agree, the United States and Soviet Union—as the world's only fully equipped nuclear powers—concurred that possession of nuclear weapons should be confined to the smallest possible number of states. From their points of view, the ideal number would have been two. But failing America's ability to constrain its wartime nuclear partner, Britain (which had acquired most of the necessary expertise to build bombs), and then France (which could not bear the indignity of nuclear inferiority to its ancient enemy), the United States reluctantly accepted a troika of Western nuclear powers. The Soviet Union would have preferred to remain the only communist nuclear power, but China's size and strength prevented Moscow from constraining Beijing.

Thus the nuclear balance of the Cold War years was established on a basis of five powers; and, as each was a stable state, experienced in the ways of the world, the tacit agreement between the superpowers to maintain world order worked. Indeed, it survived even unilateral superpower efforts to win local wars at the boundary between the spheres of influence—Vietnam, Afghanistan, Angola.

The more farsighted observers perceived, however, that, should the Cold War ever come to an end, so would the stability it had imposed. While most states, particularly the richer and longer-established ones, would choose to go on as before, a minority of others, those with grievances against their neighbors or with their standing in the world order, would rebel. They would try to become local superpowers and they would challenge the right of the United States and Russia, the Soviet Union's successor, to maintain the old Cold War order.

So it has turned out. The emergence of India and Pakistan as nuclear powers, though undesirable, was predictable and is containable. They deter each other. The dissidences of Iraq and of Chechnya are of a different order. Chechnya, traditionally disruptive of Russia's efforts to maintain order in its borderlands, is a menace and Moscow deserves Washington's support in its effort to bring the Chechens under control. Iraq is a far more serious problem, since it is a comparatively advanced state and potentially very rich. Under a regime that would cooperate with the international community, it would be nothing but a force for good in the Middle East. Its society is not Islamic and its population is well educated. But because power in Iraq has, lamentably, passed to a megalomaniac and his hometown clique, it has become exactly what students of post-Cold War politics feared the future might bring at its worst.

Unspoken in Bush's national security document is the idea that small, unstable, self-seeking states under dictatorial control must not be allowed to acquire nuclear weapons. Iraq happens merely to be the first in that category to appear. Its pretensions to nuclear power must be quashed. But—and this is the real import of the president's statement—so must similar pretensions, if and when they appear, forever. The president has committed his country to a fearsome duty. It will never go away.

Mr. ROBERTS. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the time that Senator DAYTON had under the order that had been entered be given to the chairman of the Foreign Relations Committee, Senator BIDEN.

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

Mr. BIDEN. Mr. President, I have time tomorrow to speak, too. I will make a much longer speech on my views on this subject.

There used to be a trial lawyer I practiced law under. I used to sit in the counsel chair next to him and watch how he tried cases. He used to say to the jury, when he started the case, his opening statement, he would say: I want you to keep your eye on the ball. I want you to focus on the issue at hand.

He would turn to his client, who sometimes was not the most admirable of people, who may have been innocent but not admirable. And he would say: I want you to take a look at my client. You wouldn't invite my client home for dinner. You wouldn't want your daughter going out with my client. As a matter of fact, I wouldn't even go have a cup of coffee with him after this. The question is not whether or not he is a homely guy or a bad guy, or whether or not he is a guy who you would like to have as a friend.

The question is, did he kill Cock Robin? Keep your eye on the ball. What is going to happen here is you are going to have the State coming in saying this is a bad guy. He is an ugly guy. Look at him, he doesn't dress very well. Look at him, he is not very amiable. Keep your eye on the ball.

Just listening to my friend from Kansas and others today, I think we are kind of taking our eye off the ball. Tomorrow I will go into this in great detail. But let's remind ourselves why are we here right now. Why are we here, notwithstanding the fact Senator LIEBERMAN and Congressman GEPHARDT went down and stood with the President of the United States and said they adopted a resolution? That is not why we are here today. We are not here because of that. We are here because of what the President told us. Everybody remember, keep your eye on the ball.

The President said he has not decided whether or not we are going to go to war. He said it is his hope that we not go to war. It is his hope it can be avoided. Yet, for the first time in the history of the United States of America, in my judgment, the President of the United States is asking for the Congress to give him the equivalent of a declaration of war—to go to war—before the President has made up his mind. He has not made up his mind.

Keep your eye on the ball. Follow the bouncing ball like in the old Lawrence Welk days. A, the President has not decided whether or not to go to war; B, the President says give me the authority to go to war; C, we say on what

basis do you want to go to war, Mr. President?

The details matter. If, for example, we leave here, setting a precedent, suggesting the reason we might go to war is because of this new doctrine of preemption, which no one has explained—no one has explained it. I sat at the White House, I say to my friend from Virginia, with Dr. Rice for hours. Dr. Rice said it is no different than what has always been the policy of the U.S.

Well, if that is the case, then I don't have any problem. The President always has the right to act preemptively if we are in imminent danger. If they are coming up over the hill, he can respond; if troops are coming out of Tijuana, heading north, we can respond; if they are coming down from Toronto, we can respond; if missiles are on their way, we can respond. But that is not the way I hear it being used here. We are talking about preemption, as if we are adopting a policy. As Dr. Kissinger said before our committee, that will undo an agreement the Western World made in the early 1640s at the end of the religious wars in Europe, which said no country has a right to preemptively move against another country because they think they are going to be bad guys.

So this is a pretty big deal. Words matter. And so I say to my friends, let's go back. Why did the President ask us for a resolution when he sent up the draft resolution? Why? He stated forthrightly why. He said: Because I need to demonstrate that I have support in order not to go to war. That is what he said. He said: You, the Congress, give me overwhelming support. Then the U.N. will know I mean it. Then the Security Council will say if we don't, he will, so we better. That is the reason why we are here. That is the reason, I remind my colleague from Connecticut and my friend from Virginia, why we are here. Otherwise, it is ridiculous—a President saying I don't know whether I want to go to war yet, but declare it.

So I hope people don't start confusing things on this floor. I may not be around here after November—I hope I am; I am up for reelection, but I don't want to be on this floor 6 years from now and have someone stand up and inaccurately say, by the way, back in the year 2002, in October, we adopted a policy of preemption. Therefore, even though we are in no imminent danger, even though there is no violation of any international rule, we think the country of Xanadu are bad guys and we are invading. That would be a serious mistake. Let me tell you why—not because as an American and as President, if I were President, or as a Senator, or as a Congressman, I would like to have that ability. But, guess what, I don't want Beijing waking up one morning and saying, you know, we have a right to preemptively attack Taiwan. I don't want India waking up one morning and saying, by the way, we have a right preemptively to attack Pakistan. In

case you are all wondering—and I know my colleagues are not, because they know the score and they are thinking about both of those things—both of those countries could conceivably reach that conclusion. It's not an impossibility, if the most powerful Nation in the world establishes an unnecessary doctrine. So let's keep our eye on the ball.

Why are we being asked to do this—to give the President the kind of momentum he needs to allow the Secretary of State to convince the Security Council to do what they should do in the first place?

The second point I would like to make is this: We are, right now, talking about preemption, when there is no need for any doctrine of preemption to justify us going against Iraq with others, or alone, if need be. Let's get the facts straight. There is a guy named Saddam Hussein who, in the early 1990s, broke international law, invaded another country, violating every rule of international law. The world, under the leadership of a President named Bush, united and expelled him from that country. Upon expulsion, he said a condition for your being able to remain in power, Saddam Hussein, is you sue for peace and you agree to the following terms of surrender. Those terms of surrender, unlike with the Treaty of Versailles and other treaties where surrender comes about, were in the form of concessions to the U.N., to the world. So he signed onto a number of resolutions.

If the world decides it must use force for his failure to abide by the terms of surrender, then it is not preempting, it is enforcing. It is enforcing, it is finishing a war he reignited, because the only reason the war stopped is he sued for peace.

So, for Lord's sake, anybody who decides to vote for this resolution, please do not rest it on this cockamamie notion of preemption. You will rue the day. If that is the precedent we establish for our own safety's sake, you will rue the day.

The third point I want to make about keeping your eye on the ball here is—the fact of the matter is the President of the United States has not yet, A, made the decision about going to war and, B, if he decides to go to war, he has not made the case to the American people.

Let me explain what I mean by that before my colleagues jump all over it. He made a clear case to the U.N. that by the standards of the United Nations, this man, Saddam Hussein, has flouted the rules of the U.N.—absolutely an overwhelming case. Then he came along on Monday and he made a clear case, in the minds of many, to the American people that Saddam Hussein is a danger to the United States.

But there is one more case he has to make. Those of us out of the generation of Vietnam, and those who were in power during the generation of Viet-

nam, know that no matter how well articulated, no matter how well formulated a foreign policy is, it cannot be sustained without the informed consent of the American people. What is being asked of them? The American people do not know what is going to be asked of them yet.

I am fully confident if the President decides, in concert with others, war is necessary, he will have to inform them before he launches it. I say that because he personally told me that. I asked him. My friend from Virginia may have been at the leadership meeting 3 weeks ago in the cabinet room when the President turned to me after others had spoken and said, "Mr. Chairman, will you be with me?" I said, "Mr. President, I will be with you on the condition that you do two things: One, you make every effort possible to do this under the auspices of the U.N. or the coalition, like we did in Kosovo; and you inform the American people that it is going to require substantial American forces and substantial American money to stay in Iraq after Saddam Hussein is down." He looked at me in the presence of everybody and said, "I will do that." So I take him at his word.

I lay you 8 to 5, if you go home and ask your constituents who say they are for war—ask them the following question: How long do you think we are going to have to keep American forces in Iraq? I will lay you 8 to 5 that 90 percent will look at you with a blank stare and ask: What do you mean, stay in Iraq? What are you talking about, stay in Iraq? They have no notion. Senator DODD, Senator SARBANES, and I, and the Foreign Relations Committee held several very good hearings. At one hearing, we had the fellow who headed up the office in the Pentagon as to what we do after we win the war—planning. We had two other military experts.

Do my colleagues know what they told us? They probably told you the same thing in Armed Services Committee. It is probable we will have to keep at least 75,000 American forces in Iraq for at least 1 year at a cost of \$19 billion. Maybe it will not be 75,000. Maybe it will be 25,000; maybe 105,000. I do not know. But we have an obligation to tell our constituents.

As I said to my good friend, Mr. BROWNBACK, who is on our committee, in one of our hearings: Everything may go smoothly. And I think there is a possibility it could happen. If we have to go to war, everything may go smoothly, and once he is down and does not use chemical weapons, the army surrenders and the Republican Guard crumbles, and he is assassinated on the way out of town, and we get our hands on the weapons of mass destruction quickly, we identify where they are, we destroy them, and the rest of the world comes in to help us with the burden of keeping Iraq from splitting into at least three separate pieces—that could all happen. That is possible.

What happens if it does not? Big nations cannot bluff. We should tell the

American people straight up, and I am prepared to do it and support it: If, in fact, we are forced to go into Iraq with other nations, for his failure to comply, say goodbye for a while to the new permanent tax cut; say goodbye for a while to significant increases in health care funding; say goodbye for a while to a whole lot of issues for those who vote for this.

This is the time for a little honesty in advertising. This is the time the American people are strong, they are bright, and they are willing to take this on. The one thing I believe they will not stand for is being sold a bill of goods. We are not stopping 400 miles short of Baghdad this time if we go. We are not. The Senator from West Virginia has said repeatedly, this is a considerable undertaking.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN. As I said, I will tomorrow go into much greater detail. Again, keep your eye on the ball and level with the American people as we go through this process because I think if Saddam Hussein is around 5 years from now, we are in deep trouble as a country—we are in deep trouble.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is to be recognized.

Mr. SARBANES. Mr. President, can I inquire what the parliamentary situation is?

The PRESIDING OFFICER. The Senator from Tennessee is to speak for 15 minutes, followed by the senior Senator from New Mexico for 20 minutes, and the senior Senator from Michigan for 30 minutes.

Mr. SARBANES. For what?

The PRESIDING OFFICER. The senior Senator from Michigan for 30 minutes.

Mr. SARBANES. Is this all being done through unanimous consent requests?

The PRESIDING OFFICER. It is.

Mr. SARBANES. I ask unanimous consent that I be permitted to speak after the senior Senator from Michigan.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I have to object at this time. I have been in consultation with the senior Senator from West Virginia who had expressed some interest in taking that slot. Without losing my right to the floor, does the senior Senator from West Virginia wish to speak to his desires? He has the pending amendment, and I think it is very important that the Senate have the opportunity tonight to vote on your amendment. Of course, the Senator will desire to speak for a period of time prior to, I anticipate, a motion to table.

I have the floor, but I yield for a question.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. WARNER. Beg your pardon?

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. SARBANES. I am happy to yield to the Senator from Virginia for a comment or an observation he wants to make, but I do not yield the floor.

Mr. WARNER. I reserved the right to object to the Senator's unanimous consent request.

Mr. SARBANES. But that does not give the Senator the floor.

Mr. WARNER. No, I reserved the right to object.

The PRESIDING OFFICER. The Senator from Maryland is correct.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. He did not yield for that purpose.

The PRESIDING OFFICER. The Senator does not have the floor and cannot make that request.

Mr. BYRD. May I respond now?

Mr. REID. Mr. President, it is my understanding, under the order, the Senator from Tennessee is to be recognized.

The PRESIDING OFFICER. That is correct, under the unanimous consent agreement. The Senator from Maryland proposed a unanimous consent request. Is there an objection?

Mr. WARNER. Objection.

Mr. BYRD. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard. The Senator from Tennessee has the floor and is recognized.

Mr. BYRD. Mr. President, will the Senator from Tennessee yield, without losing his right to the floor?

Mr. FRIST. I will be happy to yield.

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

Mr. BYRD. Mr. President, I had indicated to the distinguished Senator from Virginia that I would like to be recognized after Mr. LEVIN. I believe he is last on the list. I have no problem with the Senator—if the Senator will agree to allow him—Mr. SARBANES to follow Mr. LEVIN and then I would like to be recognized at that time.

Mr. REID. If I can ask a question of the Senator from West Virginia, who proposed a unanimous consent request.

Mr. BYRD. Yes.

Mr. REID. If people have a question as to the position we are in today, yesterday we tried lining up speakers, and that did not work. Today we lined up two speakers on each side so people do not come to the Chamber and have to wait. That is what we did. That is the position we are in now. Both cloakrooms received requests from people who wanted to speak. That is what we have done.

There is a question as to who is going to be the next speaker. I will only say there is no requirement to do so. We have been going back and forth: Senator LEVIN and then I assume we will go to a Republican. After Senator LEVIN, anybody could get the floor.

Mr. SARBANES. Can I inquire who follows Senator FRIST?

Mr. REID. After Senator FRIST is Senator DOMENICI.

Mr. SARBANES. That does not strike me as going back and forth.

Mr. REID. We had Senator KERRY, who spoke for 45 minutes. These two Senators are speaking for a total of 35 minutes. That is the amount of time Senator KERRY had.

Mr. MCCAIN. Will the Senator from Nevada yield? I ask unanimous consent to speak with the Senator from Nevada.

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

Mr. MCCAIN. Without interfering with the Senator from Tennessee, is it his predilection to continue this debate tonight until all speakers are finished, or is the desire of the majority leader and the majority whip to have a vote on the Byrd amendment, or put it off until tomorrow? We have 13 amendments pending.

Mr. REID. Mr. President, as we all know, I say to my friend, anyone who has the floor can move to table the amendment of the Senator from West Virginia.

Mr. MCCAIN. Yes.

Mr. REID. I assume that because of the respect people have for Senator BYRD, before that happens someone will give him the opportunity to speak. I am sure that will happen.

Mr. MCCAIN. If the Senator will yield further, it is not our desire to propose a motion to table until the Senator from West Virginia has had ample time to discuss his amendment. I do not think that would be appropriate. But at some point, I hope we can reach a point where we can have a motion to table or an up-or-down vote on the amendment. For the benefit of all Senators, perhaps we can try to ascertain that.

Mr. REID. The answer to your question, from my perspective, the best thing to do for an orderly process is to dispose of the Byrd amendment and then move to the Levin amendment for which we have been waiting a long time.

Before we dispose of the Byrd amendment, I am sure, as I indicated—whether it is Domenici, whoever it is—will give the Senator from West Virginia ample opportunity to discuss his amendment.

The Senator from Arizona asked me if that should happen. That is what should happen.

Mr. MCCAIN. If I can finish. So we will dispose of the Byrd amendment tonight, if it is agreeable with the Senator from West Virginia.

Mr. REID. I will put it another way. Senator BYRD's amendment, as he knows, being the mother of all parliamentarians, can be disposed of at any time.

Mr. MCCAIN. Yes.

Mr. REID. I think we would like to move this along. I hope Senator BYRD's amendment will be disposed of before we move to the Levin amendment. That is not a necessity, but it would make it a little more orderly.

Mr. MCCAIN. Finally, could I ask Senator BYRD's predilections on this issue?

Mr. BYRD. Mr. President, I thank the distinguished Senator from Arizona for his question. I say to the Senator, he has amendments, and he has already submitted his amendments. I would like to have a chance to vote on these amendments before the cloture vote. I hope we will get the cloture vote delayed at least a few hours tomorrow until Senators, such as Mr. LEVIN, who have amendments will have a fair shot at explaining their amendments and have a vote on them before cloture. I do not know whether the Senate will be disposed to do that or not.

Let me see if I can answer the distinguished Senator from Arizona. I have another amendment I would like to get voted on, too. I would like to offer it to the amendment that is pending. I say to the distinguished Senator from Arizona—and he is a very distinguished Senator—the other amendment would be to provide a sunset provision.

So if the Senate is going to waive its constitutional powers to the extent that I think would be required if the Lieberman amendment were to be agreed upon, I would like at least for the Senate to have a sunset provision so there would be a time limit when the Lieberman amendment would run its course. If the Congress wanted to renew that, Congress could do it, of course, but at least my amendment would say 12 months, and the President could extend that for 12 months.

That is a rough explanation of my amendment. So that would be 12 months for the President under my amendment, providing for the President on his own to extend that for an additional 12 months, but at the end of that time it is over unless the Congress renews or extends it. I would like to have that amendment also voted upon.

I am very willing to enter into some kind of an agreement, say, to vote up or down on both amendments. There would be a vote on the Lieberman amendment and then a vote on cloture tomorrow at some point.

Mr. WARNER. Mr. President, we have been endeavoring to accommodate the pending amendment with the time agreement such that it could be brought up as soon as possible.

The Senator from West Virginia and I have had no discussion about a second amendment, and I urge that we allow the Senator from Tennessee to speak, and in the interim let's gather and see whether or not we can reconcile honest differences and motives.

Mr. REID. If I could just suggest one thing, maybe we could have all of this taken care of by not having a cloture vote. Cloture is going to be invoked by a large margin. Maybe we would not need a cloture vote.

Mr. WARNER. There are Senators on this side who wish to leave intact this present procedure, which is working well. It has produced 13 amendments, 7 of which have been ruled germane thus far by the Parliamentarian. This debate is well underway, well structured, and can proceed.

At the moment, we have a pending amendment, and I urge that we allow the Senator from Tennessee—

Mr. REID. I ask unanimous consent that the 15 minutes allocated to the Senator from Tennessee be given in its entirety. We have taken most of that time. Then during that time, we will confer as to how we can proceed.

Mr. WARNER. I thank the Senator.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Tennessee has the floor.

Mr. FRIST. Mr. President, the Members of this body will soon vote on authorizing the President to use the military might of this Nation against Saddam Hussein. This decision has weighed heavily on me, as it has on us all. No one takes lightly the prospect of young Americans risking their lives on the battlefield of war, but we and they swear an oath to defend our rights and freedoms against all enemies. And so our duty we must now do.

Saddam Hussein is a direct and deadly threat to the American people and to the people of the world. He holds the power to murder not just hundreds or thousands or tens of thousands, but millions. He defies all international efforts to restrain that power and keep world peace, and he disdains the value of human life, even the lives of his own people. This is an evil, lawless, and murderous man.

The resolution before the Senate is carefully constructed to encourage the widest possible international support for unified action against Saddam Hussein. The nations of the world need to show him they will no longer tolerate his arrogant contempt for United Nations resolutions, requiring him to give up his weapons of mass destruction and cease the gross human rights violations he has committed on his own people. I support the President's intensive efforts to build such a coalition, and I pray for his success.

No one wants to avoid a war more than I do. I am a physician. I have devoted my life to a profession that is centered on saving lives. Only when we have exhausted all reasonable efforts at keeping peace should we consider waging war. The President shares a firm commitment to this principle. I consider this resolution a strong statement of support for peace and, if the Nation must, for war as well. For if the safety of our people, the security of our Nation, and the stability of the world remain so threatened, we must risk war for peace. To do anything less would leave a grave and growing danger looming over the lives of millions.

This evening I will talk about Saddam Hussein's past, his present, and what I consider his greatest danger, a robust biological weapons program. More than chemical and nuclear weapons, Saddam's biological weapons pose a unique and immediate threat. Unlike other conventional weapons, they are easily made. They can be readily concealed and are beyond the reach of inspectors and can readily be delivered

across borders and, yes, even across oceans. In the hands of a madman, biological weapons literally threaten us all.

I refer to the words on this chart concerning Iraq's weapons of mass destruction, excerpts from an October 2002 unclassified CIA report, which reads:

Iraq has some lethal and incapacitating BW—

Biological weapon—agents and is capable of quickly producing and weaponizing a variety of such agents, including anthrax, for delivery by bombs, missiles, aerial sprayers and covert operatives, including potentially against the U.S. homeland.

Indeed, these biological weapons literally threaten us all—"potentially against the U.S. homeland."

Saddam Hussein has pursued the most deadly weapons known to man, with brutal determination. His arsenal has included tens of thousands of tons of chemical agents and biological agents. He has come within months of acquiring nuclear weapons, and he has developed many means, both in number and type, to deliver his desired destruction.

History shows that dictators do not amass such weapons without the intent to use them. Indeed, Saddam Hussein has accumulated chemical weapons and used them to attack his neighbors and even murder his own people. During the Iran-Iraq war, which lasted from 1980 to 1988, Saddam Hussein inflicted 20,000 casualties by striking with chemicals—mustard gas, sarin, and tabun. He also used mustard and nerve agents to murder as many as 5,000 Iraqi Kurds and inflict the misery of chemical warfare on another 10,000.

I show this chart briefly to demonstrate the impact of these chemicals. Saddam Hussein used the chemicals on his own people. We can see the effects of this tragedy among the victims, who are women and children in this picture.

Saddam Hussein was fully prepared to use biological weapons during the gulf war. In 1995, Iraq admitted it had produced 19,000 liters of botulinum toxin, 8,500 liters of anthrax, and 2,200 liters of aflatoxin. That is enough botulinum toxin—remember, that is the most potent poison known to man—to kill every man, woman and child on Earth.

Iraq also admitted it had loaded thousands of liters of agents into bombs, into munitions, into dozens of warheads and aircraft spray tanks, just as American and allied forces prepared to liberate Kuwait. Before the gulf war, intelligence experts believed Saddam Hussein was at least 8 to 10 years from having a nuclear weapon. That estimate was way off. Iraq had already assembled many of the pieces needed to build a nuclear weapon. What it lacked was fissile material that makes up the explosive core of a nuclear device. If Saddam Hussein had been able to obtain that material, either by making it or buying it, he would likely have had a nuclear bomb by no later than 1993.

Indeed, Iraq has gone to great lengths to acquire weapons of mass destruction. Its efforts to hide the weapons have been equally ambitious. Saddam Hussein has defied the international community almost from the moment he came to power in 1979. His rule has been a constant threat to peace among the Iraqi people, in the Middle East, and throughout the world.

Saddam Hussein has twice invaded sovereign nations. In 1980, he launched the Iran-Iraq war solely for territorial gain. Eight years, one million casualties and hundreds of billions of dollars later, the war ended with Iraq gaining nothing. In 1990, Saddam Hussein started the gulf war by invading Kuwait. His objective? Seize control of his neighbor's oil fields. We expelled him. As we did, he fired dozens of Scud missiles into Israel and into Saudi Arabia and the waters off Qatar.

Iraq has shown as much contempt for the international community as it has shown aggression toward its neighbors. Since 1990, Iraq has violated 16 United Nations Security Council resolutions. Inspectors charged with enforcing those resolutions have been deceived, they have been obstructed, they have been intimidated by Saddam Hussein and his henchmen.

Saddam Hussein has funneled as much as \$9 billion from the United Nations Oil-for-Food program into his weapons of mass destruction program and other illegal activities, starving his people and strangling the economy.

To Saddam Hussein international treaties are worth less than the paper on which they are written. Iraq is the only nation publicly cited for violating the Geneva Convention ban on using chemical weapons. Its biological weapons program has directly violated the Biological and Toxin Weapons Convention. And Iraq has utterly ignored the Nuclear Non-Proliferation Treaty, which has been signed by 187 countries since its inception in 1968.

Saddam Hussein said in a recent speech, "The present of any nation or people cannot be isolated from its past . . ." Indeed, What Saddam has done in the past is reckless, lawless and appalling. But what he is doing now should frighten us all and compel the world to action. Not only does he continue to develop and produce weapons of mass destruction, but he's more likely to use them than ever before. I am particularly concerned about the unique and immediate threat Saddam's biological weapons program presents.

Iraq has lethal and incapacitating biological weapons agents potentially to use against the United States homeland.

Iraq likely produced two to four times more biological agents than it publicly admitted in 1995. United Nations inspection teams could not account for biological culture growth media that would have easily tripled Saddam's stocks of anthrax—a bacteria that can be rapidly and easily produced as a weapon of mass destruction. Mr.

President, 30,000 munitions designed solely for chemical and biological agents were also unaccounted for. Missing biological agents, missing biological munitions and Iraq's pattern of deception lead to only one conclusion: Saddam Hussein today retains a large arsenal of deadly living microorganisms available as weapons of mass destruction.

That arsenal likely contains stocks of live viruses and bacteria produced not only before the Gulf War, but also after, especially since weapons inspectors left Iraq in 1998. Saddam has expanded so-called "dual-use" facilities—laboratories, research centers and manufacturing plants that have civilian or commercial uses, but are likely used to build his arsenal of microbiological terror, as well.

Iraq has rebuilt known biological weapons facilities that were destroyed during the Gulf War, by our military, or after, by weapons inspectors. Also, Saddam retains the equipment and, even more crucial, the human expertise to continue building his biological weapons capability. Unlike nuclear weapons, which take years and massive resources to make, biological weapons are inexpensive, can be made easily, within weeks, in a small room, with minimal equipment and manpower. That is what makes biological weapons so unique and capable of causing such death and destruction.

To that end, our intelligence community believes Iraq has built mobile germ warfare production laboratories. Iraq has learned a lot about weapons inspections since the Gulf War. Saddam hid his biological weapons program from inspectors for 4 years. Mobile biological labs are the ideal weapon of deception. They can be quickly moved in inconspicuous trailers and hidden in very small spaces, including, for example, in a single room in one of Saddam Hussein's presidential palaces. Such laboratories would be almost invisible to the outside world.

There is also evidence that Iraq may be developing and producing a new generation of more virulent biological agents. Defectors allege that Iraq is developing an agent called "Blue Nile"—which may be a code name for the ebola virus. Ebola is a deadly virus for which there is no treatment and there is no vaccine. And many experts believe Saddam Hussein may have stocks of the smallpox virus. One of the last naturally occurring smallpox outbreaks occurred on Iraqi soil in the early 1970s, which is precisely when Iraq launched its weapons of mass destruction program.

Though U.S. defenses against smallpox are now much stronger, a 2001 study by Johns Hopkins University found that a smallpox attack launched at three locations in the United States could kill in a worst case scenario one million and infect another two million Americans within two months.

Saddam has invested not only in developing and producing new viruses and

bacteria, but also new means to deliver those agents. Iraq has experimented with a variety of unmanned aerial vehicles as part of its longstanding weapons of mass destruction program. But intelligence experts believe Iraq has vastly improved its designs and now has a drone aircraft that can carry and spray up to 80 gallons of anthrax. Such an airplane would be the most effective way to deliver biological weapons over a vast area and would represent a dire threat to the Iraqi people, its neighbors and the international community.

The danger of germ weapons is not merely that Saddam Hussein has them, but that he would use them . . . even against the United States. Biological agents are ideal terrorist weapons. Unlikely other weapons of mass destruction, one cannot hear them or taste them or smell them. They can be invisible to the human eye.

They can be transported long distances without detection in, for example, a terrorist's pocket. They can take hours and even days to take effect, allowing a terrorist to be long gone—to escape.

Thus, Saddam's robust biological weapons program, combined with the support of terrorism, is a deadly force capable of exceeding the death and destruction of even a nuclear bomb.

Saddam does support terrorism. Iraq harbors several terrorist groups that have targeted and murdered American citizens. The Iraqi regime has been in contact with al-Qaida for at least a decade and, as recently as this year, allowed a senior leader to receive medical treatment in Baghdad.

I am hopeful that inspectors will return to Iraq with totally unfettered access to all suspected biological weapons sites. But, remember, such a site can be an 8-by-12-foot room deep in the basement of a huge Presidential palace.

I am hopeful that Saddam Hussein will disarm and destroy his ability to develop and produce such weapons in the future. But I am not optimistic. Saddam Hussein knows his chemical and biological stocks are the source of his power at home and in his region and can be a tool of blackmail. Weapons of mass destruction are as much a part of Saddam Hussein as freedom and democracy are of America.

The test of our resolve in the war on terror was Afghanistan. There we fought the terrorist group and its supporting regimes that murdered more than 3,000 of our own citizens. We were attacked, and, as any capable nation would do, we responded.

Now we face a second test. Saddam Hussein has not yet struck, and we hope he doesn't. We hope he disarms his weapons of mass destruction and chooses peace over war. It is his choice. But should he force us to war, we will fight for a noble and a just cause—to prevent a future and far worse attack than that of September 11, 2001. America will be victorious in this next phase of the war on terror, for the worst of a

dictator cannot defeat the will of a free people.

Saddam Hussein will fight to preserve his grip on power and protect weapons that murder millions. But if we must fight, we will do so for love of country, for respect of humanity, and for the rights and freedoms that all people deserve to enjoy, including the Iraqi people.

The PRESIDING OFFICER. The Senator from New Mexico, under the previous order, is to be recognized.

The Chair wants to say that it is his view that the subject matter is of enormous gravity, and the subject matter and statement of the Senator is most compelling. So anyone who does not share that view will leave the Chamber. And that will be pursued by those officers. And the Sergeants at Arms in the galleries are requested to ensure the gallery follows the same.

The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, before I proceed, I would like to congratulate the distinguished Senator from Tennessee. When he writes his name uses the title "Senator" followed by "M.D." I think you will always be a doctor even if you are not always a Senator. I am happy to know you in both capacities—as a member of the medical profession—and among our ranks as senators. We in the Senate are very fortunate that a few years ago at the peak of your profession you decided to come here, and your people there in Tennessee sent you. I have been here 30 years—roughly five times, I think, that you have been here. I have gotten to know you very well. I consider you among one of my very best friends—not only here but in the world. I am very proud of what you had to say here tonight.

I am not going to speak about the technical matters. If anybody wants proof about the quantity and the tremendous damage that the weapons which Saddam probably possesses can cause humankind, they can read Senator BILL FRIST's statement just ahead of mine.

I have difficulty when speaking on a subject such as this to disengage from being a full-blooded American and try to see the issue from a global perspective. It is very hard for me to see the world and see this issue in any way other than from the eyes of an American who grew up here and has lived here for the years I have been on this Earth. I am prejudiced by my great confidence in America being the right country to see that the Middle East stops being a tinderbox. I think we are the right country, and probably the only country that can keep Saddam Hussein from using those weapons of mass destruction. We are the only country that will see to it that he brings minimal damage to this world.

I have concluded, after much study, that we must give our President this authority—not because he is going to use it, but quite to the contrary: to raise hopes he won't have to use it.

I am voting aye on giving the President this authority because I am convinced that the one and only way to prevent Saddam Hussein from doing tremendous damage to humankind and to the Earth is to say to our President, You have the full strength of the American military to keep him from doing anything of great harm.

That sounds like a terribly simple proposition, but I don't think it is. I think if one wanted to write a 30- or 40-page speech about what I just said, one could devote 5 pages just to the history of the United States. They could about how our country started and what our first wars were all about. They could talk about the First World War and the horror of chemical weapons used in that conflict.

Do you know I had an uncle in the First World War in 1919? I wondered when I was growing up how come an aunt of mine used to get a little check in the mail—\$19.80, or something. Finally, I said to my mother: What does my auntie do with that money? She said: She gets it for all of the life of her husband—she then told me in Italian—because your uncle, mio zio, was gassed by the Kaiser in the First World War with mustard gas.

You see, how many years ago was that?—80 or 90?

The PRESIDING OFFICER. The Senators on the floor will kindly take their conversations off the floor so the Senator from New Mexico may have the full attention of the Senate.

The Senator from New Mexico.

Mr. DOMENICI. Thank you very much.

So one could write at length about the parallels in our country's history and how it relates to today. Then follow every war we have been in, and then ask, What country is the most just throughout its history? Would there be any question? It would be the United States. Yet, we have people saying we shouldn't get involved in this, as if we are some big bamboozling country wrought on doing damage. History will tell us and tell the world that that is not why America would get involved in this situation. Isn't that right? Historically, the United States has only used military force when we can do some good. We stand for some principle or concept that we really think is tremendous—in this case, democracy versus dictatorship, democracy and freedom versus the kind of despicable character about whom our President has been speaking to us for a long time. The world is seeing a new kind of war that started with the destruction of our towers and our Pentagon.

This war has its origins right there in that Middle East where, if action is not taken, humankind is going to have some big problems. And I concluded that if we want to make sure our military personnel are safe, we would have to get them out of the Middle East, bring them all home. But guess what? If we did that there would be a war in

the Middle East without question. It would not take Saddam Hussein very long before he would attack Israel. And if he wasn't successful, who else might join to help him? Perhaps two or three other nations who would be willing to take up arms against Israel. So I believe there is a real reason for us to work through the United Nations to try to bring peace to that area.

So I do not intend to go into all the details about the threat Iraq poses, rather, I just want to talk about the conclusions I tried to draw about dealing with that threat. One that I just talked to Senator FRIST about, is that we are probably as good a nation as any in the world to decide that action needs to be taken. I have also concluded that to be successful, we had better give our President the authority he needs to act. In this way can better negotiate so as to maintain the peace.

I guess I am going to stop for a minute and ask, is something going on I should know about? I have 20 minutes to speak. If people are not waiting, I am going to speak for 20 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Parliamentary inquiry, Mr. President: The Senator from New Mexico has the floor; is that right?

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. How much time does the Senator have left?

The PRESIDING OFFICER. The Senator has 12 minutes remaining, and he is followed by the Senator from Michigan for 30 minutes.

Mr. BIDEN. I thank the Chair.

Mr. DOMENICI. Mr. President, I think we are 32 minutes away from someone on that side being recognized.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, I say to the Senator from Tennessee, I am delighted to have found you on the floor just before my remarks. As always, you eloquently in describing what terrible things this man can wrought on this world and how we need to be careful. If we are going to get involved, we ought to be prepared. And what I added tonight, is that if we are going to do anything about it, we have to give our President the authority he needs. And he may well need our Army, our military to do it.

So, Mr. President, I rise today in support of the Lieberman-Warner-Bayh-McCain amendment because I am convinced that without clear authority to act decisively, it is not possible for the President of the United States to effectively confront the growing threat in Iraq.

As I just said in talking with my friend from Tennessee, I do not think it is going to be very effective for us to say: Mr. President, stay involved, go to the U.N., talk to everybody about the despicable character who is now the head of Iraq.

I don't think that is going to do anything if the President is not backed up

with real authority to take military action. I don't want our President to engage in an effort that, from the onset, will not allow him to achieve intervention by the U.N. with a resolution of consequence.

What I want for the American people is for our President to be able to effectively work with the U.N. to the maximum extent, as this resolution allows.

This resolution makes certain that if the United States is involved, our President, after trying negotiations—and the words are voluminous on how hard he must try to resolve this matter peacefully and to keep Congress informed, he must give us reports—that he has the strength of the U.S. military if that does not work. And, frankly, I repeat, I think that is more apt to preserve peace than if we do not give the President the power.

I am concerned that the world is already set up for a major war in the Middle East. And the only way to prevent it is to give our President the authority he needs to negotiate effectively, to go to the U.N., to go to our friends, to use diplomacy, but to be ready to say: The people of the United States, through our Congress, gave me authority to do more than that. They gave me authority to intervene and use the full power of the United States.

The PRESIDING OFFICER. The Senator will please suspend.

Will Senators kindly take their conversations off the floor.

I thank the Senator from New Mexico.

Mr. DOMENICI. Maybe while they are gone, and the only one here is Senator BYRD, I could ask unanimous consent that I have an additional hour.

I am just joking, so you don't have to object.

In any event, it is clear to me that in the absence of this authority, Saddam Hussein will continue to assume that America's warnings are not serious. He will continue with all manner of delay and defiance, and he will continue to buy time for further development of weapons of mass destruction. And that is what we are talking about.

Mr. President, while I will associate myself with the technical remarks of my friend, the doctor from Tennessee, I know a little bit about nuclear weapons. It is my subcommittee on appropriations that funds them, and has for the last 6½ years. So I know a little bit about that.

But I also remember when we went and talked to groups about weapons of mass destruction, and we described gas and biological weapons of mass destruction by holding up a jar. It was not like this glass I hold in my hand, but what we actually used was a mayonnaise jar, the size jar that most people associate with a jar of mayonnaise that you would have in a refrigerator.

And we held that up and said: If you know how to make real poisonous gas, and real biological killers, you can put them in a bottle this small. The chemistry needed to produce these poisons

could be accomplished in a little room about the size of a kitchen. And the destruction that could be caused is beyond perception.

So we will find that it is not as easy as to deter these weapons as were nuclear weapons for all the years we were standing head to head and toe to toe with the Soviet Union. We knew everything about their nuclear weapons; they knew everything about ours. But this batch of terrorists, who are bent on mass destruction, have us much more over a barrel than the Soviet Union did with nuclear weapons when we faced mutual assured destruction, sometimes called MAD, as the premise that would prevent war.

So it is clear that weapons of mass destruction are going to continue, under the auspices and direction of the scientists who have been brought into Iraq, and be shipped around the world by Iraqi leaders, to put these terrible kinds of things in the hands of others, who are the "minutemen" of Saddam around the world.

So I say again, by enacting the resolution that is before us, we emphasize our resolve to act in the event that Saddam impedes the work of U.N. weapons inspections. We will emphasize by this our resolve to act. So let's be clear. Saddam Hussein only understands the language of force. This resolution provides unambiguous authority for the President to use force. It is this authority, and Congress's support, that gives us the best hope of avoiding confrontation in pursuit of Iraq's disarmament.

So it is the expectation of New Mexicans and all Americans that wherever their President considers sending U.S. troops to battle, that he does so in full consultation with the Congress and our allies in the war on terrorism. The American people also expect that the President will commit U.S. forces only after diplomatic avenues have been exhausted. And this resolution says that.

This resolution underscores those concerns by imposing unambiguous responsibilities on our President.

I am sure that resolution has been read to the American people and those watching us more than once.

But let me just state a couple of them. Prior to using force or within 48 hours after exercising the authority, the President is required to certify to Congress that diplomatic and other peaceful means cannot protect our national security against the threat posed by Iraq. Also, he must certify that such means are not likely to bring Iraq into compliance with all relevant U.N. resolutions.

Second, only in the event that diplomatic efforts fail and Iraq continues to breach its international obligations and the inspectors are given every opportunity for unimpeded access, then our President can use the military. He doesn't have to come back to us under those circumstances.

Believe me, Saddam Hussein and his military and his scientists will imme-

diately understand what it means if we give our President the authority to use force. There is no longer the delay in communications. Iraq will know we are serious, and we can be more effective in our diplomacy. If it doesn't work, we leave it in the hands of our President.

Some observers think this resolution gives the President too much authority. In fact, the resolution gives the President no more authority than he already has as Commander in Chief to provide for the national security for the United States. What the resolution does is to recognize the clear and present danger of Saddam Hussein with weapons of mass destruction. It says he is a weapon of mass destruction. It calls the President to exercise this authority as a last resort, and only in the event that all negotiations are fruitless, and with the added condition that he explain his actions to the Congress.

I believe the best way to prevent the Middle East, in this moment of history, from exploding into a war is for us to recognize how important we are to achieving peace, how important it is that we ask our President to be our instrument of peace in this very troubled part of the world.

Even a person as culpable and as lacking in human decency as Saddam Hussein will understand that our President, once given the proper authority, will take all necessary action to ensure the security of America and humankind against the destruction of weapons of mass destruction. I believe he is far less likely to unleash weapons of mass destruction when he knows that the American military, with the full support of Congress, is poised to stand in his way.

We have just today approved the biggest Defense bill ever in the history of America. We have given the President most of what he asked for in that bill. I believe it could not be worse news for Saddam Hussein than to learn that the U.S. Congress has approved the money needed to bolster our military and then, to learn shortly thereafter, that it has approved a resolution giving our President the real authority he needs to use military force to disarm Iraq. I believe this is the best way to secure peace.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, let me just say we have spent a lot of time, and we have a plan. It is not one that is going to finish quickly. We have a lot of work to do tonight. But this is a tremendous step forward. I ask everybody to listen.

We have worked with a number of Senators for some time. I will just say I also have permission from the minority to allow Senator SARBANES to speak for up to 30 minutes following the statement of the Senator from Michigan, Senator LEVIN. I ask unanimous consent that that be the case.

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that immediately after the pledge tomorrow morning, following the 9:15 a.m. convening of the Senate, Senator BYRD be recognized to offer an amendment No. 4869; that there be a time limitation of 20 minutes, with the opposition controlling 5 minutes and Senator BYRD controlling 15 minutes; that following the use or yielding back of that time, the Senate vote on the amendment; that following the disposition of that amendment, there be 30 minutes of debate equally divided between the leaders, with Senator LOTT controlling the first 15 minutes and Senator DASCHLE controlling the final 15 minutes, and upon completion of that time, the Senate vote on Senator LIEBERMAN's amendment, and that will be cloture on the Lieberman amendment; that following that vote, there be a time limitation of 45 minutes on Senator BYRD's amendment No. 4868, with Senator BYRD controlling 30 minutes, Senator LIEBERMAN, or his designee—the only change would be Senator BIDEN would control the 15 minutes in opposition. Upon the use or yielding back of that time, the Senate vote on Senator BYRD's amendment; further, that no second-degree amendments be in order to either of the above-listed amendments.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object. I am perfectly agreeable to everything that has been said with reference to my amendments. I wonder if we can get a little more time for debate on the motion to invoke cloture. We have nothing but 15 minutes for Mr. LOTT and 15 minutes for Mr. DASCHLE. I would like to have a few minutes to express opposition to cloture. I know it will be futile, but can we work out an additional 30 minutes? The two leaders can close, but this agreement only gives the two leaders a chance to talk on cloture. That is a key vote. I would like to have a few minutes on that, and perhaps other Senators would like time on either side.

Mr. REID. The question is, prior to the cloture vote, would the minority have objection—or would anybody object to Senator BYRD having more time? How about 10 minutes, because the leaders only get 15?

Mr. BYRD. Is the time so short?

Mr. REID. Senator BYRD, I say respectfully the two leaders have indicated they are going to finish this tomorrow. Each minute we stall means that much later we have to go.

Mr. BYRD. I am not stalling.

Mr. REID. No one said the Senator is stalling. Each minute that we do not move forward means it will be that much later. Will the Senator agree to 10 minutes?

Mr. BYRD. This is a question of life or death. Can I not get more than 10 minutes?

Mr. SARBANES. If the Senator will yield, does each leader get 15 minutes?

Mr. REID. That's right.

Mr. SARBANES. Why don't we give Senator BYRD 15 minutes?

Mr. WARNER. Senator MCCAIN is going to handle the Byrd amendment—

Mr. REID. This is on cloture. Prior to cloture. Why don't we do that.

Mr. WARNER. Our leader will speak prior to cloture.

Mr. REID. I modify the request to that effect.

Mr. WARNER. Mr. President, I ask the distinguished Senator to recast what he is now seeking to achieve.

Mr. REID. Yes. In the morning, at 9:15, we are going to come in. Senator BYRD would be recognized to offer amendment No. 4869, and there will be 20 minutes. He has 15 minutes and the opposition has 5 minutes.

Mr. WARNER. Could Mr. MCCAIN's name be put next to that?

Mr. REID. Yes, 5 minutes to Senator MCCAIN. And then following that, there would be a vote on that amendment. Then there will be a vote on cloture. Prior to vote on cloture, Senator DASCHLE would have the last 15 minutes, Senator LOTT would be the middle speaker, and Senator BYRD would be recognized for the first 15 minutes prior to the cloture vote. After that, Senator BYRD's other amendment would be brought up, with the time as indicated.

Mr. WARNER. Will the Senator repeat the time.

Mr. REID. There will be 45 minutes for Senator BYRD and 15 minutes for Senator MCCAIN.

Mr. WARNER. Make that McCain-Warner.

Mr. REID. Senator DAYTON wants to speak for 15 minutes on the Byrd amendment after cloture.

Mr. WARNER. How about the Senator from Michigan?

Mr. REID. We are going to work that out further. Please don't go any further.

Mr. WARNER. I say to the leader that the Senator from Michigan is a vital part of the UC.

Mr. REID. We are going to work on him, Senator DURBIN and Senator BOXER.

Mr. WARNER. That would be along the lines we agreed to in our conference.

Mr. REID. Yes.

Mr. WARNER. I have no objection to the Senator's request.

Mr. LEVIN. Reserving the right to object, and I will not object. Pursuant, then, to this unanimous consent agreement, I understand it would then be in order for me to proceed and to lay down my amendment tonight.

Mr. REID. The amendment we have spoken about, that's right. The Senator is next in order, anyway.

Mr. LEVIN. The Byrd amendment has not been disposed of.

Mr. REID. There is a gentlemen's agreement that will be set aside for you to offer your amendment because there is a time—I guess you would say a gentlemen's and ladies' agreement.

Mr. BYRD. Reserving the right to object. I have no intention of objecting. Following the cloture vote, if cloture is invoked, what—

Mr. REID. We go immediately to your amendment. You have 45 minutes on that, and there are 15 minutes in opposition.

Mr. BYRD. On that amendment. And then—

Mr. REID. Then we are going to work things out after that. We have talked to Senator LEVIN and we will talk to Senators BOXER and DURBIN. I think we can work something out per the conversation we all had in the cloakroom.

Mr. BYRD. Assuming cloture is invoked on this serious question—which it will be—there will be 30 hours for debate.

Mr. REID. Yes. As I indicated, we will work with the Senator tomorrow on the time the Senator can have.

Mr. BYRD. I beg the Senator's pardon.

Mr. REID. We will work with the Senator on time so he can have some time yielded to him.

Mr. BYRD. I hope so.

Mr. REID. I indicated I will work on that.

Mr. BYRD. The Senator is an honorable man and I thank him for all of his good work. I hope I am not limited tomorrow to 3 hours and 4 hours. I hope whatever Senators want to yield time to me may be allowed to do so.

Mr. REID. I respectfully say to my friend, I would love to get over this hurdle, and we will worry about that tomorrow. I will do my best.

Mr. BYRD. I know about getting over the hurdles. I was always afraid something would crawl out of the woodwork before I would get the Chair to put the question. I have nothing further.

Mr. SARBANES. Will the Senator yield for a question.

Mr. REID. Yes.

Mr. SARBANES. Upon the disposition of the second Byrd amendment, which would be after cloture—

Mr. REID. We are working on that now, what will happen on that.

Mr. SARBANES. How about the Levin amendment?

Mr. REID. We tentatively have that worked out. I need to get off the floor and we can work that out. I am certain we have an agreement.

Mr. SARBANES. I understand that now the Byrd amendment will be laid aside so that the Levin amendment can be called up.

Mr. REID. Following his statement, the Senator from Maryland would be recognized.

Mr. WARNER. Did the Chair enter the order? I don't know if the Chair entered the order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized for a period of 30 minutes. The Senator from Michigan.

AMENDMENT NO. 4862 TO AMENDMENT NO. 4856, AS MODIFIED

Mr. LEVIN. Mr. President, on behalf of myself, Senator REED, Senator BINGAMAN, Senator BOXER, Senator MIKULSKI, and Senator STABENOW, I call up amendment No. 4862, which is at the desk.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. REED, Mr. BINGAMAN, Mrs. BOXER, Ms. MIKULSKI, and Ms. STABENOW, proposes an amendment numbered 4862 to amendment No. 4856, as modified.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize the use of the United States Armed Forces, pursuant to a new resolution of the United Nations Security Council, to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, long-range ballistic missiles, and related facilities, and for other purposes)

In lieu of the matter proposed to be inserted by the amendment, insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In accordance with United Nations Security Council Resolution 687 (1991), Iraq made a commitment—

(A) to destroy, remove, or render harmless all chemical and biological weapons and stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities related thereto;

(B) to destroy, remove, or render harmless all ballistic missiles with a range greater than 150 kilometers, and related major parts and production facilities;

(C) not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities; and

(D) to permit immediate on-site inspection of Iraq's biological, chemical, and missile capabilities, and assist the International Atomic Energy Agency in carrying out the destruction, removal, or rendering harmless of all nuclear-related items and in developing a plan for ongoing monitoring and verification of Iraq's compliance.

(2) The regime of Saddam Hussein consistently refused to cooperate with United Nations Special Commission weapons inspec-

tors in Iraq between 1991 and 1998 by denying them access to crucial people, sites, and documents.

(3) On October 31, 1998, Iraq banned the United Nations weapons inspectors despite its agreement and obligation to comply with United Nations Security Council Resolution 687 (1991).

(4) Iraq continues to develop weapons of mass destruction, in violation of its commitments under United Nations Security Council Resolution 687 (1991) and subsequent resolutions, and the regime of Saddam Hussein has used weapons of mass destruction against its own people and other nations.

(5) The development of weapons of mass destruction by Iraq is a threat to the United States, to the friends and allies of the United States in the Middle East, and to international peace and security.

SEC. 3. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that—

(A) demands that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorizes the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply;

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense; and

(4) will not adjourn sine die this year and will return to session at any time before the next Congress convenes to consider promptly proposals relative to Iraq if in the judgment of the President the United Nations Security Council fails to adopt or enforce the resolution described in paragraph (2).

SEC. 4. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) AUTHORIZATION.—Pursuant to a resolution of the United Nations Security Council described in section 3(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) REQUIREMENTS.—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful

means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 3(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 5. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 3(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

Mr. LEVIN. Mr. President, this amendment will provide an alternative to the Lieberman amendment. This amendment will authorize the President to use military force supporting the U.N. resolution that he seeks, but then provides that if he seeks to go it alone, if he wants authority to proceed unilaterally, he would then call us back into session.

This amendment provides that if the President then seeks authority to unilaterally go it alone without the authority of the United Nations, not in support of a U.N. resolution, he would then call us back into session and seek that authority from the Congress.

This is an alternative to the unilateral approach which is in the White House-supported resolution. This gives the same authority to the President to use military force of the United States in support of the U.N. resolution that he seeks, but does not at this time address the issue of going it alone and authorizing unilateral action or saving that for a later time should the United Nations not act.

President Bush described in Cincinnati in detail the threat that Saddam Hussein's regime poses.

Mr. WARNER. Mr. President, I wonder if my friend will yield for a moment. I just discovered in the haste of activities that the distinguished chairman of the Armed Services Committee has 30 minutes to present his amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. And then there is no time reserved for the Senator from Virginia to do any rebuttal following that amendment, but there is now time given to the Senator from Maryland, Mr. SARBANES, immediately following the Senator from Michigan; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. How much time is that?

The PRESIDING OFFICER (Mr. NELSON of Florida). Thirty minutes.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, President Bush described in Cincinnati in detail the threat that the Saddam Hussein regime poses. I have relatively few differences with that description, and I believe if Saddam Hussein continues to refuse to meet his obligation to destroy his weapons of mass destruction and his prohibited missile delivery systems, that the United Nations should authorize member states to use military force to destroy those weapons and systems and that the United States Armed Forces should participate in and lead a United Nations authorized force. That is what my amendment provides.

The issue that is in dispute is whether unilateral force should be authorized by Congress at this time in case the United Nations does not act—whether we should authorize the President now to go it alone without U.N. authorization if the United Nations does not act. How we answer that question could have a profound and lasting effect on the safety of our children and grandchildren for decades to come because the difference between attacking a nation with the support of the world community or attacking it without such support is fundamental.

The President answers the question by seeking a resolution from Congress that gives him the authority to use force under the auspices of the United Nations or to go it alone if the United Nations fails to act. He seeks this unilateral authority even though he does not condition its use on the threat to the United States by Saddam as being imminent.

Indeed, the President stated in the national security strategy that was released by the White House last month that preemptive attacks to forestall or prevent hostile acts by our adversaries can now be undertaken although a threat is not imminent.

The new strategy the President has adopted explicitly states:

We just adapt the concept of imminent threat to the capabilities and objectives of today's adversaries. Rogue states and terrorists do not seek to attack us using conventional means.

The President's Iraq resolution and the national security strategy, therefore, both take the position that an imminent threat is no longer required as a basis for our military action in self-defense. The President is explicitly seeking to modify the traditional concept of preemption by deleting the need for "imminent" and substituting that of "sufficient threat" in the strategy document and "continuing threat" in the proposed resolution—dropping the requirement for "imminent"—that the threat be imminent—and substituting something far less—"sufficient" or "continuing."

That the President is seeking authorization for a unilateral preemptive attack without U.N. authorization or requirement of imminent threat is at the heart of the Senate debate that is presently taking place.

Under the traditional international law concept of preemption in self-defense, the United States would be justified in acting alone in the case of a serious threat to our Nation that is imminent. In a case where a threat is not imminent, military action would also be justified if it were carried out pursuant to the authorization for the use of force by member states of the United Nations.

The choice facing the Senate is whether Congress should now, at this time, give the President the authority to go it alone, to act unilaterally against Iraq if the United Nations fails to act.

Congress is being presented with this issue at the very same time our Secretary of State is trying to get the United Nations to back a tough new resolution authorizing member states to use military force to enforce Iraqi compliance with inspections and disarmament.

On Monday, the President said:

I have asked Congress to authorize use of America's military if it proves necessary to enforce U.N. Security Council demands.

That sounds like my alternative, but in fact the White House resolution asks for much more.

The resolution the White House seeks is not limited to the use of force if the United Nations authorizes it. On the contrary, it specifically authorizes now the use of force on a unilateral, go-it-alone basis, that is, without Security Council authorization. The President's rhetoric does not match the resolution before us.

The White House approach also authorizes the use of force beyond dealing with Iraq's weapons of mass destruction and their means of delivery, which is also a difference from my resolution.

The resolution which I offer on behalf of those cosponsors and myself is consistent with how I think most Americans want us to proceed. It emphasizes the importance of dealing with Iraq on a multilateral basis, and it withholds judgment at this time on the question of whether the United States should go it alone, that is, whether we should act unilaterally against Iraq if the United Nations fails to act.

This resolution I am offering does the following: First, it urges the United Nations Security Council to adopt a resolution promptly that demands unconditional access for U.N. inspectors so Iraq's weapons of mass destruction and prohibited ballistic missiles may be located and destroyed, and within that same U.N. resolution authorizes the use of necessary and appropriate force by U.N. member states as a means of enforcement in the event that Iraq refuses to comply.

Our resolution also specifically authorizes use of United States Armed

Forces pursuant to that U.N. Security Council resolution if Iraq fails to comply with its terms and the President informs the Congress of his determination that the United States has used appropriate diplomatic and other peaceful means to obtain Iraqi compliance with such a U.N. resolution. Our resolution affirms that under international law and under the U.N. charter, especially article 51, the United States has at all times the inherent right to use military force in self-defense. This affirms the fact that there is no U.N. veto over U.S. military action.

I repeat that because some of our colleagues have suggested otherwise about our resolution. The resolution we are offering explicitly affirms the fact there is no U.N. veto over U.S. military action because we state explicitly the United States has at all times an inherent right to use military force in self-defense. Our resolution also provides Congress will not adjourn sine die so that Congress can return to session, if necessary, and promptly consider proposals relative to Iraq if, in the judgment of the President, the U.N. Security Council does not promptly act on the resolution I have described above.

Our resolution therefore supports the President's appeal to the United Nations and it approves now the use of our Armed Forces to support the action of the United Nations to force compliance by Saddam Hussein with inspections and disarmament. However, it does not authorize now, before we know whether or not we have the world community on our side, U.S. Armed Forces going alone. Should we need to consider that possibility at a future time, the resolution provides for the immediate recall of Congress to do so.

Our resolution does not, on the matter of war and peace, life and death, exceed the grant of authority needed by the President at this time.

If Congress instead endorses the White House approach, allowing the unilateral use of force at this time, even in the absence of a U.N. authorization, we will be sending an inconsistent message. We will be telling the United Nations that if they do not act, we will, at the same time we are urging them to act. We would be taking the U.N. off the hook if we adopt the go-it-alone resolution. We would be telling the United Nations they are not particularly relevant at the same time we are urging them to be very relevant. If we want the United Nations to be relevant and credible, if we want the United Nations to succeed, if we want the United Nations not to be limited to humanitarian and disaster relief and other tasks that are mighty useful but not essential—and I think most of us do—then we have to focus our efforts there and give those efforts a chance to succeed.

If we act wisely, authorizing the use of our forces pursuant to a U.N. resolution authorizing member States to use

force, we will not only unite the Congress, ultimately we will unite the world community on a course of action that will seek the elimination of Saddam Hussein's ability to threaten the world with weapons of mass destruction. That is where our focus should be, uniting the world, not dividing it. Moreover, a going-alone approach, in which we attack Iraq without the support and participation of the world community, entails serious risks and could have serious consequences for us in the Middle East and around the world. It makes a difference, when deciding to use force, whether that use of force has the support of the world community. It makes a difference for us in the current situation involving a possible attack on Iraq. If we go it alone, will we be able to use air bases, ports, supply bases, overflight rights in the region? Those rights and capabilities are important to the success of a military operation against Saddam.

The Saudis have said publicly that without the U.N. authorization, we will not have access to important bases, and that is just one country. Others have said something very similar. If we go it alone, will there be a reduction in the broad international support for the war on terrorism, including the law enforcement, financial and intelligence cooperation that is so essential? If we go it alone, will that destabilize an already volatile region and undermine governments such as Jordan and Pakistan? Could we possibly end up with a radical regime in Pakistan, a country which has nuclear weapons? If we go it alone, will Saddam Hussein or his military commanders be more likely to use weapons of mass destruction against other nations in the region and against our military forces in response to our attack? That would be the case if he faced a U.N.-authorized coalition, particularly if that coalition included Muslim nations as the coalition did during the gulf war.

If we go it alone, will we be undercutting efforts to get other countries to help us with the expensive and lengthy task of stabilizing Iraq after Saddam is removed? Beyond the current situation relative to using force in Iraq, going it alone without U.N. authorization, based on a modified concept of preemption that no longer requires the threat to be imminent, will lead to a serious risk to international peace and security. If we act unilaterally, without U.N. authority or an imminent threat, that will create a dangerous situation for international peace and stability in the long term. We will be inviting other nations to forego an important rule of international law requiring a serious and imminent threat before one nation can attack another nation in the name of self-defense.

India and Pakistan have a continuing threat, in their view, from each other. Even Greece and Turkey at times view each other as a continuing threat. If that becomes the test, and if we set the precedent in this resolution to author-

ize that kind of attack, in the absence of an imminent threat, we will be setting the world on a very different course, and we must consider a long time before doing that. That is what we should be called back into session to consider if the U.N. does not authorize force.

By seeking a U.N. resolution that will authorize U.N. member States to use force if Iraq does not comply with its terms, we are not giving the United Nations a veto over the conduct of our foreign policy. What we are doing is getting from the United Nations strength and international support should military force be necessary. We should be seeking to unite the world against Saddam Hussein, not dividing it. Our immediate objective should be to get the United Nations to act, locate, and destroy Iraq's weapons of mass destruction and the means of delivering them. The threat Saddam presents is real and we should deal with it. But authorization for preemptive, unilateral U.S. action in Iraq does not need to, and should not be granted at this time. If the U.N. does not act, Congress can be called back promptly to consider a request to authorize force unilaterally and to consider the serious and different risks involved in pursuing the unilateral course.

Last Monday's Washington Post carried a story in which a senior European official's response to the U.S. going it alone was:

A lot of Europeans would feel they had been put in an intolerable position.

For those who would agree to participate militarily:

... it would be less a coalition of the willing than of the dragooned.

Javier Solana, former NATO Secretary-General, currently the EU's top foreign policy official, in an address at NATO headquarters last week stated:

Ad hoc coalitions of docile followers to be chosen or discarded at will is neither attractive nor sustainable.

Just last week, after hearing from Prime Minister Blair and Foreign Minister Straw, the ruling Labor Party's conference in Britain issued a formal position on Iraq that included the following:

The conference believes that the authority of the U.N. will be undermined unless it is enforced, and recognizes that in the last resort this could involve military action but considers that this should be taken within the context of international law and with the authority of the U.N.

Just last Friday, Turkey's Presidential spokesman said his nation would participate in a campaign against Iraq only if the world body blessed them, stating "an operation not based on international law cannot be accepted."

The best chance of having Saddam Hussein comply with U.N. Security Council resolutions is to make sure when he looks down the barrel of a gun that he sees the world at the other end, not just the United States. I believe he will not open up to inspections without

looking down the barrel of a gun. I think only the credible threat of force will, indeed, disarm Saddam Hussein. But the question remains whether or not we want that force to be the world's authorized, supported force, or whether or not we at this time want to say, well, if they don't, we will. We will go it alone. When we do not need to address that issue at this time when the President is going to the United Nations, when it undermines our argument at the United Nations that we want them and need them to adopt a strong resolution, to enforce it, to authorize member states to use military force to enforce it. That is the direction we should be going, that is the focus we should have, and it should be strong and undiluted, the question of whether we authorize at this time a go-it-alone approach, when that is not what is needed at this time.

Congress should give the President what he said in Cincinnati he was asking for: The authority to use U.S. military force to enforce U.S. Security Council demands; not what the resolution that is supported by the White House provides, which is going-it-alone authority. Our focus then would be where it belongs, securing a United Nations resolution that can unite the world; that has the best chance of forcing compliance and avoiding war; that reduces the risk to our forces and to our interests throughout the world; that avoids to the maximum extent possible the negative consequences if force is required, including the loss of cooperation on the war on terrorism. That is the best chance of isolating Saddam Hussein, rather than isolating the United States.

I wonder how much time I have remaining?

Ms. STABENOW. Will the Senator yield?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. LEVIN. I am happy to yield 4 minutes to my colleague from Michigan.

Ms. STABENOW. Mr. President, I thank my colleague and friend from Michigan for his thoughtful approach. I believe what Senator LEVIN has put forward is the right approach. It minimizes the risk to our country, to our troops, and maximizes the ability for the world community, including the United States, to come together, to make sure that Saddam Hussein does not have the opportunity to use weapons of mass destruction against us or against anyone else in the world.

I would, just to support Senator LEVIN, quote again as I did last week on the floor of the Senate in my own statement, Brent Scowcroft, former National Security Adviser to President Bush, who wrote in the Wall Street Journal: An attack on Iraq at this time would seriously jeopardize, if not destroy, the global counterterrorism campaign we have undertaken. Ignoring that clear world sentiment against an attack would result in a serious degradation in international cooperation

with us against terrorism. And make no mistake, we simply cannot win that war without enthusiastic international cooperation, especially on intelligence.

I believe Senator LEVIN's approach guarantees we keep our focus on the coalition that has come together to fight terrorism in the world and at the same time gives us the opportunity to build that same coalition to turn attention to the threats of Saddam Hussein. We can do both. We can do it correctly. And we can minimize the risk that I believe will be there if we, in fact, rush to act alone.

I thank Senator LEVIN, again, certainly as Chair of the Armed Services Committee, for his continual service to our country and his understanding of what it takes to make sure we are able to keep our focus on terrorism and take the time and the opportunity to build that same coalition to address the threats of Saddam Hussein's weapons of mass destruction.

I urge my colleagues to support the Levin approach. I believe this is the approach that will allow us to make sure we do this right. I urge its adoption.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan has 6 minutes remaining.

Mr. BYRD. Mr. President, I ask unanimous consent to modify my amendment No. 4868 to remove paragraph 2, and further I ask consent to modify my amendment No. 4869 to change the references to Sec. 3(a) to 4(a).

Mr. REID. Reserving the right to object, could the Senator from West Virginia tell us what these changes mean?

Mr. BYRD. Yes. The second one is just a technical change in paragraphs, from 3(a) to 4(a). It makes no change in the substance of the amendment.

The other change, I asked unanimous consent to modify my amendment No. 4868 to remove paragraph 2. This amendment is not affected by germaneness, no matter what happens. As submitted to the desk earlier, paragraph 2 is as follows—I want to take this out. Here is what I am moving to do. I can best clarify it by reading the entire amendment, and then I will state to the Senate where I want it cut off.

My amendment would be Sec. 5. Statutory Construction.

Nothing in this Joint Resolution—

(1) is intended to alter the constitutional authorities of the Congress to declare war, grant letters of Marque and Reprisal, or other authorities invested in Congress by Section 8, article I of the Constitution; or that is straightforward.

Now, the part I wanted to take out says:

Or, (2) shall be construed as granting any authority to the President to use the United States Armed Forces for any purpose not directly related to a clear threat of imminent, sudden, and direct attack upon the United States, its possessions or territories, or the Armed Forces of the United States, unless the Congress of the United States otherwise authorizes.

I am asking to lop off that second paragraph. I had some concerns ex-

pressed by several of my colleagues on this side with respect to that part.

Mr. WARNER. Mr. President, respectfully and regrettably, I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to both requests?

Mr. WARNER. The Chair is correct, to both requests.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I hope the Senator will reconsider that.

I withdraw my request for the moment.

Mr. REID. Mr. President, it is my understanding the time of the Senator from West Virginia has not been off the time of the Senator from Michigan.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. The Senator from Michigan now has 6 minutes. Is that right?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I understand my friends have some questions which I would be happy to try to answer on my 6 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. WARNER. Mr. President, I thank my distinguished colleague for permitting my colleague from Connecticut and myself to ask questions. I think the Senator from Connecticut can go first with his question.

Mr. LIEBERMAN. I thank my friend from Michigan.

Let me ask this question. The Senator's amendment provides the Senate not adjourn this year and return to session at any time before the next Congress convenes to consider promptly proposals relative to Iraq if, in the judgment of the President, the United Nations Security Council fails to adopt or enforce the resolution described in paragraph 2.

My question to the Senator from Michigan is whether he has decided under those circumstances whether he would support a resolution authorizing the President to use force and the Armed Forces of the United States to enforce the United Nations resolutions.

Mr. LEVIN. I think the circumstances would determine the answer to that question that exists at the time. But the risks of going it alone are so much greater than going multilateral support. It seems to me we should consider those risks before reaching a decision. Tonight I have laid out some of those risks which I believe are serious risks of going it alone. That is what I think we would all need to consider at great length before authorizing going-it-alone authority.

Mr. WARNER. Mr. President, I say to my good friend, regrettably we have to very forcefully object to your amendment before the vote. But I say that our President, at the urging of everybody who said go to the United Nations, went to the United Nations. He gave a brilliant speech. The Secretary of State met with us yesterday. I met

with him personally. The Secretary of State is doing everything possible to avoid a two-step process. I say regrettably to my good friend, were we to adopt this amendment, it would completely dislodge the efforts ongoing at this time in the United Nations to get, if possible, one single No. 17 resolution and put it in place.

Mr. LEVIN. I turn that into a question, whether or not I agree. It seems to me the opposite is true. We are asking the United Nations to take action. We want them to do it with one step. My resolution urges one step—impose the obligation on Saddam Hussein, and authorize force to enforce that mandate. It is one step in my resolution.

If we go to the U.N., as we are now doing, and say we really need you, it is really important we have United Nations support, that is what we are saying, the President said we want you to be credible, it is totally inconsistent at the same time in your resolution to say, by the way, if you do not do it, we will. It just takes the United Nations off the hook. It sends the opposite message to the U.N. from what we should be saying to the United Nations and I thought the President was saying to the United Nations: We want you to be credible. We need the world to come together for Saddam Hussein.

The resolution that the Senator from Virginia and the Senator from Connecticut supports is basically to say, if you do not do it, we will go it alone.

That is the wrong message to the world for many reasons.

Mr. LIEBERMAN. Will the Senator yield?

Mr. LEVIN. I would be happy to do that.

Mr. LIEBERMAN. I thank the Senator.

My friend from Michigan knows one of the reasons I cosponsored the resolution underlying it is I believe the best way for us to get the United Nations to act to enforce its own resolutions is if we make clear we are prepared to do so ourselves, although that is not our preference.

Here is my question: In section 3(3) of the Senator's amendment, you do affirm under international law the U.S. has at all times the inherent right to use military force itself. You argued tonight that is an indication that those who have said your amendment gives a veto to U.N. over U.S. actions are not correct. But isn't it true the section just below, section 4(a) of your amendment, says the President is authorized to use the Armed Forces of the U.S. to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons material, ballistic missiles, et cetera, only pursuant to a resolution of the United Nations Security Council as described above?

So while you recognize the inherent right of the U.S. to defend itself, to take military action in self-defense, isn't it true your amendment does give

the United Nations a veto over the authority of the United States to take action to enforce the resolutions of the United Nations?

Mr. LEVIN. It is quite the opposite. The good Senator from Connecticut read the language which makes it clear there is no veto. We can always have the inherent right to use military force in self-defense, period. We never will yield that to the United Nations or to anyone else.

My good friend from Connecticut was the author of a resolution back in 1991. He led the way on this authorization in the gulf war. The Senator was correct in his analysis, that we should move in the gulf war, and my good friend from Virginia was as well. That resolution the Senator from Connecticut offered to support military action in the gulf war said the following: The President is authorized, subject to subsection (b), to use United States Armed Forces pursuant to United Nations Security Council Resolution 678.

The Senator from Connecticut and the Senator from Virginia in the gulf war resolution had language which was adopted by a close majority, but nonetheless adopted, which said the President is authorized to use United States Armed Forces pursuant to the United Nations Security Council resolution. Nobody suggested then that the Senator from Connecticut was giving the United Nations a veto over U.S. military force. That was a grant of authority to enforce a United Nations resolution. That is the same language we are using.

Mr. LIEBERMAN. The Senator from Michigan is quite correct. The difference, I want to respectfully suggest, is in the context—in the historical context. There was an invasion by Iraq of Kuwait. There had already been a United Nations Security Council resolution. That is why the authority was as described.

Here, this resolution by Senators WARNER, MCCAIN, BAYH, and I have introduced is based on a record now of 11 years in which everything else has been tried to get Iraq to comply with those resolutions, and they haven't.

I think the difference here—I ask the Senator if he would react—is that the Senator has acknowledged the obvious inherent right of the United States to act in self-defense. That is a higher standard than the question of acting to enforce United Nations Security Council resolutions. In other words, it may be I might argue that is not in self-defense because I believe if we do not disarm Saddam Hussein, he will eventually strike us and our allies. But, in any case, in affirming a right of self-defense, the Senator has set a standard that is not carried out in a later section which makes our ability to enforce those resolutions pursuant to United Nations authorization.

So to that extent, your amendment would give the United Nations a veto over whether the President of the United States could take action

against Iraq to enforce outstanding U.N. resolutions.

Mr. LEVIN. I will put that in the form of a question.

I vehemently disagree. I urge the Senator from Connecticut to read the language, which flat out says: We affirm "the United States has at all times the inherent right to use military force in self-defense. . . ." We affirm that.

The Senator from Connecticut, in the resolution in 1991, did not even affirm that. It just simply authorized the President to use military force pursuant to the United Nations Security Council resolution. No one suggested then that anyone was ceding the power to use our force to the United Nations. Yet in our resolution, the alternative resolution, the multilateral resolution, for some reason, the folks who are supporting the go-it-alone resolution are suggesting we are ceding something to the U.N. when we explicitly reaffirm our right to self-defense.

Mr. LIEBERMAN. I do not think we will ever go it alone because we are going to the United Nations. But how then does the Senator read section 4(a) of his amendment, which says clearly that the President can only use the Armed Forces of the United States to destroy, disarm Iraq's weapons of mass destruction if there is U.N. permission?

Mr. LEVIN. Where does the word "only" appear in that resolution?

Mr. LIEBERMAN. I will read it:

Pursuant to a resolution of the United Nations Security Council described in section 3(2) that is adopted after the enactment of this joint resolution . . . the President is authorized to use the Armed Forces of the United States. . . .

Mr. LEVIN. Where does the word "only" appear in this resolution? That is my question to my dear friend from Connecticut. The Senator added a word that is not in the resolution and ignores a paragraph, saying we have an inherent right of self-defense, that is in the resolution.

Mr. LIEBERMAN. Now we have joined the issue.

Then I ask the Senator this final question: Would it be the Senator's opinion that enforcement of outstanding U.N. Security Council resolutions would amount to an act of self-defense and, therefore, the President of the United States could do that without an authorizing resolution from the United Nations?

Mr. LEVIN. We have an inherent right to use military force in self-defense, and that means, under law which is well established, that if there is an imminent threat to the United States, we do not have to wait for that threat to be implemented. We can act against any imminent threat whether or not there is a U.N. resolution covering that threat. If it is an imminent threat, we may act in self-defense.

Mr. LIEBERMAN. In that case, is it not true the Senator from Michigan is adding a word, which is the word "imminent"?

Mr. LEVIN. No. You have asked me to interpret the words "inherent right of self-defense." What I am saying is, under international law, self-defense requires that a threat be imminent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. I thank the Senator.

Mr. LEVIN. I thank my friend from Connecticut.

Mr. SARBANES. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. SARBANES. What is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is to be recognized for up to 30 minutes.

Mr. SARBANES. I thank the Chair.

Mr. REID. Mr. President, if the Senator will yield, I ask unanimous consent that the time not run against the Senator from Maryland for a unanimous consent request that we would like to have adopted.

Mr. SARBANES. Mr. President, I yield to the Senator for the purposes of his unanimous consent request, with the understanding I not lose my right to the floor.

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

Mr. REID. I would also say we have a number of people who want to speak. It is a little bit difficult because we have Senator LEVIN and Senator SARBANES for an hour. So I know that some of my colleagues on this side have been waiting a long time. But we have also had people over here waiting a long time.

So this would be my suggestion as to the time: That following the statement of Senator SARBANES, Senator HUTCHINSON be recognized for 25 minutes; following that, Senator THOMPSON be recognized for 20 minutes; following that, Senator MURRAY be recognized for 20 minutes; Senator ENZI for 20 minutes; Senator REED for 40 minutes; Senator CHAFEE for 7 minutes; and then Senator DURBIN for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Now, if my friend from Maryland would withhold, we have a unanimous consent request that I gave to be copied, and it has not shown up. Here it comes. I would really like to get that done.

Mr. SARBANES. Mr. President, I understand, under the unanimous consent agreement, this time is not being charged against my time.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I suggest the absence of a quorum. As soon as the quorum call is called off, I will do the unanimous consent request and give the time to the Senator that he is entitled to anyway.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, let me, just as a background, indicate that Senators LEVIN, BOXER, and DURBIN have been most cooperative. They have amendments that have been filed in the appropriate form. They have indicated they will offer each amendment tomorrow. Senator LEVIN's is pending tonight. We will dispose of these amendments, and they will offer no other amendments tomorrow.

Senator BOXER's is going to be disposed of at some length. She is always very deliberate in what she does. She recognizes this amendment is good, recognizes that the best way to handle this, though, is to have a colloquy tomorrow. I have spoken to the minority manager on this matter. He has agreed to enter into a colloquy with her. We have discussed what that would be.

Mr. WARNER. That is correct. Senator MCCAIN and I will engage in a colloquy.

Mr. REID. I therefore ask unanimous consent that following the disposition of Senator BYRD's amendment No. 4868, the Senate resume consideration of Senator LEVIN's amendment No. 4862; that the amendment be in order notwithstanding the provisions of rule XXII; that there be 50 minutes under the control of Senator LEVIN and 45 minutes in opposition divided as follows: 15 minutes for Senator BIDEN, 15 minutes for Senator WARNER, and 15 minutes for Senator MCCAIN—this would be in opposition to the Levin amendment—that upon the use or yielding back of that time, the Senate vote without any intervening action on, or in relation to, Senator LEVIN's amendment; that upon disposition of his amendment, Senator DURBIN be recognized to call up amendment No. 4865; that Senator DURBIN control 40 minutes for debate and 10 minutes for Senator BIDEN and 15 minutes for Senators WARNER and MCCAIN in opposition, a total of 35 minutes, plus the 10 minutes for Senator BIDEN—it would be 10 minutes for Senator BIDEN, 15 minutes combined for Senators WARNER and MCCAIN—that upon the use or yielding back of that time, the Senate vote without any intervening action on or in relation to Senator DURBIN's amendment; that no second-degree amendments be in order to either of these above-listed amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. The only change I would make in the request I just made is that Senator DURBIN have an up-or-down vote on his amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, having done that, I really appreciate very much Senator SARBANES yielding. I would ask that after Senator SARBANES finishes his statement, Senator CHAFEE, who has agreed to speak for only 7 minutes—rather than his waiting at the bottom of the list, I wonder if we could get him up at the top of the list to speak, and hopefully maybe Senators HUTCHINSON or THOMPSON may not use all their time. That may work out OK anyway.

My question is, Does anyone object to Senator CHAFEE speaking first?

Mr. MCCAIN. Reserving the right to object—I won't object—I wanted to take a second to thank Senator REID for arranging the disposition of this very difficult issue in an equitable fashion to all. I thank him for a masterful job that a few hours ago did not seem likely.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. May I join Senator MCCAIN. Also, there is reference in here to time allocated to Senator MCCAIN and myself. We will assure our distinguished Senator from Connecticut that that time will be given to him as allotted between Senator MCCAIN and myself.

Lastly, Mr. President, we still have a number of Members who have been attempting to make statements relative to the underlying bill. I assure Senators DEWINE, COLLINS, SPECTER, and others that we will be working with them with regard to scheduling tomorrow.

Mr. REID. I would also say, I appreciate very much the cooperation of everyone. But before we start doing too much back slapping here, tomorrow is going to be a really difficult day. We have to be prepared for that.

Mr. WARNER. Mr. President, we recognize that.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Reserving the right to object, would the Senator clarify the list of speakers following Senator SARBANES with the change regarding Senator CHAFEE?

Mr. REID. Senators CHAFEE, HUTCHINSON, and THOMPSON would be before you, and Senator CHAFEE has 7 minutes. Senator HUTCHINSON has 25, and Senator THOMPSON has 20. I would say to my friend from Washington, you have been here for at least 4 hours that I know of. But the point is, we are using up a lot of time with Senator LEVIN and Senator SARBANES. They are really entitled to that time only from an equitable standpoint, not from the fact that anyone could object to it.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Reserving right to object—

Mr. REID. You are already in the queue.

Mr. REED. You did agree to the list?

Mr. REID. Following Senator THOMPSON, Senator REED is recognized for 40 minutes, Senator ENZI, 20 minutes, and then Senator DURBIN for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland is recognized under the previous order.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

Mr. SARBANES. I yield to the Senator.

Mr. LEVIN. I ask unanimous consent that Senator AKAKA be added as a cosponsor of our amendment.

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

The Senator from Maryland.

Mr. SARBANES. Mr. President, I first want to commend, in the very strongest terms, the very able Senator from Michigan, chairman of the Armed Services Committee, for the powerful statement he just made and for the analysis he has brought to this critically important issue.

In my judgment, he has drawn the essential lines of distinction and differentiation. They are reflected in the amendment that is now before us, which I hope will be adopted tomorrow when it is offered as a substitute to the pending Lieberman proposal.

At the end of World War II, the United States stood astride the world like a colossus. We were preeminently the most powerful nation—in some respects, more powerful even than we are today, although we are once again certainly the most powerful nation. At the end of World War II, the United States had an overwhelming military capacity and overwhelming economic strength, but at that time we chose to act multilaterally, to make our way in the world on the basis of cooperation, to help found the United Nations. The United States played a leading role in creating the U.N. framework and has exercised extraordinary influence within it ever since.

The question of how we are to exercise our power is a critically important question. We need to recognize that, for it is at issue here. We face a real dividing line: are we going to seek to exercise our power in cooperation, in coordination with others, which in the current context means working through the United Nations; or are we going to move down the path of asserting a unilateral preemptive prerogative, in effect, asserting our right to do what we want anywhere, anytime, to anyone. The comprehensive strategic doctrine that the administration issued only a short while ago would take us down that unilateral path.

It goes without saying, as the able Senator from Michigan pointed out, that the United States has an inherent right of self-defense; this right is recognized in his amendment. In fact, international law and the United Nations Charter both recognize that inherent right to use military force in self-defense.

But as the Senator very carefully pointed out in his most thoughtful statement, under international law that inherent right to use military force in self-defense is justified in response to an imminent threat. Now we have an effort to change that standard. I think such a change is fraught with danger both for our position in the world and for our leadership status.

We have to re-affirm the long-standing principle that the most effective way to accomplish our goals is to work in concert with others. No one is proposing to give away our ultimate authority to act. The President can always come back to us to seek such an authorization. In fact, if the Senator from Michigan will yield for a question—

Mr. LEVIN. Yes.

Mr. SARBANES. As I read the amendment, the Senator provides that the President could come back to Congress to seek authority if he decided it was necessary to proceed on the unilateral path; is that correct?

Mr. LEVIN. The Senator is correct.

Mr. SARBANES. On the other hand, his amendment provides an authority to act in support of multilateral action, as reflected in the adoption of a U.N. resolution, which would seek to deal with the threat Saddam Hussein presents to the region and to the world; is that correct?

Mr. LEVIN. The Senator is absolutely correct.

Mr. SARBANES. Mr. President, this is an extremely important point. It is not enough to be strong; you have to be smart as well. You have to be both strong and smart. If we insist on acting alone, the potential consequences are obviously very great.

First of all—although it has been asserted by some to the contrary—many believe it will impede and adversely affect the war against terrorism. Why do they believe that? Because the war against terrorism, as Brent Scowcroft has pointed out in a number of articles, requires the cooperation of other nations, the broadest possible coalition of nations. We need the contributions of their intelligence services. We need their cooperation in tracing and cutting off money that is going to fund terrorist activities. We need other nations to help us monitor and control the movement of people across frontiers and borders. If the United States says to the rest of the world that we are just going to go our own way, we will be hard put to turn around and expect a high degree of cooperation and participation when we need it badly. We have to work with others. There is no question about that.

Efforts are underway at the U.N. now to develop a very strong resolution as the basis for sending the inspectors back into Iraq. I support that effort. I don't understand those who seem to just dismiss the possibility of what the inspectors might accomplish. Others have said that the inspection system was futile, that Saddam played games

with the inspectors and made it impossible for them to see the total picture. I don't differ with that. But I want to emphasize that the inspectors did a very good job. They discovered and destroyed a lot of weaponry, and they very substantially reduced Saddam's capabilities.

I fail to understand why, if we have the opportunity to send them back under terms that will enable them to do their job, we would not pursue that option before resorting to military force. Why would we not do that? Why would we not explore to the limit the possibility of resolving the situation without having to resort to war?

Think of the experience of the past fifty-plus years. International cooperation has worked brilliantly for the United States for over half a century. President Truman, President Eisenhower, and their successors, faced grave provocations at critical turning points but refrained from taking unilateral military action. There were some who argued at the end of World War II that the United States should attack the Soviet Union, at a time when the United States had a nuclear capability and the Soviet Union did not. That argument was rejected, rightly, by President Truman.

We had the foresight and the wisdom at the time to see the importance of cooperative international relationships to protecting our security broadly defined. Our security is not one-dimensional: it encompasses military matters, of course, but also economic and political matters. The United States must work in a world environment in which we seek to maximize cooperation. We run great dangers if we proceed unilaterally.

This amendment says, in effect, that at the present time the Congress is not going to provide an authority for unilateral action. It also says that if the President concludes that such action is necessary, he can come back to the Congress and request the necessary authority. This is an effort to support a multilateral effort.

Does anyone seriously contest the proposition that if we act in concert with other nations, if the U.S. action has the support of the international community, then the possibility of turbulence in other countries in the region, with which we have had important longstanding relationships, will be much less, and the support that will come from elsewhere in the world will be much greater?

Furthermore, consider for a moment the precedent we are setting if we adopt this model of unilateral preemptive action.

We have worked very hard to try to develop international law in the United Nations institutions which can check the danger that countries will seek to attack others, but if we assert our right to undertake preemptive action on a unilateral basis, act can do a unilateral preemption, what will keep other countries from doing the same,

and using our action as their justification?

A very tense situation exists between India and Pakistan, and in other parts of the world. What message do we send by acting unilaterally? This is a very important question for us, especially as we are now so powerful.

Interestingly enough, the more powerful you are, the more urgent this question becomes. Stanley Hoffmann has made this point in a very thoughtful and provocative article, and I ask unanimous consent the article be printed in the RECORD at the end of my remarks—

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

(See exhibit 1.)

Mr. SARBANES. Stanley Hoffmann has pointed out it is precisely the most powerful state that has the greatest interest in links of reciprocity, international law, and mutual restraint; that a superpower must take special care not to provoke the united resistance of lesser powers. The challenge, and it is a challenge, is to work cooperatively, through the international institutions. In doing so we join with others to register a judgment of the entire international community, and we can then use our strength to carry out this judgment of the international community, again in cooperation with others. Failure to do that, I think, is fraught with dangers for our continued leadership position in the world.

It seems to me the distinction made in this amendment is a critical one. It reserves to the United States the power to act in self-defense. It provides authority to back a U.N. action and it leaves open, of course, the possibility of the President's coming back to the Congress to request an authority to act unilaterally, which would then enable us to assess the circumstances and the consequences under those circumstances of granting such an action.

We have an opportunity here to achieve our ends—the destruction of this program of weapons of mass destruction, assuming that is our end—without resorting to unilateral military action, and I think that is the option we should pursue at this time.

As a matter of fact, the authority contained in the underlying resolution cites Iraq's violation of all previous U.N. resolutions as a basis for acting. Some of those previous resolutions did not deal with the issue of weapons of mass destruction at all. One dealt with violations of the oil embargo. Another dealt with accounting for missing prisoners of war. Is it intended that we authorize the use of military force to achieve the objectives of these and other resolutions not directed to the issue of weapons of mass destruction? I would hope not. But in fact that is precisely what the underlying resolution, the Warner-Lieberman resolution, provides, and what the administration supports.

I am not going to address the very broad resolution that the President

originally sent here. I find it difficult to understand the administration's reasoning in sending such a proposal to the Congress, given the thinking it represented about the role of the Congress in making a decision with respect to the use of military force. On a matter as grave and momentous as this, it is a matter of great concern.

That resolution was apparently written in the White House counsel's office. It was not written at the State Department. It was not written by those who have had to deal with these difficult and complex issues. It created such concern when it was first sent to the Hill that efforts were subsequently made to modify it somewhat. But the basic difficulty remains: like its predecessor, the revised resolution posits unilateral and not multilateral action.

I think the United States at this point needs to focus all its energies on acting in concert with the international community to send a very strong message to Saddam Hussein. That message will be much stronger for having the support of the international community and representing the judgement of the international community. To those who say, Suppose they don't act? I would respond that we will consider the matter in the light of that circumstance. But the chances are better, I think, that the international community will act through the United Nations if the U.S. makes its case and calls upon other nations to join in the effort.

To those who say that by seeking multilateral, U.N. action we are giving the U.N. a veto over the right of the U.S. to use its military power to defend itself, I say that is absolutely not the case. Under international law the inherent right to self-defense is precisely defined and recognized. We seek a U.N. resolution to reflect the judgement of the international community, and through that resolution we seek to accomplish our objectives.

Congressman HOUGHTON of New York had an interesting statement on the floor of the House last night. He said: The right decision at the wrong time is the wrong decision. I think we should keep that in mind as we think about how the United States ought to proceed.

Mr. President, I strongly urge my colleagues to think through very carefully the implications of a go-it-alone strategy. We need to work with others. We ought to join in a common effort. Other nations can be supportive in numerous ways. Anyone who talks about the situation knows that if force is eventually used against Iraq, there will have to be major reconstruction afterwards. Everyone acknowledges this. Who will do it? Will the U.S. do it alone? We can hardly draw much comfort from what we are doing in Afghanistan. We had an amazing, very successful military action, and yet we now run the risk of having success turn into failure. Afghanistan is in the very earliest stages of reconstruction: its en-

tire infrastructure needs to be rebuilt; the central government has no effective control of the country and barely of the capital. Its elected President Hamid Karzai is a man of great courage. He has asked for continuing international support. He said over the weekend:

I believe the presence of the international forces here should be for as long as the Afghan people need them. The essential thing here is to help Afghanistan stand back on its feet to defend itself and defend against terrorism and radicalism.

And then the rest of the world can go and we will be able to manage on our own."

International forces are in Afghanistan, and the world has registered a judgment there. I frankly think the United States could and should be doing more than it currently is to assure the progress of the Afghan reconstruction. We have an important stake there, much too important to relegate to a back seat. On the contrary, we must remain focused, to make sure that it is carried through to success.

Mr. LIEBERMAN. Will the Senator yield for a question?

Mr. SARBANES. How much time do I have?

The PRESIDING OFFICER. The Senator from Maryland has 6 minutes and 56 seconds.

Mr. SARBANES. I will yield briefly.

Mr. LIEBERMAN. First, I want to say I agree with the Senator totally concerning his comments about Afghanistan, and I hope if the time comes, as I hope and pray it will, that there is a post-Saddam Iraq, we will learn from the mistakes that were made in post-Taliban Afghanistan and devote ourselves to broad peacekeeping which will be necessary in the economic and political redevelopment of the country internationally. But my question—

Mr. SARBANES. Let us keep the focus on the situation in Afghanistan. That chapter is far from finished. We have an opportunity to correct at least some of the mistakes we have made in Afghanistan, but unfortunately we are not doing so. The administration is very resistant.

Mr. LIEBERMAN. In Afghanistan?

Mr. SARBANES. In Afghanistan, absolutely.

Mr. LIEBERMAN. I agree with the Senator from Maryland. And, of course, I agree with his—

Mr. SARBANES. If we do not meet our commitments in Afghanistan, what lessons will we draw with respect to our obligations in Iraq?

Mr. LIEBERMAN. That we must do it in Iraq.

Mr. SARBANES. By ourselves? Is it your view that we do not need the efforts of the international community alongside our own?

Mr. LIEBERMAN. We do, and that is the question. I view the underlying resolution I have introduced with Senators Warner, McCain, and Bayh as an international resolution. It is all about enforcing the resolutions of the United

Nations. It acknowledges, appreciates, encourages the President to go forward at the United Nations, but it is based on the premise that if we indicate a willingness to lead, even in leading an international coalition, to enforce U.N. resolutions if someone exercises a veto against doing that at the Security Council, that others will follow. I think the strength in our underlying resolution is the best way to guarantee that either through the U.N. or after—

Mr. SARBANES. My perception of the underlying resolution is that it says to the world the following: we are here, we want to get this resolution, we want to work together, but if you will not do it our way, then we are going to do it unilaterally, and in any event we assert the right to act unilaterally. It is part and parcel of the new strategic doctrine that has just been announced.

For the life of me I do not understand why the administration chose this particular moment to proclaim this doctrine, which obviously raises all sorts of additional red flags about what their intentions with respect to the U.S. role around the world.

There is no question that the United States is the most powerful country in the world. I do not recall the precise figure, but the American military budget is more than the sum of I do not know how many countries that follow along behind us. Yes, we have incredible military resources and power. We can go around the world and whack anybody we choose. We can brush almost anyone aside.

But is that what we want for our nation? Is that the way we choose to conduct ourselves? Why would we make such a choice when we have an opportunity, if we are smart and skillful and have the underlying military strength, to work in a way that brings the rest of the international community into concert with us?

We have an opportunity to help formulate the judgement of the international community against someone who has clearly violated international norms and standards, and to have that judgement carried out. Why would we not seek to do so?

That is the path the Levin proposal lays out. It avoids the downside of having the United States asserting a unilateral right as the basis for its action. We should not throw away the opportunity to work through the United Nations and in concert with others to accomplish our objectives with respect to disarming Iraq, and also to set very important precedents and standards for the international community in dealing with problems of this kind. It is frustrating to think that we might not avail ourselves of this opportunity.

What will we say when some other country decides to engage in preemptive action on a unilateral basis? If we condemn the action, arguing that it aggravates tensions and creates chaos in the international world, the response will be that we have no basis for criticism—if we did it, why should

other countries be kept from doing it? What message will our actions send to countries in other parts of the world where tensions run very high?

I close with a plea to my colleagues to recognize the fundamental distinction between unilateral and multilateral action. I ask my colleagues to consider how important it is for our future, in so many ways—not just in military and security terms, but also for our economic and political and indeed the whole range of our interests—that we seek to work with others and not set out on a path of unilateral action. That the U.S. has such great military resources at its command makes the decision that much more urgent. It may seem paradoxical, as Stanley Hoffman has observed, so powerful a nation should choose to work in concert with other nations rather than through willful imposition of its power on others. But that principle has served our national interests well, and that is where our long-term interests lie.

I yield the floor.

EXHIBIT 1

[From the American Prospect, Sept. 23, 2002]

AMERICA ALONE IN THE WORLD

(By Stanley Hoffmann)

The horrors of September 11 confronted the United States with an extraordinary challenge and an extraordinary opportunity. The challenge was to increase our “homeland security” by measures that might have averted disaster, had they been implemented before the attacks, and that would minimize the risk of similar assaults in the future. The opportunity was to build on the sympathy and shock of other nations in order to construct a broad coalition against the sort of terrorism the United States had suffered.

Alas, it cannot be said that the year was well used. As the great Oxford and Yale historian of war Sir Michael Howard predicted, the notion of a “war” on terrorism proved a pernicious one. The very word “war” suggests military measures and, of course, victory—rather than the difficult, slow and partly clandestine operations that fighting terrorism entails. So, too, does war allow for suspending or violating citizens’ liberties, holding foreigners without due process and resorting to other arbitrary new forms of justice.

Moreover, by defining the fight as one against global terrorism—including the supposed axis of evil—President George W. Bush was able to endow his controversial and highly partisan agenda with a heroic dimension. Using his new popularity and his global war, he sought to silence or enlist the opposition. It’s not exactly the newest trick in politics. The problem, however, was twofold. Conceptually, global terrorism is the sum of many individual terrorist acts (most of them local) with very different inspirations, dynamics and scopes. One size does not fit all. Indeed, some of our allies against al-Qaeda had been terrorists or had encouraged terrorists in the past—or even the present. Useful as it was against the Taliban, the idea of taking action against not only terrorists but also the states that harbored them posed insoluble political problems with some allies (such as Pakistan and Saudi Arabia) that had supported terrorism. It also posed problems with democratic countries that had tolerated terrorists on their soil (Germany, Spain and the United States itself).

The strategy posed yet another set of problems with nations that used the American

war and its rhetoric as a pretext for getting dangerously tougher with their own enemies. These enemies were charged (often correctly) with terrorism, but their circumstances were radically different from those under which Osama bin Laden deployed his rabid theological and anti-Western global network. In the case of Kashmir, the cynical exploitation of the antiterrorist cause put the United States in an embarrassing position, especially given Pakistani President Gen. Pervez Musharraf’s indispensable role in the assault on Afghanistan. In the case of the Palestinian intifada, the logic of antiterrorism pushed Bush into supporting Ariel Sharon—a stance that shored up Israeli repression and helped justify Sharon’s clever policy of destroying the Palestinian Authority while accusing it at once of impotence and of encouraging extremists.

By the end of the Clinton era, Palestinian and Israeli negotiators in Taba, Egypt, had been very close to an agreement on all important issues. Indeed, the Israel-Palestine conflicts is one that cannot be resolved without strong American input and pressure. Washington’s post-9-11 tilt toward Sharon, however, has rendered the United States ineffectual on this crucial issue—one that many friendly Muslims regard as a test of American goodwill. The ability to resolve the Palestinian issue was one casualty of the relentless anti-terrorism priority. But there were at least two others that Harvard professor and journalist Michael Ignatieff has noted. An administration that had already declared its distaste for “nation building” and for humanitarian interventions (except on narrow calculations of national interest) has become even more indifferent toward humanitarian considerations. To be sure, the administration spouts pro-democracy rhetoric. But it views humanitarian concerns as mere distractions from the war on terrorism. Similarly, the concern for human rights that has occasionally animated U.S. foreign policy would have embarrassed or annoyed many of our allies in the war, including Pakistan, Saudi Arabia, Syria and Egypt. A foreign policy that took human rights seriously might have helped, in the long run, to limit the appeal of terrorism; but human rights are no longer even an ornament of U.S. diplomacy.

The coherence and consistency that the war was supposed to lend U.S. foreign policy have not materialized. The attempts to link Saddam Hussein’s regime to 9-11 and other terrorist plots have failed; a rationale for attacking him and had to be sought elsewhere. The administration is still looking for a convincing one.

Iraq’s quest for weapons of mass destruction is not unique. But the new doctrine of preventive action against countries that work on acquiring such weapons and are hostile to the United States is very different from other breaches of state sovereignty as sanctioned by modern international law. In the past, collective efforts to curb excessive aggression on the part of sovereign powers have been pursued with the benediction of the United Nations. In the current instance, we risk acting on our own and creating a dangerous moral and political precedent.

Deterrence worked well against the Soviet Union, a much more potent and, at one point, malevolent adversary. If applied consistently, energetically and with the support of allies, deterrence could still work against Iraq. Replacing deterrence and collective humanitarian efforts with unilateral, preemptive intervention is a license for chaos. Henry Kissinger’s acrobatics in his Washington Post article of Aug. 12, which attempts to reconcile a U.S. doctrine of preventive attack with the notion of world order, can only be described as pitiful.

This brings us to the most distressing aspect of the year since 9-11: America’s growing isolation in the world. The war against terrorist networks that threaten the United States, its allies and even non-allies such as Russia, cannot be won by the United States alone. For one thing, we need the cooperation of other governments in arresting, trying or delivering to use suspects and possible plotters. And if military action becomes necessary, as it did last year in Afghanistan, we need the participation and endorsement of as many countries as possible. Bush Senior succeeded in obtaining that kind of cooperation in the Gulf War. A coalition is both a help and a constructive source of restraint. For a short while immediately after 9-11, the current Bush administration seemed to understand that it unilateralism was an obstacle. This did not last.

Instead, the administration has alienated allies and inflamed adversaries repeatedly over the last year. The multiple, half-baked rationales for action against Iraq have confused and disturbed even old allies such as Germany and Britain. The notion that the United States retains a prerogative to act alone in its own purported interests or those of the whole “world community” is clearly incompatible with the UN charter and international law. The self-perception of a unique and benevolent American empire charged with maintaining order in the world irritates allies and adversaries alike. And the oft-expressed contempt for international institutions except those controlled by the United States—the view that only weak powers should be constrained by them or could benefit from them—has alienated and exasperated many of our best friends.

The fact is that the United States took the lead in creating these institutions of collective security after 1945, precisely when it was the strongest superpower. That generation understood that it is the hegemonic state, paradoxically, that has the greatest interest in links of reciprocity, international law and mutual restraint.

Imperial hubris on issues such as the Anti-Ballistic Missile Treaty, the Kyoto Protocol and the International Criminal Court have further isolated the United States just when it needs allies most. The administration’s case against the court is based on an offensive assumption that a UN institution will necessarily be unfair to the United States—and on an interpretation of the U.S. Constitution that places it above international law. Worse, we have bullied other countries to prevent them from signing or applying the protocol establishing the court.

This “we don’t need you” posture is very risky for the United States, insulting to others and mistakenly based on the premise that others can never really proceed without us. A superpower must take special care not to provoke the united resistance of lesser powers. But the Bush administration fails to appreciate the importance of what Harvard professor Joseph Nye calls America’s “soft power”—a power that emanates from the deep sympathies and vast hopes American society has inspired abroad.

The shift from beacon to bully is rife with potential disaster. Because a hegemon cannot rule by force alone, it is vital for the United States to take an interest in other societies and cultures. Since 9-11, that interest has grown only with regard to Islam and terrorism. But an American foreign policy guided exclusively by narrow self-interest is not one our allies find terribly reassuring; and it is downright offensive to assert that the United States alone can decide what is good for others.

Particularly frightening to outside observers is the impression that U.S. foreign policy has been captured by a small group of hawks

who, frustrated in 1991, are now ideologically committed to changing "evil" regimes—even in countries that have no past experience of democracy and where repressive regimes face no experienced or cohesive opposition. There were comparable fears after the election of Ronald Reagan, but divisions within his administration preserved a kind of balance. Today's pragmatists are singularly weak and seem to lack the president's ear.

Bush continually describes himself as a patient man who will consult and listen. Let us hope that he means what he says and isn't just trying to prevent a real debate until all the important decisions have been made. Because one year after 9-11, three things are clear: First, the war against terrorism cannot be the alpha and omega of a foreign policy; second, it cannot be waged by military means alone; and finally, even a state endowed with overwhelming superiority in all the ingredients of "hard" force cannot substitute that for eyes, ears and brains. Decisions based on dubious assumptions, overconfidence and intelligence reports risk ending in imprudence and fiasco.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 7 minutes.

Mr. CHAFEE. Mr. President, the American people need and deserve a thorough, reasoned discussion on the question of going to war against Iraq. I appreciate the opportunity to share with my colleagues my thoughts during this momentous debate.

A great deal of the justification for a United States military intervention in Iraq centers on the threat posed by Saddam Hussein. I recognize that there are international criminals capable of unspeakable horrors and Saddam Hussein is one of those. President Bush has urged us to believe the threat from Saddam Hussein is urgent and immediate, and thus this impending vote. I have listened carefully to every shred of evidence presented by the administration.

And I have also listened carefully to other world leaders. Of particular concern to me is the position of those nations that share a border with Iraq—Turkey, Syria, Jordan, Saudi Arabia, Kuwait, and Iran.

The Turkish Prime Minister said, "We're trying to dissuade the American Administration from a military operation."

King Abdullah of Jordan said, "In all the years I have been in the international community, everybody is saying this is a bad idea. Our concern is . . . that a miscalculation in Iraq would throw the whole area into turmoil."

The Kuwaiti Defense Minister said, "Kuwait will participate in the military campaign to remove the Iraqi regime only if the military action came in compliance with a United Nations' resolution." This in Kuwait, a country that suffered greatly under the hands of the Iraqi dictator. These nations share a border with Iraq. Their leaders know their neighborhood and they have expressed their opposition to our intervention at this time.

I would also like to quote President Mubarak of Egypt who said, "If you strike Iraq . . . not one Arab leader will be able to control the angry outburst

of the masses." And President Musharraf of Pakistan said, "this will have very negative repercussions around the Islamic world." I believe it is wise to heed the concerns of our friends. And our friends are telling us that we are ratcheting up the hatred.

In two nations' recent elections the defining issues seemingly revolved around American arrogance. The fact that the two countries are our friends, Germany and Brazil, is alarming.

What Congress does this week and next will have very serious implications throughout the world.

Demagogues in the Middle East and elsewhere are surely ready and willing to exploit a U.S. invasion of Iraq. And today the CIA is warning Americans of the connection between a rise in terrorism and military activity in Iraq. Certainly it is preferable to address the threat posed by any international criminal in concert with our allies and within the confines of the United Nations. This is the preference outlined in the amendment offered by Senator LEVIN—an amendment I support.

We need to provide people susceptible to anti-Americanism with a positive message that respects international cooperation and friendship. The LEVIN substitute upholds the values I have heard in discussions with the people of Rhode Island; it recognizes the benefit of an international coalition in taking on the tremendous challenge of disarming the Iraqi regime. It authorizes military force against Iraq only as part of a new UN-approved resolution, and failing that, allows Congress to return to session to consider an alternative approach.

As a nation, we are united in opposing the tyranny and repression of Saddam Hussein. But there are real disagreements both here at home and abroad as to how best to ensure that this man cannot threaten world peace. Adoption of the LEVIN amendment would not give Saddam Hussein a chance to further obstruct and delay—it is the prudent idea most consistent with the values that have made the United States a great nation. I urge all of my colleagues to support the LEVIN amendment.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized for 25 minutes.

Mr. HUTCHINSON. Mr. President, I am pleased this evening to rise in strong support of the underlying resolution. I am pleased this bipartisan resolution Senators LIEBERMAN and MCCAIN and Senator WARNER have introduced is before the Senate. I am pleased to be able to cosponsor that. I believe after a full debate, the Senate will pass this resolution in its current version, and I urge it to do that.

The decision to authorize the use of force is a very serious, grave decision. I will further acknowledge that some Members of Congress, men and women of good conscience, have very significant concerns about this resolution. They have been articulated well. They

have been argued well. I also acknowledge that when we take a vote on anything that deals with war and peace and life and death, that it must be done in the most sober and serious manner. I have had a number of moms and dads who have come to me concerned about what this might mean for their children, their young men and women who may face war. I see the tears in their eyes. I have heard their anxieties and worries. I approach this with a great deal of serious contemplation and prayer.

However, I believe this resolution is not only warranted but necessary in order to protect our Nation. We are rapidly reaching a point at which the risk of utilizing military force is far outweighed by the danger that Saddam Hussein poses to the American people. I have heard that we are setting a dangerous precedent. There are concerns about what this new strategic policy might mean, and how other nations might interpret it.

I respond, with all respect, the case of Saddam Hussein, the case of Iraq, is in every way unique. It is unique in law because here is a man and here is a nation that has stood now for a decade in defiance of the world community; that is in violation and defiance of resolution after resolution from the United Nations. They are, as they have rightly been called this evening, an international outlaw. How is it that enforcing the resolutions of the United Nations, and in doing so defend our Nation, set a dangerous precedent?

Not only is Iraq in violation of resolutions, and in defiance of the civilized world, but Iraq is also unique in the threat it poses to the civilized world in amassing weapons of mass destruction.

It is not at all that the United States is some kind of international bully wanting to throw its weight around the world. It is, rather, we are the one Nation in the world that is capable of doing something about this threat to the civilized world. Not only do we have the ability to do it, but we have the will to do it.

The President has come to Congress as he was asked. He believed, I believe, that he had the legal authority already from previous resolutions from this Congress to have acted without coming to us. But Congress said: We want to be involved in this, we want to be consulted. So he came to Congress and laid out his case.

Administration officials have appeared before the Senate Armed Services Committee and the Senate Foreign Affairs Committee. Briefings have been provided for all Senators. Certainly, this issue has been a matter of public discourse now for months.

It is time now for this distinguished body to act. As we continue debate on this resolution, we must remember this debate is not about arms inspectors, it is not primarily about United Nations resolutions, and it is not about assuaging the international community. History has not looked well upon those

who fail to act for fear of provoking a tyrant.

What this debate is about is the protection of the American people, the protection of our national security. The best way for the Senate to do that is to provide the President with the authority he has requested.

It is helpful to recount what has brought us to this point, to the brink of being forced to use military force. For over a decade, the United States has pursued diplomatic and economic avenues to deal with the threat that Saddam Hussein poses.

We have tried to contain, we have tried to deter. But in truth, we have been in a virtually unbroken state of conflict with Iraq since the beginning of the gulf war in 1991. After the American military along with coalition allies routed the Iraqi military, the international community pledged to ensure that Saddam Hussein would never have the capability to threaten the region again.

Toward that end, the United Nations Security Council passed Resolution 687. This resolution, which Iraq accepted as part of the cease-fire, required Iraq to end its pursuit of weapons of mass destruction, destroy its stockpile of chemical and biological weapons, and end its support of terrorism.

As we convene this evening, more than a decade later, Saddam Hussein stands in violation of this agreement in virtually every point. To ensure that Iraq was complying with its commitments, the United Nations established a weapons inspection program. In recent times, there has been a great deal of discussion about the inspectors. Forgotten in the debate is the original purpose of the inspectors. Inspections were only supposed to confirm that Iraq was living up to its commitment to cease the development of weapons of mass destruction. Inspectors were not sent in to play a cat-and-mouse game. Saddam Hussein used every means at his disposal to thwart the inspections.

In the past decade, Iraq has stood in violation of 16 different resolutions. The world community has spoken strongly and frequently against Saddam Hussein. Saddam's response has been continual deception and defiance. Saddam Hussein has made every attempt to accelerate his development of weapons, biological and nuclear weapons.

Based on intelligence we have a very frightening picture of Iraq's capabilities. We have had the briefings. I had the most recent briefing this afternoon. We have solid information, public information, that Iraq currently has a large stockpile of chemical weapons. In the initial aftermath of the gulf war, the U.N. inspectors were able to ensure that some chemical weapons were destroyed. A disturbing amount were not uncovered. In fact, 31,600 chemical munitions, 550 mustard gas bombs, and 4,000 tons of chemical precursors were unaccounted for by the U.N. inspectors. Even more disturbing is the likelihood

that Iraq retained the means to produce chemical weapons. The U.N. has stated Iraq has imported enough raw materials to produce 200 tons of the VX gas.

Since inspectors were ejected from Iraq in 1998, there is a substantial body of evidence that Saddam Hussein has reconstituted his ability to produce VX and other chemical weapons. People question whether there is an imminent threat? People question the currency of the threat that faces us? They think we have time to burn? Time to delay? Perhaps even more terrifying, Iraq continued virtually unabated to produce biological weapons. Senator FRIST spoke of this earlier today. In fact, the Iraqi Government has admitted in the past to the weaponization of anthrax, botulism, and aflatoxin on Scuds and on aircraft.

United Nations inspectors never accounted for at least 4 tons of raw material that can be used to produce biological weapons. Recent reports are that the Iraqis are testing unmanned vehicles that could be used to deliver these weapons over wide territories.

I am told these unmanned vehicles would be almost impossible to be detected or to be shot down.

We also have reason to believe that Saddam Hussein has developed mobile biological weapon laboratories that would be virtually impossible for inspectors, were they to get back in, to detect, to locate, and to destroy.

In this debate, it is important that we have an appreciation for the terrible power of these kinds of weapons. VX nerve gas is one of the most dangerous chemicals known to man. It operates by cutting off a person's nervous system, making it impossible for them to breath. Exposure to only a few drops can kill in minutes.

The danger of anthrax was made shockingly clear during last year's attacks. Over 20 Americans were infected, and 7 were killed, and it could have been much, much worse. The letter that was sent to Senator LEAHY's office contained enough spores to kill tens of thousands of people, in one single envelop. There is every indication that Saddam Hussein has enough anthrax to kill millions of Americans.

Iraq has accelerated work on its missile development program. In fact, some of his chemical and biological weapons are deployable with 45 minutes warning.

According to the dossier recently released by the British Government, Iraq currently has ballistic missiles capable of reaching Israel, Turkey, and Saudi Arabia. He is actively working to extend the range of his armaments, with the ambition of being able to strike as far as Europe in the coming years.

Even with his success in developing chemical and biological weapons, Saddam Hussein continues to pursue the ultimate weapon of mass destruction . . . a nuclear bomb.

He has scoured the world attempting to procure enriched uranium to finalize

his development of a nuclear weapon. Estimates are that, should Iraq be successful in getting this material, a nuclear weapon would take no longer than a few months to produce. We can't be sure he hasn't succeeded already.

It is evident that Saddam Hussein has the capabilities to inflict great devastation. His intentions are even clearer.

His hatred of the United States is only matched by his hunger for power. The Iraqi Government has repressed its own people, committed acts of aggression against its neighbors, and been an active supporter of international terrorism. In a very unstable region, Saddam Hussein has taken every opportunity to add to the turmoil in the Middle East.

He has plotted to assassinate a former U.S. President. In 1993, the Iraqi Government plotted to kill former President George Bush during his trip to Kuwait.

American pilots are taking fire from the Iraqi military virtually every day during patrols of the no-fly zones. Unprovoked? Hardly. It does not set a dangerous precedent to act in a preemptive way in light of his violations of international law and his continual firing upon American aircraft.

So far this year, American and British aircraft have been fired on over 406 times. In the past 2 weeks alone they have been fired on over 60 times.

Until his recent death, Iraq harbored Abu Nidal, who masterminded terrorist attacks in 20 countries, resulting in the deaths of 900 people.

There are credible reports that members of al-Qaida have found sanctuary in Iraq. It is becoming increasingly clear that Iraq has provided training to al-Qaida, including instruction on the use of chemical weapons.

Earlier this year, Saddam Hussein offered \$25,000 to each of the families of Palestinian suicide bombers. The only condition is that the bomber has a full belt of explosives when he blows himself up. This despicable offer essentially provides a bounty for the deaths of innocent Israelis and establishes a perverse incentive program for terror.

His invasion of Kuwait is well-documented. However, I would like to take a moment to discuss the atrocities he has committed against his own people. I believe that it will shed further light on the horrors of which Saddam is capable.

The U.N. Commission on Human Rights and the U.N. General Assembly has issued a report criticizing "systematic, widespread, and extremely grave violations of human rights," and cited "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror."

That is the diplomatic language of the U.N. Commission on Human Rights.

In "The Threatening Storm," Kenneth Pollack puts it a little plainer. He said:

This is a regime that will gouge out the eyes of children to force confessions from

their parents and grandparents. This is a regime that will crush all of the bones in the feet of a two-year-old girl to force her mother to divulge her father's whereabouts. This is a regime that will hold a nursing baby at arm's length from his mother and allow the child to starve to death to force the mother to confess. This is a regime that will burn a person's limbs off to force him to confess or comply. This is a regime that will slowly lower its victim into huge vats of acid either to break their will or simply as a means of execution. This is a regime that applies electric shocks to the body of the victims, particularly their genitals, with great creativity. This is a regime that in 2000 decreed that the crime of criticizing the regime, which can be as harmless as suggesting Saddam's clothing would not be matched, would be punished by cutting off the offender's tongue.

And on and on it goes.

I ask unanimous consent that this citation from "The Threatening Storm" by Kenneth Pollack be printed in the RECORD.

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

This is a regime that will gouge out the eyes of children to force confessions from their parents and grandparents. This is a regime that will crush all of the bones in the feet of a two-year-old girl to force her mother to divulge her father's whereabouts. This is a regime that will hold a nursing baby at arm's length from its mother and allow the child to starve to death to force the mother to confess. This is a regime that will burn a person's limbs off to force him to confess or comply. This is a regime that will slowly lower its victims into huge vats of acid, either to break their will or simply as a means of execution. This is a regime that applies electric shocks to the bodies of its victims, particularly their genitals, with great creativity. This is a regime that in 2000 decreed that the crime of criticizing the regime (which can be as harmless as suggesting that Saddam's clothing does not match) would be punished by cutting out the offenders tongue. This is a regime that practices systematic rape against its female victims. This is a regime that will drag a man's wife, daughter, or other female relative and repeatedly rape her in front of him. This is a regime that will force a white-hot metal rod into a person's anus or other orifices. This is a regime that employs thallium poisoning, widely considered one of the most excruciating ways to die. This is a regime that will behold a young mother in the street in front of her house and children because her husband was suspected of opposing the regime. This is a regime that used chemical warfare on its own Kurdish citizens—not just on the fifteen thousand killed and maimed at Halabja but on scores of other villages all across Kurdistan. This is a regime that tested chemical and biological warfare agents on Iranian prisoners of war, using the POWs in controlled experiments to determine the best ways to disperse the agents to inflict the greatest damage.

Mr. HUTCHINSON. Mr. President, freedom of speech does not exist in Iraq, and summary executions are commonplace.

Torture is seen as a legitimate tool of control, and violence against women is not just condoned but perpetrated by the Iraqi government.

Political opponents of Saddam Hussein are subject to unimaginable cruelty. They are jailed without cause.

Amnesty International reports "Detainees have been threatened with bringing in a female relative, especially the wife or the mother, and raping her in front of the detainee. Some of these threats have been carried out."

In 1997, the UN reported that Iraq executed more than 1,500 people for political reasons. There are even reports that the victims families are forced to pay the cost of the execution.

Saddam stays in power through fear. It is terror—sheer terror—that sustains his evil regime.

Saddam Hussein has never been called to account for the Kuwaitis that are still missing from the Gulf War. There are still 609 cases of missing Gulf War POWMIAs.

Included in that number is one American Navy Pilot. The Iraqi government continues to refuse to provide full information about his fate.

The passage of this resolution will provide the President with authority he requires in order to address the grave threat posed by Iraq.

I fully support his efforts to rally the international community, and believe that a strong vote on this resolution will strengthen his case before the United Nations.

It is the hope of all of us that military action will not be necessary. However, after a full decade of effort, we have almost completely exhausted diplomacy.

There are some who believe that preemptive military action against Iraq represents a break from our nation's traditions.

My colleagues, unfortunately, we are facing untraditional threats. We have tried containment. It was built upon the idea of inspection and sanction. The inspectors were thrown out, and the sanctions have been broken.

Again, from Kenneth Pollack and from "The Threatening Storm," he says:

Unfortunately, it is difficult to know exactly what is going into Iraq. This is the main problem; if the United States and United Nations knew, they might be able to stop it. As it is, we know only that between the smuggling and the surcharges Saddam is making \$2 billion to \$3 billion per year that he can spend as he likes. In addition, we have been able to intercept some shipments and get intelligence on others that give at least a sense of what Saddam is using his illegal revenues to import. For instance, in June 2002, the Indian government brought charges against the executives of an Indian company for selling atomized aluminum powder and titanium engine parts to Iraq in such quantity and of such quality that India's Defense and Research Development Organization concluded they could only have been intended for chemical warfare and ballistic missile production.

We tried inspections. The sanctions have been eroded, and deterrence only works with a rational person. It assumes rationality. And the fact that he can transmit weapons of mass destruction to terrorists who could inflict enormous damage upon the United States with no fingerprints—with

Saddam's fingerprints not even being on it—is evidence that the idea of containment to no longer be a workable approach.

The attacks of 9/11 tore our hearts and left us with a grief that will never be forgotten. At the same time, those acts of evil have brought forth a new resolve and a new commitment.

It is the responsibility of the U.S. Government, and it is the responsibility of this Senate to ensure that the heartbreak of September 11 is not repeated.

Our enemies have grown more cunning and their methods more sinister. We must move swiftly and decisively to deny them the opportunity to attack us. When the threat is real, preemption is not just tactically critical, but, I believe, it is a moral imperative.

In Saddam Hussein we are facing a menace that has long expressed hatred of the United States, established links to international terrorists, and has amassed large stockpiles of weapons of mass destruction. He has been accorded every opportunity to cooperate with the international community, and he has refused.

Every day that goes by, the threat grows. He continues to amass his stockpile and strengthens his ties to terrorists. We cannot—we must not—stand by and allow this to continue. And we must not delay. There have been many people quoted in this debate, so let me add one more to the record. Winston Churchill said:

There is no merit in putting off a war for a year if, when it comes, it is a far worse war or one much harder to win.

The world is watching us. And freedom-loving people across the globe are waiting to see if America will answer the challenge that history has put before us. They are waiting to see if our Nation will assume the mantle of leadership in dealing with a tyrant with maniacal ambitions.

Our enemies are hoping we falter. They hope we will continue to be mired in the web of deception spun by Saddam Hussein. They need to be shown that our resolve to protect the American people has never been stronger.

While my greatest hope is that military action will not be necessary, it may be unavoidable. Others have come to this floor to talk about the cost of such an operation. They rightly cite estimates ranging in the tens of billions of dollars. Some may discuss the damage that might be done to our relationships with other nations. More gravely, some have spoken about the cost of human life that any military action would entail. These risks are real, but these risks must be weighed against the very real risks of delay.

The price of inaction is far too high. Mr. President, 9/11 taught us that. We will never know the complete economic damage of the terrorist attacks of last year. Some have estimated it at more than \$600 billion, but the true cost can only be seen by looking in the eyes of

those who lost loved ones. The true impact is only realized with the understanding that over 3,000 families are still grieving.

Saddam Hussein has the capacity to wreak even more destruction than that which we saw last year. He has weapons that could kill millions, and he consorts with terrorists who would unflinchingly do so if they had the means.

So again, I remind you, opponents say this resolution sets a dangerous precedent of preemption. I remind my colleagues of sixteen U.N. resolutions defied, rejected, ignored by Saddam Hussein. The dangerous action would be to do nothing. The dangerous precedent would be to back down in the face of a tyrant who dares us.

The resolution put forth by Senator LIEBERMAN, and endorsed by our President, is a statement by this body that the risk posed by Iraq is unacceptable. It is a statement that we will not allow international outlaws to threaten our Nation. It is a statement that we will not sit back in the face of the growing danger that our country faces.

Thus, I call on my colleagues for their support of S.J. Res. 46.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. REED). The Senator from Tennessee is recognized under the previous order for 20 minutes.

Mr. THOMPSON. Mr. President, I congratulate my friend, the Senator from Arkansas, for an excellent presentation covering all the points. And if I had not been persuaded before I listened to him tonight, I would have been persuaded tonight.

This Nation has spent many dollars and many lives in defense of others around the world. Tonight, we are considering a resolution that has to do with the defense of ourselves.

People say that because our country does not go against another country without provocation that we should make the case of the need to take action, and that is true. We need to make that case before the world and before the American people.

I believe that case has been made. It is a case that has been made upon, basically, facts we have known for a long time and have chosen to ignore and sweep under the rug. It is based on a shared history that we have had together now for many years. And looking back on it, we must ask ourselves, How were we able to ignore what is so obvious and pending for so long?

We know Saddam's willingness to attack sovereign nations. We know Saddam's willingness to murder innocent individuals. We know he is in possession of weapons of mass destruction. We know he is developing missile capability that is beyond what is allowable by the United Nations resolutions and will rapidly be able to reach further and further. The only thing we do not know is how soon it is going to take him to develop nuclear weapons.

I think that is essentially, from a factual standpoint, what this entire de-

bate is about, because if, in fact, it is true that he, in the foreseeable future, will have nuclear weapons, do any of these other points that we have been discussing really stand?

I think I have listened to many valid points and valid arguments of problems connected with moving against Saddam Hussein. I think the points that were made that the aftermath is going to be very difficult are very valid. I think the point that he might lash back against us in some way is a very valid concern. I think the point that in some places in the world they will be taking to the streets against us is a valid consideration.

But if, in fact, it is true that in the foreseeable future he might or probably will develop nuclear weapons of mass destruction, do any of these other considerations really stand up or do they together stand up to that consideration? Can we afford not to defend ourselves against that consideration?

What is the evidence pertaining to that? We are debating, again, not over whether or not he is going to have it, but how soon he is going to have it.

Unfortunately, when we have made estimates in times past with regard to Saddam's nuclear capability in the early 1990s, with regard to missile capabilities of rogue nations, when we have gone back and thoroughly examined the situation—where, in Saddam's case, we have gotten inspectors in there because of defectors' information—we have found that we have grossly underestimated the capability of our adversaries, time and time again.

Yet we are told by the entire world, those who have looked at this, that it is just a matter of time, a few years, if he has to develop his own fissile material, and perhaps as early as a few months or a year if he can buy it on the open market.

I was privileged to listen to some of the weapons inspectors who went down to Iraq. I listened to some of the experiences they had. It caused me great concern to hear their lament about the way they were thwarted before and how hopeless their mission turned out to be because of what Saddam was doing, and how inspections in the future really will not work unless you actually get active cooperation from the people you are inspecting. I am talking about a country, what, the size of California, with an ability to hide anything almost anywhere.

And they talked about the fact that when they went in before, they did not think Saddam had much in the way of nuclear. And they even were almost to the point of being able to certify that when a defector gave them some information. They went back. They found that not only had Saddam developed nuclear infrastructure, but he had a virtual "Manhattan Project" is the way they put it, a virtual "Nuclear Manhattan Project" when they went in there before.

They said they had a facility there that was based on the facility down in

Tennessee in Oak Ridge in terms of enriching uranium.

This is what was there before. We do not know what he has now because he has made the decision to keep out inspectors. And we know from the CIA—a letter has been introduced in this RECORD—that the likelihood of Saddam using weapons of mass destruction for blackmail, deterrence, or otherwise grows as his arsenal builds.

Now he has been down there for 4 years. We know he has the science. We know he has the know-how. We know he has the scientists. We know he has the desire. We know he has a history of knowing how to build facilities that will ultimately produce results for him. And we are standing here debating as to whether or not we should do something about that because we might have a little more time and we don't have eyewitness testimony as to precisely where he is at precisely this particular time.

Those are things that have been on the record along with his violation of U.N. demands for many years. We have taken them for granted. We have taken for granted that hundreds of times our airmen have been shot at in the no-fly zone during all of this time. I have always wondered what the parents of someone shot down under those circumstances must feel like, being that far away, defending the interests of your country. Nobody knows about it. Nobody talks about it. Nobody seemingly cares that much about it. That has been going on continually ever since we left the gulf.

These are things that are on the public record. They have been on the public record for a long time. We now have some additional facts that have not been on the public record that long, such as the fact he is busily trying to obtain dual-use equipment that can be used for uranium enrichment.

We know more about his relationship with al-Qaida than we knew in times past.

Again, according to the CIA director:

We have solid reporting of senior level contacts between Iraq and al-Qaida going back a decade.

He says:

Credible information indicates that Iraq and al-Qaida have discussed safe havens and reciprocal nonaggression.

He says:

Since Operation Enduring Freedom, we have solid evidence of the presence in Iraq of al-Qaida members, including some that have been in Baghdad.

He goes further and says:

We have credible reporting that al-Qaida leaders sought contacts in Iraq who could help them acquire [weapons of mass destruction] capabilities. The reporting also stated that Iraq has provided training to al-Qaida members in the areas of poison and gases and making conventional bombs.

These are recent things that are not as well known, have not been known over the years. Put all of that information together and you have a consensus on many things. As usual, we are

spending a lot of time arguing over the things we disagree on. They are important. But I think we all agree the leader of Iraq is dangerous; that he is a threat; that that threat is growing, not diminishing; and that he is in violation of international law.

The real issue is whether or not it is going to be easier to deal with this situation once he gets stronger than he is today. The question answers itself.

The other question is whether or not we will show a reluctance to defend our own interests. We are rightfully concerned about acting precipitously. But did we act precipitously after the first World Trade Center bombing? Did we act precipitously after our men and women were killed in the Khobar Towers bombing? What was the message we sent after our two embassies were bombed and hundreds of people were killed? Were we acting precipitously after that? What did we do to avenge that or to set an example? What did we do after the *Cole* incident? Were we acting precipitously there? Or have we announced to the world, basically, or led Osama bin Laden to believe that we can be attacked that the response will not be commensurate with the attack? That is Osama bin Laden. We are talking about Saddam Hussein here, but the lesson is the same for tyrants throughout the world who pose a threat to this country. It has been a bad lesson that we have given for well over a decade now.

Some say we should wait until there is an imminent danger; that we should calibrate carefully as to when that danger we know is growing becomes imminent; that we should tell Saddam Hussein on the front end we will not attack him until we know he poses not only a danger but an imminent threat. That, of course, is basically consistent with the United Nations charter. It has been the law of nations for a long time. We have to recognize that. The Treaty of Westphalia was mentioned, back in the 1600s, where the sovereign nations got together and decided that sovereign nations would not be attacked. We have perfected that somewhat.

We have talked about imminent danger because traditionally we lived in a world where armies amassed on a border and that was the imminent danger. September 11 changed all that. That is not the kind of world we live in anymore. The imminent danger facing this country now does not amass itself on the border and give everybody time to debate and make up their minds as to what they are going to do. The threats we face today hide their activities. The threats we face today are not always apparent.

Let there be no mistake about it, the United States is the target. It is the primary target. No one likes the sound of the word unilateralism. But is there anyone who disagrees with the action the Israelis took in 1981, when they took out the Osiraq nuclear plant in Iraq? I am really curious. There is a case of unilateralism if there ever was

one. Was there any imminent threat? I don't even know if the plant was finished yet. But either way, there was no imminent threat that I know of that they were getting ready to produce material out of there to put in a bomb to attack Israel.

They took it out. The United Nations condemned them. We condemned them. But is there anyone today who is really regretful the Israelis took that action?

I would think under that theory, if we had to wait for imminent danger, we would have to ask ourselves, imminent with regard to our allies, would that count? With regard to our troops in the area, would that count? With regard to the homeland only? Those would be questions we would have to ask.

We would have to ask ourselves: Does that not mean, under the philosophy of waiting for the imminent threat, we would have to wait not only until we had ironclad proof Saddam had nuclear capability and the means to deliver it, but that he was planning on actually hitting us with it? I don't think we have thought that fully through. Surely that is not what we are suggesting, that we almost have to have a missile in the air before we could act.

It is somewhat of a precedent. It would be, if it comes to that. But we are in a position no other country has ever been in, as the Senator from Arkansas pointed out. We are living in a world no one has ever lived in before, where a handful of people can take modern technology and create a mortal threat to millions of people on the other side of the world. We simply have to address the fact that is the world we live in.

Some say we should wait on the United Nations. That essentially goes to the heart of the amendment we are considering. I respectfully suggest if we pass this amendment, it would be a guarantee the United Nations would never act, because they would know they didn't have to. And so many who would rather avoid this because the United States is the target, and for other reasons, would never, ever face up to it, if they knew they didn't have to. Then I would ask: Where would we be? Some say, come back to the Senate in that weakened condition.

Would we be in better shape having been turned down by the U.N. if we then went ahead in contravention of what they said or would it be better to stand tall on the front end, with the assurance that many countries in the United Nations are going to support us in our effort?

The President has gone there and he has made the case. He has talked to our allies. The Secretary of State has been busy around the world. When people say we are going it alone, do not the British count? Does not Spain count? Does not Italy count? Do not the Arab nations I read about today in the paper, who are reluctantly coming along, count?

I think we should go back and look at where former President Bush was at

this stage of the proceedings. I think the first thing that happened there was he said this will not stand. Then he went internationally, and then the British came first, and then there was a period of time before very many people came forward after the British.

Speaking of the British, I think it is ironic that the head of that government, in many respects, sees things more clearly than many of us do.

The problem—as difficult as it is to acknowledge, but it is the plain truth—is we have lost the coalition we had before. We would like to go right back and say: Remember how we were together before, and remember how we made such progress, military progress, and there for a while we had Saddam Hussein on the ropes and we laid down all these requirements. In order for us to go home, he had to make all these agreements, and he did make those agreements. Remember how we were together then before he violated each and every one of them, and gradually, year by year, we not only allowed that to happen, but one ally after another started doing business with him. We are now asked to go before a Security Council containing the country of China, which is now furnishing fiber optics communications systems to Saddam to help shoot our airplanes down. Are they the ones we are supposed to ask permission to defend our self-interests?

We are looking at a Security Council with our friends, the Russians and the French, who want to do business with Saddam, and Saddam owes them money and they want that money back. Sure, the Arabs are kind of reluctant right now. And we are dealing with our now German friends who are led by an individual who will demagog his way to reelection on the backs of our country and, presumably, international relations.

It is not an easy thing to say, but it is a true thing to say. We want our friends, our allies, and especially our NATO partners; but as they continue to let their defense budgets slide and the American taxpayer continues to have to foot the bill for the free world, essentially, should they be given a veto when our interests are so directly involved? I think not.

I think we have to learn the lessons of the past, as difficult as it is. My friend from Arkansas mentioned Churchill. They didn't listen to Churchill after World War I. The result of their not listening to him was called World War II. Back when Hitler was on the move everything he did was not sufficient in and of itself to act. The allies thought they could always act later, and other countries should do other things—excuse after excuse.

That is not the message we want to send this time, Mr. President. I think it is clear that strength is the only hope we have for peace, and if we cannot have peace, we must do what is in the vital interest of this country.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise this evening to address the President's request for authority for military action in Iraq. I have spent weeks thinking about this issue and listening. I have sat across the table from Defense Secretary Rumsfeld, National Security Advisor Rice, Governor Ridge, CIA Director Tenet, FBI Director Mueller, Secretary of State Colin Powell, and Vice President CHENEY. I have listened closely to the President's speeches and I have listened openly to the many questions my constituents have raised over the past few weeks.

Mr. President, I understand the consequences of war and I don't shrink from them. My father was among the first to land on Okinawa as a GI. Growing up, we always knew that our country may need to project force to defend our freedoms. I know we have high obligations to the men and women of our Armed Forces who undertake the hard work of securing our freedom. In college, I volunteered at the Seattle Veterans Hospital. Most of the patients were young men, my age, who had returned from Vietnam. I carry that experience with me as the first woman on the Senate Veterans Affairs Committee.

When I look at decisions like this one, I take the time to consider all sides, with the full knowledge this decision will have serious consequences for our country, our world, and our future.

This evening, I want to share with my colleagues and my constituents my thoughts and my decision on this difficult issue. But most of all, I want to share my reasoning because I want everyone to know how I arrived at this conclusion. First, I looked to the threat posed by Saddam Hussein. Then I looked at the many questions that must be considered before our country begins military action. Then I looked at the President's case, the role of the U.N. and our allies, the impact war could have on the Middle East, and the impact it would have on the war on terrorism. Finally, I looked at the context in which we are being asked to make this decision, including our economy and the political climate.

Mr. President, let me first address the threat. There is no doubt Saddam Hussein poses a serious threat to our interests, to his own people, and to the world. Under his rule, Iraq has been an aggressor nation. It has started conflict with its neighbors and it has sought to stockpile conventional weapons and weapons of mass destruction.

Over the years, Iraq has worked to develop nuclear, chemical, and biological weapons. During 1991 through 1994, despite Iraq's denials, U.N. inspectors discovered and dismantled a large network of facilities Iraq was using to develop nuclear weapons. Various reports indicate Iraq is still actively pursuing nuclear weapons capability. There is no reason to think otherwise.

Beyond nuclear weapons, Iraq has actively pursued biological and chemical weapons. U.N. inspectors have said Iraq's claims about biological weapons is neither credible nor verifiable. In 1986, Iraq used chemical weapons against Iran and later against its own Kurdish population.

While weapons inspections have been successful in the past, there have been no inspections since the end of 1998. There can be no doubt Iraq has continued to pursue its goal of obtaining weapons of mass destruction.

Mr. President, we know from history and experience that Iraq poses a danger to the region, to our interests, and perhaps to ourselves. It will continue its aggression and its pursuit of weapons of mass destruction.

This leads us to a second set of questions. What should we do about this threat? The President has now asked Congress to authorize him to make war on Iraq. The goals of military action have shifted from regime change one day to disarmament, to enforcing any number of U.N. resolutions. The list of crimes to which the administration says Iraq must be held accountable varies widely. They include: attempting to assassinate a former President; holding prisoners of war after the Gulf war, including one American; firing on aircraft enforcing the no-fly zone; seeking weapons of mass destruction; and violating U.N. resolutions.

All of these are serious crimes; not all of them deserve the same response; not all of them call for war.

Without a clear objective, victory cannot be measured. Indeed, it appears the administration established a solution—going to war—before it defined the problem or the goal.

Our most important goal is disarmament. Given Iraq's history and Saddam's madness, there can be no doubt the world will be safer if we dismantle Iraq's ability to produce and use weapons of mass destruction. On this goal, the President receives complete support from the American people, the Congress, and the world community.

Disarmament of Iraq is unquestionably the right thing to do. The means of achieving this goal are what is up for debate.

In the past few weeks, the Bush administration unveiled its new preemption doctrine. This marks a shift from our longstanding national policy, and so far we have not been told how it applies to the world beyond Iraq. Obviously, if troops or tanks are amassing at the border, we have the right to defend ourselves, but to strike on the basis of suspicion alone is another matter. It is something this Congress and the American people need to fully explore and debate before we endorse the preemption doctrine.

The United States is not alone in facing the threat of Saddam Hussein, but unfortunately our Government is acting that way. I am very concerned that a unilateral race to make war on Iraq

will weaken the support we need worldwide to win the war on terrorism.

In the aftermath of September 11, the international community helped us heal and supported our efforts to respond. Their support has provided critical intelligence keys to disrupting international terrorist networks. But today our allies are as confused about America's objectives in Iraq as the American people are. Like the American public, our allies woke up one day to find that the administration was making plans for war. Like the Congress, they were not consulted. Like the American people, they had nothing explained to them. They saw, as did the rest of us, that a course of action had apparently been determined before the reasons were clear.

Recently, the administration has done a better job working with our allies. Secretary of State Powell is to be commended for his work, but we still have a long way to go. It would greatly benefit the Congress and the American people to know where our allies stand and what they are willing to do before we take action.

While we welcome the support of our allies and the United Nations, we do not hand them or anyone else the ultimate power to decide America's security demands. Only the United States can determine our interests and what steps are required to defend them.

That said, before we jump into a fight, we should know who is with us and what we are getting into, and today we do not.

Another key part of the international response to the Iraqi threat is the United Nations. Efforts at the U.N. have been met with both success and failure. To date, our greatest failure has been the ending of weapons inspections in 1998 and the U.N.'s failure to hold Iraq responsible for its obligations.

Today, the United States is working with our ally Britain to pass through the U.N. Security Council a new, tough resolution regarding Iraqi weapons inspections. I believe we need a new, strong U.N. resolution that provides for complete transparency of Iraq's weapons of mass destruction programs. This new resolution must allow inspectors to search all sites without roadblocks. Iraq should know that the U.N. and the international community are serious about enforcing this resolution even with force, if necessary.

One of the reasons U.N. support is critical is that it shapes how other nations will look upon our action in Iraq. There is a difference between going it alone and having the support of a broad coalition. We have a stated goal of working to achieve peace in the Israeli-Palestinian conflict. We have strong ties to other states in the region—Jordan, Egypt, Saudi Arabia, and other Gulf states. What action we take and how we take it will have a direct impact on our other stated foreign policy goals of achieving peace in the Middle East, maintaining friendly relations

with our allies in the region, and contributing to the stability of the region.

In addition to the impact of war on the Middle East, we must understand how action in Iraq will affect the war on terrorism.

On September 11 last year, we were reminded again of the dangerous world in which we live. After bombing our embassies in Kenya and Tanzania and attacking the U.S.S. *Cole* in Yemen, al-Qaida has pulled off the most horrific crime our Nation has ever known.

In the aftermath of these tragic events, the President declared war on terrorism. We dispatched our troops to Afghanistan and its neighbors. We worked closely with our allies. We even got help from some unexpected quarters. Most of the world joined our effort, but there are places where we do not have relations where terrorists hide, and to reach those dark corners we rely on intermediaries. Today, those intermediaries are providing us with intelligence information to help our efforts.

We have to ask: Will unilateral action in Iraq undermine the support we need from other countries in the war on terrorism? The answer to that question should help inform us on our decision on military action in Iraq.

If we do take action in Iraq, there is no doubt that our Armed Forces will prevail. We will win a war with Iraq decisively, and, God willing, will win it quickly. But what happens after the war? That will have just as big an impact on our future peace and our security. Will we be obligated to rebuild Iraq, and, if so, how? Our economy at home is reeling, our budget is in deficit, and we have no estimate of the cost of rebuilding. And with whom?

As New York Times columnist Tom Friedman points out, there is a retail store mentality that suggests to some: If you break it, you buy it.

How will the Iraqis get back on their feet? Iraq's leadership has led its people through two decades of misery. The people of Iraq have paid a terrible price for Saddam Hussein's military campaigns. What promises is the international community prepared to make to help restore the health of the Iraqi people? What promise is implicit in a unilateral attack?

If we must disarm Iraq by force, we will, but we cannot achieve peace through occupation alone. It costs money and energy and time, and like building anything else, it is better as a shared responsibility than a solo effort.

Again, the answers to these questions should not be the only factors in play as we make decisions on how to protect our security interests, but they are not insignificant and they have not been answered.

We do not have a clear policy. We do not have a clear path to implementing that policy. We do not yet know what level of assistance we are going to get from our allies and the broader international community. We have not factored in all of the implications this

may have on our other foreign policy objectives. We have not factored in all the implications this may have on our own economy.

Not having a well-defined policy or proper preparations for contingencies that may result from whatever action we take is a dangerous situation on the eve of the war this administration says we must have.

With all of these unanswered questions, how do we get here today? The administration has said it wants a vote on this resolution "before the election." In this debate, many in Congress and many of our citizens are asking: What is special about November 5 in deciding this question?

The question of war should not be placed in the context of trying to influence the outcome of an election, and surely that cannot be the case today. The question is too grave for that to be the motivation, even for that to be a motivation. The question of war should be placed squarely in the context of what is the right policy to achieve our Nation's security goals.

With all of these questions in mind, I look to the resolution that is before us. Does this resolution address the question this Nation must answer in order to succeed? Does it clearly articulate a policy objective? What course of action does it sanction in our Nation's pursuit of that goal?

While this resolution is a marked improvement over the President's original proposal, S.J. Res. 46 does not provide the information—and the objectives—needed at this time.

It is overly broad in defining the objectives of military action.

After considering the threat, the cost, and the unanswered questions, I have reached a decision. I will vote against the underlying resolution; I will vote against going to war at this time.

I am committed to fighting and winning the war on terrorism, including eliminating Saddam Hussein's weapons of mass destruction.

I support wholeheartedly our men and women in uniform. I admire their heroism. And I will continue to do all I can to provide them with the resources they need for whatever mission they are asked to carry out on our behalf.

Today we are being told we have no choice; that we have to grant the President war-making authority immediately, without knowing the ultimate goal or the ultimate cost, and without knowing whether we are going it alone.

It may well be that someday our country needs to take military action in Iraq, but the decision right now to give the President this broad authority, without focusing it narrowly on weapons of mass destruction, without the support of our allies, without defining the costs to our country today and tomorrow, is not something I can support given what we know today.

The constituents I hear from want to know:

Why are we racing to take this action right now, alone, with so many questions unanswered?

The administration could answer those questions with clear, compelling facts and goals, but so far we have not heard them.

We are being asked to endorse a policy that has not been thought out, and one that could have dramatic consequences for our citizens and our future.

While we may need to take action in Iraq down the road, today I cannot support sending our men and women into harm's way on an ill-defined, solo mission with so many critical questions unanswered.

If, in the coming weeks or months, we learn that Saddam's capabilities are more advanced than we now realize, or if Saddam defies U.N. resolutions, we will certainly have the right to take appropriate action.

Looking back over the past year, it is clear that we can respond to September 11 several ways.

We can act out of fear, casting aside our principles, and taking action without sufficient planning. Or we can stick to our principles and draw strength from them in tough times. That is the course I advocate today.

In closing, let me be clear. Despite my reservations today, I will always stand with and support those who serve our country, wherever and whenever their Commander in Chief sends them.

If American troops are called to fight in Iraq, I will stand with the President and I will support our troops not only during the conflict, but afterward.

The international community, and those who would do us harm, need to know without exception that while we may have our disagreements before military action, once our troops are on the ground, we are all on the same side.

I yield the floor.

THE PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I want to answer some of these questions about why we are now considering a resolution and what proof we have about Iraq. Senator SARBANES and I are the two delegates to the United Nations this year for the House and Senate. I was on the floor of the United Nations General Assembly when the President made his speech and presented his case to the General Assembly. I have to say I was so proud of him.

Before he even gave the speech, there had been a lot of hype in the papers that was unfavorable to him. When he was introduced, the tension in the crowd could be felt, and there was no applause. I did learn later that there is seldom applause when a head of state is introduced.

When he gave his speech the body language could be seen on the other delegates. At the end of the speech—also untypical—they gave him applause.

I also want to tell my colleagues what happened after that. As we wandered about and met other delegates,

we heard lots of positive comments about what the President said. Not only that, virtually every head of state who followed him had the same message for the U.N.: Be useful or be done. That is the message that the President delivered.

Why now? Right now because we are trying to strengthen the resolve of the United Nations. Discussions are going on right now in the Senate and throughout the nation about what should be done with Iraq. We are the ones who provide the leadership in this country. We are the ones who set the tone. We are the ones who have to approve what the President is doing.

What proof do we have? I hope everyone is attending the classified briefings that are available. The things that are not classified are enough to scare us. The reports of Iraq that gave to the United Nations show many chemical weapons they had left at the end of the war—their report, their numbers, their chemicals, their weapons of bioterrorism. Subtract out the numbers that they destroyed, and we wind up with a huge supply of chemical and biological weapons. Weapons that could be used against us now.

One of the things the other countries of this world appreciate is the patience our President had after September 11. Bombs were going off in Afghanistan that very night, and the press covering it said: The United States is retaliating. But it was not us. The President was busy sending envoys to nations all over the world, setting up a coalition—the same kind of coalition we are being asked about now. Some have asked: Shouldn't we see if there is a coalition first? No. First we should show our resolve, and then we can build coalitions.

This is the President who built coalitions. This is the President who went into Afghanistan with war plans, with a method, with cooperation, and he did in 1 month what Russia was not able to do in 7 years. It is a President who knows what he is doing. It is a President with patience. Now he is asking us to pass a resolution.

How strange and unheard of is this request to pass a resolution? In 1998, a Republican-controlled Senate for a Democrat President recognized that this was not Democrat versus Republican. We then said that it was very important to bring up a resolution that would show our resolve. That is exactly what a resolution does—show resolve. We passed a resolution in 1 day. We passed a resolution with no amendments. The President asked us. We did it. We showed unity. We showed the country we were behind the President and we were ready to do whatever was necessary for the same despot we are talking about now.

Do we think he has gotten better? No. He has gotten worse. Do we think he has gotten less prepared? No. He has gotten more prepared. It is time we did something about it, and time we did it through the right channels—that is exactly what the President is doing. Part

of that process is to ask us, ask Congress, to help.

In 1998, we did it with no questions. We did it with no amendments. We did it with no filibuster. What do we have in the Senate today? We have a filibuster. We have amendments. We have people giving all kinds of excuses so they can vote against an amendment that is necessary to get the resolve of the Security Council. That way the United Nations will have the backbone to say to this despot, this tyrant, this killer of babies, that it is time he straightened out, got rid of his chemical weapons, got rid of his biological weapons, and let us in to make sure there were not any nuclear weapons. It is time he becomes part of the community of nations or gets out of office. It is that simple.

If we could do pass a resolution for Bill Clinton, we ought to be able to do it for President Bush. Again, I want to remind my colleagues of the patience and resolve we had going into Afghanistan. I think parts of this discussion came up from the fact that somebody heard that we had plans for attacking Iraq. Well, we better have. We have a Defense Department that we pay a lot of money to plan for events so that they never happen. They have a plan on Iraq, and they have a plan on another dozen countries.

Every once in awhile, we even have exercises or war games so our Defense Department can see how to move people and have the right equipment in the right place at the right time. That way we know that the training is good for the people we have in the armed services. Anybody who commits to the service of this country must be assured that we are also committed to providing them with the training and everything under the Sun we can give them to keep them safe. Keep them safe so they can do their job and to come home alive. That is absolutely essential.

Today we have half a dozen amendments, we have substitutes amendments to substitute amendment. We do have a resolution, a resolution the President asked us to pass. It is one that is considerably more detailed and one that has more hoops to jump through than the one we approved in 1998. This is the resolution we need to pass. We must give President Bush the authority we gave President Clinton in 1998 without limiting authority or amendments.

In July of 1998, as I mentioned, we considered a resolution urging the President to take appropriate action to bring Iraq in compliance with international obligations. The Senate debated that for one day, without amendments. We approved the resolution by unanimous consent. That means no one objected and no one wanted to add an amendment. We just said yes. The House debated that one for day, had no amendments, and approved it by a vote of 407 to 6.

In October of 1998, we considered legislation that, in addition to author-

izing the President to provide assistance to the Iraqi democratic opposition, declared it should be the policies of the United States to seek the removal of Saddam Hussein's regime and replace it with a democratic government. What did we do on that? The Senate debated that legislation for one day without amendments and we approved it by unanimous consent. Once again, no one wanted to amend it, no one disagreed. We gave President Clinton the authority. The House debated that legislation for one day and approved it by a vote of 360 to 38. One day in each Chamber—one day in each Republican-controlled Chamber giving authority to a Democratic president. One day in 1998. How many days will it take in 2002? We are already days into debate. How many days are needed by my colleagues to undermine the ability of the United States to address a security threat?

The President has been criticized for asking for a Congressional resolution prior to achieving a United Nations Security Council resolution. I believe the United Nations does have an important role in the future of Iraq. If the UN does its job, and member states do what is right, we can address the threat within the realm of the United Nations, which I am sure would be everyone's preference. As an independent nation, however, the United States cannot sit idly by while the Security Council debates the validity of pledges made by a known liar. If the General Assembly and Security Council are not prepared to defend the security of the world and the legitimacy of this organization, the United States must be prepared to act. A strong resolution with strong support is the best effort to prevent a war later. Afghanistan made the U.S. credible. It proved our patience and capability. Those traits go a long way to moving Saddam—as long as Congress shows resolve and then the UN shows resolve.

It is also important to note that the passage of a Congressional Resolution would not prevent the Administration from continuing its work at the United Nations. Rather, I believe it will help the President gain support for an appropriate Security Council resolution. As Congress, our actions must show a united front with the strong resolve of the American people. We will not wait to be attacked. We will not wait for inaction and discord. We will not tolerate an Iraqi President who flouts the authority of an organization only to cower under its umbrella when convenient.

Saddam Hussein is not crazy or an idiot. He is dangerous because he is cunning and very calculated. Repeatedly, he pushes the international community to the brink point and then backs down and says—sure, let the weapons inspectors come back. How many times are we going to let him play this game? Do we wait for him to attack with nuclear, chemical, or biological weapons? Do we wait for yet another international inspector team to

be denied access to weapons stockpiles? Do we wait for another attack on the United States? Iraq has a despot leader, chemical and biological weapons, and a proven willingness to use anything. Iraq is the only country in the world with all three components. We must have changes immediately or regret it soon.

Many have asked why now, and I must ask why have we not acted sooner? We have considered action in Iraq before. We decided in 1991 that we should defend Kuwait. We sent in planes and bombs in 1998 and brought the inspectors home, but we have been silent since then. It is worthwhile to look at a few of the 16 Security Council resolutions that Saddam has chosen to ignore:

Resolution 687, adopted April 3, 1991, called for Iraq to accept the destruction, removal or rendering harmless of all chemical and biological weapons and unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons useable material;

Resolution 707, adopted August 15, 1991, condemned Iraq's violation of Resolution 687, adopted only four months before;

Resolution 1051, adopted March 27, 1996, called for Iraq to comply with weapons inspectors;

Resolution 1115, adopted June 21, 1997, condemned the repeated refusal of Iraqi authorities to allow access to UN inspectors; and

Resolution 1194, adopted September 9, 1998, condemned the decision by Iraq to suspend cooperation with inspectors and oppose its obligations under Security Council resolutions.

In 1991, we knew Saddam Hussein was producing weapons of mass destruction. We knew it in 1995. We knew it in 1998. We know now—he has these weapons today. There is no reason he would stop producing them—no one has been there to stop him. The United States and Great Britain have been enforcing the no-fly zones, but no one has been enforcing Saddam's commitments to disarm. No one can believe he would simply stop producing these evil weapons out of the goodness of his heart.

When and if we do use our armed forces, we must show one of the vast differences between the US and Saddam: a value for human life. To him, soldiers are expendable. To us, each and every life has value and worth. Any military action inherently puts the lives of our brave soldiers at risk, and the American people know this far too well, but we must explore all possibilities and attempt to act with as little American and even Iraqi lives lost as possible.

When Congress approved authorization for forays into Iraq in 1998, in one days debate, no amendments, former President Clinton, said, "Let there be no doubt, we are prepared to act." This is the same message we are again debating today. We must allow this President—President George Bush—to stand up and say "We are prepared to

act." He must be able to state that to our allies with the authority and Congressional support, without limitation, that we gave in 1998.

When we act with our allies or through the United Nations, we should go into Iraq with a plan—actually, several plans: a plan for how to disarm Saddam and his guard; a plan for how to remove Saddam from power; a plan for when and how American troops should leave Iraq. The United States, however, should not have a plan for installation of a hand-picked successor. The Iraqi people must ultimately choose their leader. The United States and the international community must work with the people of Iraq just as we worked with the people of Afghanistan. If we choose a leader for Iraq, we will not be allowing the Iraqis to form an independent and democratic nation. The United States should have a plan for encouraging the various factions to work together, but we cannot choose a future leader before the battle begins.

The President and Congress have both been accused of trying to politicize the issue of Iraq. This is not a political issue. It wasn't in 1998 and should not be now. It is an issue of national security and international stability. The truth is respected individuals from both parties have expressed support for taking action and, more importantly, support having a plan for action. On September 12 this year, former Senator Bob Kerry, a Democrat from Nebraska, wrote in the Wall Street Journal, "The real choice is between sustaining a military effort designed to contain Saddam Hussein and a military effort designed to replace him." He also pointed out that the United States has spent more than a billion dollars in the last 11 years on simply containing Saddam. What return have the American people received from that investment? Saddam is still in power, the Iraqi people are still oppressed, and the security and stability of the region are still threatened.

This is the choice we have today. Do we keep the status quo and continue to spend money without any change in Iraq or do we authorize the President to take action and make some changes? I support change. Without any serious action by either the United States or the international community, we are telling Saddam that his game can go on. He stays where he is and continues his shell game. We lose again. Saddam is more than willing to keep the game going as long as the United States and the world are willing to lose.

The people of Iraq, the people of the United States, and the people of the world have not need for the leadership of Saddam Hussein—we can all agree on that. If he cannot abide by his international obligations and if he will not disarm then, simply put, he needs to go. We need to be rid of him and the President needs the authority to use armed forces to remove Saddam if necessary.

I firmly believe that firm resolve under this resolution—this resolution that does give some pretty broad powers—will keep us from having to go to war.

Without it, I think we may have to go to war.

I hope my colleagues will join me in supporting the language included in the Lieberman-Warner substitute without any amendments—just as we did for President Clinton in 1998—with the same resolve, with the same unity, and with the same straightforwardness we had then.

We can't quite do that, though, can we? We have already debated a couple of days. We have already had amendments put in. But we can still have the kind of unity we need to show our resolve so we can get the U.N. to do something which will keep us from going to war.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Rhode Island is recognized for 40 minutes.

Mr. REED. Mr. President, The Senate is engaged in a momentous and historic debate. The President seeks the authority to use force in our on-going confrontation with Iraq.

The Constitution entrusts the Congress with the exclusive power to "declare War." It is our Constitutional obligation to consider the President's request carefully and conscientiously, to review the evidence thoroughly, to weigh the costs and the consequences. We are called upon by the Constitution to make an independent judgment, not an automatic acquiescence.

I begin this debate acknowledging several unassailable conclusions.

First, we are already in a confrontation with Iraq. Since the Persian Gulf War, we have maintained military forces in support of international sanctions against the regime of Saddam Hussein. Our pilots are routinely fired upon as they enforce the "No Fly" Zones. Thus, the question is not whether we should confront Iraq. The question is how best to thwart this outlaw regime and for what ultimate purpose.

Second, Saddam Hussein is a despicable person who oppresses his people as he threatens his neighbors. Despite his military defeat in the Persian Gulf War and the imposition of sanctions, Saddam continues to defy United Nations resolutions and, of most concern, continues to develop and attempts to acquire weapons of mass destruction. But, our judgment cannot rest simply on his unalloyed evil. We must consider our actions more broadly. Will we enhance the stability and security of the region? Will we strengthen our security not just for the moment, but for the future as well? What kind of precedent will we establish?

Third, we will decisively defeat Iraqi military forces in any conflict. The skill and courage of our forces, aided by superb technology, will overwhelm Iraqi resistance. The military outcome is certain, but the costs and the consequences are uncertain and could be quite grave.

As I consider the proper course of action, as I weigh the uncertainties as well as recognize what is apparent, I return again and again to one further conclusion. Whatever we do will be better done with others. Thus, it is imperative that we commit all of our energies to encourage the United Nations to live up to its founding principles: to be more than just an international forum for discussion; indeed, to be a force for collective action in the face of common dangers. President Bush said it very well when he addressed the United Nations' General Assembly:

We created a United Nations Security Council so that, unlike the League of Nations, our deliberations would be more than talk, our resolutions would be more than wishes. After generations of deceitful dictators and broken treaties and squandered lives, we've dedicated ourselves to standards of human dignity shared by all and to a system of security defended by all.

Acting alone will increase the risk to our forces and to our allies in the region. Acting alone will increase the burden that we must bear to restore stability in the region. Acting alone will invite the criticism and animosity of many throughout the world who will mistakenly dismiss our efforts as entirely self-serving. Acting alone could seriously undermine the structure of collective security that the United States has labored for decades to make effective. Acting alone today against the palpable evil of Saddam may set us on a course, charted by the newly announced doctrine of preemption, that will carry us beyond the limits of our power and our wisdom.

For these reasons, I will vote against the Lieberman-Warner resolution granting the President the permission to take unilateral military action against Iraq regardless of the immediacy of the threat. And I will support the resolution proposed by Senator LEVIN.

The Levin resolution recognizes the inherent right of the President to use our military forces to defend the United States. This resolution supports the President's demands that the United Nations promulgate a tough, new framework of inspections to disarm Iraq, and this resolution gives the President the right to use American military forces to enforce the resolve of the United Nations. The Levin resolution recognizes Congress' responsibility to promptly consider the President's request to unilaterally employ American forces if the United Nations fails to take effective action.

On Monday in Cincinnati, President Bush said, "Later this week the United States Congress will vote on this matter. I have asked the Congress to authorize the use of America's military, if it proves necessary, to enforce U.N. Security Council demands." That is what the Levin resolution provides.

Those who advocate unilateral action assume that time has run out in dealing with Iraq. They see an immediate threat that will yield only to immediate military action. Thus, it is im-

portant to assess the Iraqi threat as best we can.

Iraqi conventional forces have been seriously degraded since the Gulf War. Saddam does have a cadre of Republican Guards that are capable and fought with determination in the Gulf War. One cannot totally discount Iraq's conventional forces, but they are not capable of defeating United States forces. The most dangerous aspect of Saddam's military power is the possession of chemical and biological weapons and his aspiration to develop or acquire nuclear weapons.

Today, Iraq has the capability to use chemical and biological weapons within the region to augment conventional forces that have been seriously degraded since the Gulf War. These capabilities, however, must be viewed in terms of intentions in order to fully evaluate the threat.

An assessment of Iraq intentions reveals areas of consensus and areas of disagreement. It seems clear that Saddam is intent on rebuilding his military and acquiring weapons of mass destruction including nuclear devices. His expulsion of U.N. inspectors certainly supports this view. Moreover, it may suggest that the inspectors posed a very difficult obstacle to his plans and their future utility cannot be summarily dismissed. Saddam continues to aspire to be a regional power. Unchecked, Saddam would threaten his neighbors and endeavor to claim the mantle of leadership in the Gulf and, perhaps, in the greater Muslim world.

There is, however, a lack of consensus on two significant points. Will Saddam risk the survival of his regime by threatening or conducting attacks on his neighbors? Will Saddam provide weapons of mass destruction to terrorist groups who can or will use them against the United States or any other nation?

At the heart of discussions of Saddam's possible plans is the general question of whether deterrence and containment will work against Iraq as it did in the Cold War. Saddam certainly has a lot to lose in any conflict with the United States. Both his life and his lifestyle would be in great jeopardy. Saddam also seems to be devoid of any ideology other than self-preservation and self-aggrandizement. Saddam is a secular thug, not a messianic leader. There is evidence that he will not put his regime at risk. During the Gulf war, the United States clearly signaled that any use of Iraq of chemical or biological weapons against Coalition forces would result in his destruction. Saddam accepted a humiliating defeat rather than risk losing power.

Of course, there are many who accurately point out that Saddam has already attacked his neighbors, Iran and Kuwait. He has used chemical weapons against the Iranians and the Kurds. Still, one is left with the question whether even this despicable behavior is a product of calculation rather than delusion.

And complicating the record of his actions against Iran is mounting evidence of our covert support both before and after he had begun to employ chemical weapons.

The second issues involves Saddam's willingness and ability to cooperate with terrorists. After September 11, this issue takes on a new and powerful emphasis. Despite extraordinary and justifiable efforts to establish a connection between the Iraqi regime and the attacks on New York City and the Pentagon and the downed aircraft in Pennsylvania, no such links have been established. Indeed, if credible links exist, the President, in my view, could employ unilateral force under the terms of the congressional resolution passed on September 14, 2001.

Recently, however, administration officials are publicly, but cryptically, trying to make the case that there is a definite connection between the Iraqi regime and al-Qaida. Secretary Rumsfeld and Condoleezza Rice have asserted at various times that Iraq is harboring al-Qaida fighters in Iraq, that information from detainees indicates that Iraq provided chem-bio weapons training to al-Qaida, and that senior-level contacts between the Iraqi regime and al-Qaida have increased since 1998. They have offered few details beyond Secretary Rumsfeld's claims that the information is "factual," extremely accurate" and "bulletproof."

But according to the Philadelphia Inquirer, these claims are disputed by "a growing number of military officers, intelligence professionals and diplomats." The article quotes an unnamed official declaring:

analysts at the working level in the intelligence community are feeling very strong pressure from the Pentagon to cook the intelligence books.

The Inquirer article examined some of these administration claims and found that "the facts are much less conclusive."

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

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

[From the Philadelphia Inquirer, Oct. 8, 2002]

OFFICIALS' PRIVATE DOUBTS ON IRAQ WAR
(By Warren P. Strobel, Jonathan S. Landay and John Walcott)

WASHINGTON.—While President Bush marshals congressional and international support for invading Iraq, a growing number of military officers, intelligence professionals and diplomats in his own government privately have deep misgivings about the administration's double-time march toward war.

These officials say administration hawks have exaggerated evidence of the threat that Iraqi leader Saddam Hussein poses, including distorting his links to the al-Qaeda terrorist network; have overstated the amount of international support for attacking Iraq; and have downplayed the potential repercussions of a new war in the Middle East.

They say that the administration squelches dissenting views and that intelligence analysts are under intense pressure to produce

reports supporting the White House's argument that Hussein poses such an immediate threat to the United States that preemptive military action is necessary.

"Analysts at the working level in the intelligence community are feeling very strong pressure from the Pentagon to cook the intelligence books," said one official, speaking on condition of anonymity.

A dozen other officials echoed his views in interviews with the *Inquirer* Washington Bureau. No one who was interviewed disagreed.

They cited recent suggestions by Defense Secretary Donald H. Rumsfeld and National Security Adviser Condoleezza Rice that Hussein and Osama bin Laden's al-Qaeda network working together.

Rumsfeld said Sept. 26 that the U.S. government had "bulletproof" confirmation of links between Iraq and al-Qaeda members, including "solid evidence" that members of the terrorist network maintained a presence in Iraq.

The facts are much less conclusive. Officials said Rumsfeld's statement was based in part on intercepted telephone calls in which an al-Qaeda member who apparently was passing through Baghdad was overheard calling friends or relatives, intelligence officials said. The intercepts provide no evidence that the suspected terrorist was working with the Iraqi regime or that he was working on a terrorist operation while he was in Iraq, they said.

Rumsfeld also suggested that the Iraqi regime had offered safe haven to bin Laden and Taliban leader Mullah Mohammed Omar.

While technically true, that, too, is misleading. Intelligence reports said the Iraqi ambassador to Turkey, a longtime Iraqi intelligence officer, made the offer during a visit to Afghanistan in late 1998, after the United States attacked al-Qaeda training camps with cruise missiles to retaliate for the bombings of the U.S. embassies in Kenya and Tanzania. But officials said the same intelligence reports said bin Laden rejected the offer because he did not want Hussein to control his group.

In fact, the officials said, there is no iron-clad evidence that the Iraqi regime and the terrorist network are working together, or that Hussein has ever contemplated giving chemical or biological weapons to al-Qaeda, with whom he has deep ideological differences.

None of the dissenting officials, who work in a number of different agencies, would agree to speak publicly, out of fear of retribution. Many of them have long experience in the Middle East and South Asia, and all spoke in similar terms about their unease with the way that U.S. political leaders were dealing with Iraq.

All agreed that Hussein was a threat who eventually must be dealt with, and none flatly opposed military action. But, they say, that U.S. government has no dramatic new knowledge about the Iraqi leader that justifies Bush's urgent call to arms.

Some lawmakers have voiced similar concerns after receiving CIA briefings. Sen. RICHARD J. DURBIN (D., Ill.) said some information he had seen did not support Bush's portrayal of the Iraqi threat. "It's troubling to have classified information that contradicts statements made by the administration," DURBIN said. "There's more they should share with the public."

Several administration and intelligence officials defended CIA Director George Tenet, saying Tenet was not pressuring his analysts but was quietly working to include dissenting opinions in intelligence estimates and congressional briefings.

In one case, a senior administration official said, Tenet made sure that a State Department official told Congress that the En-

ergy and State Departments disagreed with an intelligence assessment that said hundreds of aluminum tubes Iraq tried to purchase were intended for Baghdad's secret nuclear-weapons program. Analysts in both departments concluded that the Iraqis probably wanted the tubes to make conventional artillery pieces.

Other examples of questionable statements include: Vice President Cheney said in late August that Iraq might have nuclear weapons "fairly soon." A CIA report released Friday said it could take Iraq until the last half of the decade to produce a nuclear weapon, unless it could acquire bomb-grade uranium or plutonium on the black market.

Also in August, Rumsfeld suggested that al-Qaeda operatives fleeing Afghanistan were taking refuge in Iraq with Hussein's assistance. "In a vicious, repressive dictatorship that exercises near-total control over its population, it's very hard to imagine that the government is not aware of what's taking place in the country," he said. Rumsfeld apparently was referring to about 150 members of the militant Islamic group Ansar al Islam ("Supporters of Islam") who have taken refuge in Kurdish areas of northern Iraq. However, one of America's would-be Kurdish allies controls that part of this country, not Hussein.

Mr. REED. In addition, a full assessment of the assertions of Secretary Rumsfeld and National Security Adviser Rice is hampered by the failure of the Central Intelligence Agency to provide an updated National Intelligence Estimate of the current situation in Iraq.

Given the subjective nature and inherent difficulty of evaluating the intentions of such an opaque structure as the Iraqi regime, much more weight must be given to their capabilities. Saddam does not deserve the benefit of the doubt. But looking at Iraqi capabilities alone, the threat is not immediate. If unchecked, the threat is inevitable and dangerous. But, at time have the opportunity to pursue a collective solution to Iraq. This is an approach that offers a greater chance of success and a greater chance of long-term stability.

Whatever course of action that we choose, we cannot absolutely ignore or disregard the views and opinions of other countries. With the exception of Great Britain, there are few nations that are supportive of unilateral action.

The nations that surround Iraq are critical to the success of any military operation and to the long-term success of our policy. And, regional support for unilateral American military operations is equivocal at best.

Turkey seems likely to allow use of its airbases but without great enthusiasm and with great concern about the Kurds. Saudi Arabia opposes toppling Saddam and has stated it will allow the use of its bases only if the operation is authorized by the United Nations. The potential loss of Saudi bases and overflight rights will limit our flexibility. King Abdullah of Jordan has described a military confrontation with Iraq as a "catastrophe" for the region. His reluctant support is based on our commitment not to seek permission to introduce American forces into Jordan.

The Iranians have declared their intentions to remain aloof from the conflict. Iran is a bitter foe of Iraq, but its government is no friend to America. The gulf states seem resigned to the possibility of war. Mubarak of Egypt has repeatedly spoken out against a unilateral attack, and it is unclear whether Egypt will allow the use of its airfields.

As the New York Times pointed out with regard to the Gulf Region and the Middle East:

The support for the United States is not enthusiastic, and is based on any American military action having the backing of a United Nations resolution.

As we debate, the Iraqis are preparing their responses to our diplomatic and military initiatives. Their options are shaped by their capabilities and, I believe, the lessons learned in their disastrous defeat in the gulf war and their study of the success of American military forces in Bosnia, Kosovo, and Afghanistan.

Their first option is the one that they are currently pursuing; the admission of U.N. weapon inspectors under the most lenient conditions possible. The Iraqis are not unmindful that inspectors in Baghdad are the best insurance that they can have against a military attack by the United States. Even if this Congress authorized the President to use military force against Iraq at his sole discretion without regard to the United Nations, it is difficult to conceive of the President ordering an attack with U.N. inspectors in Iraq carrying out a U.N. resolution and presumably telling CNN that their mission is proceeding.

The State Department is engaged in difficult negotiations to broker a new resolution while at the same time delaying the entry of inspectors into Iraq. If these negotiations fail, the United States would find itself in a precarious position. Not only will we be deprived of a new and strengthened enforcement mechanism, we likely will be exerting all our formal and informal influence to prevent the reintroduction of inspectors. Blocking the reentry of inspectors would further isolate us in the world. If we succeed in brokering a new and more effective inspection scheme, there is a significant probability that Iraq, despite its repeated defiance and rejection of tougher standards, will initially comply. Saddam has consistently practiced the politics of survival. Accepting inspectors, even inspectors with unconditional and unconstrained access, will buy time. If Saddam refuses to accept inspectors in accord with a more robust U.N. resolution, he seals his fate.

The recognition by the administration that Iraq may capitulate in the face of a strong Security Council resolution might tempt them to halfhearted pursuit of United Nations authority. They should resist those temptations. It is clearly preferable to operate with a U.N. authorization whether it is contained in one resolution that

promulgates a new inspection scheme backed by the explicit authorization of force or a two-staged process that introduces inspectors with enhanced powers but defers the question of enforcement until Iraqi non-compliance is established.

If inspectors are not reintroduced into Iraq and Iraq is convinced of a pending American-led attack, then the possibility of terrorist attacks by Iraq within the United States must be considered. In a letter read before a hearing of the Senate and House Intelligence Committees, CIA Director, George Tenet, stated that:

Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or chemical or biological weapons.

But, Tenet went on to warn:

Should Saddam conclude that a U.S.-led attack against his country could not be deterred "he probably would become much less constrained in adopting terrorist action."

And, if Iraq is contemplating terror in America, then Iraqis are more than likely to be considering preemptive strikes on our forces as we build up prior to an attack. One of the most compelling lessons of the gulf war and subsequent American military operations is that letting the United States build up its military forces is tantamount to victory for the United States. If we can assemble in sufficient numbers the best warfighters in the world with the best military technology in the world, we will win the military battle every time and certainly in the case of Iraq.

If Hussein's goal is to kill U.S. soldiers and slow down an invasion, he might strike in the early days of a campaign at regional ports or airfields when those facilities are filled to capacity with U.S. forces gathering for the fight. In 1997, a Pentagon team of 18 generals and admirals projected different ways such an attack could take place. In one scenario, small teams of Iraqi infiltrators unleashed mustard gas from an old bread truck outfitted with agricultural sprayers. In the projected scenario, the truck was mistakenly let on base by troops who thought it was delivering food. In another scenario, a helicopter took off from a barge floating about 15 miles from the Indian Ocean island of Diego Garcia and sprayed cholera into the air, infecting thousands of U.S. Marines preparing to board ships. The Marines didn't fall ill until they were at sea. Finally, the generals envisioned speedboats, loaded with chemical and biological weapons, ramming into docks near key U.S. ports in Bahrain and Kuwait. Added to these scenarios is the possibility of a missile attack similar to the one launched against our rear areas during the gulf war.

A chemical or biological attack on our forces as they assemble would disrupt our operations but not ultimately defeat them. It would increase our casualties and costs. It also has the potential to sow panic in civilian ranks and

make our presence a greater burden on supportive governments.

If Saddam does not choose to launch preemptive attacks on our build-up, there is increasing evidence that he will use chemical and biological weapons against our forces as they commence the attack. Last Tuesday Prime Minister Blair released a report, which stated that Saddam might have already delegated authority to employ chemical and biological weapons to his youngest son, Qusai, who leads the Republican Guard. Reportedly, Saddam had, prior to the start of the 1991 Persian Gulf ground war, issued specific orders for the use of WMD if the allies were winning the ground war and crossed a line 200 miles south of Baghdad.

Once again, Iraqi chemical or biological attacks against United States forces will not halt our attack. American units are trained and equipped to operate in chemical or biological environments. However, such attacks can cause delay, disruption and increased casualties. General Hoar, former CENTCOM Commander, testified before the Armed Services Committee that prior to offensive operations in 1991, he was briefed on a simulation conducted at Quantico that indicated the possibility of 10,000 casualties to the assaulting Coalition forces due principally to the potential use of chemical and biological weapons. We have improved our protective equipment and monitors since the gulf war. We have devoted great effort to developing techniques to target and suppress opposing systems that could deliver chemical and biological weapons. Nevertheless, chemical and biological attacks would pose serious risks to our forces and to the civilian population.

It is important to note that both General John Shalikashvili and General Wesley Clark in testimony before the Armed Services Committee agreed that operating under United Nations authority would tend to raise the threshold for the Iraqis to use weapons of mass destruction. Operating alone, the United States runs the risk of Iraqi gambling that international opinion will not be as critical of Iraq in the employment of these weapons.

If the first lesson of the gulf war is don't let the United States build up its forces, the second lesson is don't fight the United States at long range in open terrain. Our troops, training and technology give us decisive advantages to locate and destroy targets with integrated fires at great range. The deserts of Iraq are ideally suited for our forces and will be the graveyard of the Iraqi army if they chose to fight us there.

Unless the Iraqis learned nothing from their defeat, they will not fight our forces in the open. They likely will conduct a strategic withdrawal to Baghdad, fighting at choke points like rivers and urban areas. But, they may also conduct a scorched earth policy as they withdraw to slow us down and deny us speedy avenues of approach to

Baghdad. Saddam ordered the oil fields of Kuwait destroyed as his army fled. He may do the same as his forces withdraw. Moreover, since our major avenue of approach is through Southern Iraq, the traditional home of Iraqi Shiites, Saddam is unlikely to have any reluctance to inflict damage on a community that he has always suppressed.

If Iraq forces can maintain any coherence in the face of our assault, particularly our air assaults, then they will most likely make their major stand in Baghdad. In the streets and alleys of Baghdad, our technological advantages are reduced. It would become a more difficult battle.

The International Institute of Strategic Studies reports that Iraq's "wisest course would be to hunker down in cities, distribute and hide its forces, and fight from those places. It cannot be assumed that the Iraqi Army would deploy armour in the open desert, as in 1990-91, firing from static positions and presenting an immobile target for airpower, as the Taliban did. Many Iraqi weapons and command and control centers will be placed near apartments, hospitals, schools, and mosques."

General Hoar testified at the Armed Services Committee of a "nightmare scenario" that needs to be planned for—six Iraqi Republican Guard divisions and six heavy divisions reinforced with several thousand antiaircraft artillery pieces defending the city of Baghdad, resulting in urban warfare with high casualties on both sides, as well as the civilian populace.

We are all mindful that, during the Gulf War, Saddam launched 39 Scud missiles against Israel as a means to provoke the Israelis to retaliate. It was a desperate attempt to change the dynamic of a war that was leading to a humiliating defeat. He hoped that Israel could be drawn into the war and their involvement would cause the Muslim world to abandon the international coalition and rally to Saddam. The Israelis did not take the bait. They endured missile attacks, refrained from retaliation and watched as coalition forces dictated terms to a defeated Iraq.

Given Saddam's history and his options, it is highly probable that he will once again seek to draw Israel into the conflict as a means of rallying the Muslim world to his cause. He has a limited number of missiles to fire at Israel. However, it is likely that Palestinian forces like Hamas and Hezbollah will launch either sympathetic or explicitly coordinated attacks against Israel. This later dimension was not such a formidable factor in 1991. Today, the potential for suicide attacks and widespread violence in the West Bank and elsewhere in Israel is more pronounced.

According to Western and Israeli intelligence sources, Hezbollah militants in southern Lebanon are reported to have amassed thousands of surface-to-surface rockets with ranges sufficient to strike cities in northern Israel.

The administration hopes that the government of Israel will exercise the same restraint that it showed in 1991. That might be a forlorn hope. On September 26, Prime Minister Sharon said, "If Iraq attacks Israel, but does not hit population centers of cause casualties, our interest will be not to make it hard on the Americans. If on the other hand, harm is done to Israel, if we suffer casualties or if non-conventional weapons of mass destruction are used against us, then definitely Israel will take the proper action to defend its citizens." We all recognize the right of Israel to defend itself. The Prime Minister's first responsibility is to his people.

But we also understand that Israeli retaliation would put great pressure on Muslim countries to either end any support for United States efforts or to actively oppose our efforts. Here again, a strong argument can be made that an operation sanctioned by the United Nations might give these countries sufficient justification to participate with the international community rather than oppose efforts to decisively deal with Saddam.

We are prepared militarily to counter all of these Iraqi threats. Our first priority will be to establish an air defense system to protect our forces as they enter the region. Our ground based air defense batteries and active aerial patrolling will help mitigate any potential Iraqi threat from the air. We have had extensive collaboration with Israel on the development of their Arrow air defense system. This collaboration and other collaborative efforts will be accelerated to help ensure that any potential Iraqi attack on Israel will be frustrated.

In the conduct of offensive operations, we will prepare the battlefield with intensive air strikes. But, one of the factors that must be considered in this air campaign is the inadvertent release of chemical or biological agents as a result of our bombing. Press stories suggest that the Iraqis have placed sensitive installations in urban areas as a way to protect them from the expected air campaign. We could discover that we have unwittingly created a chemical or biological release that would be exploited by the Iraqi government not as confirmation of their treachery but as an attack on our conduct of the operation.

Indeed, the potential use of chemical and biological weapons is one of the great uncertainties of a battle against Iraq. The President and Secretary Rumsfeld are trying to dissuade Iraqi field commanders from deploying these weapons by sternly and correctly warning them that they will be held accountable for war crimes.

It is an open question whether this warning will be effective with individuals who owe their position and lives to Saddam and who would likely face swift and fatal retribution from Saddam before they would be subject to international law.

We are prepared to counter Iraqi responses to our military operations.

But, there are certainly no guarantees that we can do so without significant casualties to our forces and to the civilian population. Much of the Iraqi response turns on the willingness of his forces to resist and to follow his supposed orders to employ weapons of mass destruction. It is difficult to predict these dimensions of loyalty and morale. But, this battle seems likely to produce more casualties and costs than the Persian Gulf war for the simple reason that the President has repeatedly associated our use of force with regime change. In a battle to remove Saddam from power, his desperation and the desperation of his loyalists will cast this as a battle to the death. Unfortunately, one of the hallmarks of dictators is that many people suffer and die, many innocent people, before they meet their demise.

We will prevail in any battle against Iraq. But, military victory brings with it a host of other problems. Again, an examination of these issues strongly suggests that our tasks would be immensely aided if we initiated our operations with the broadest possible international coalition vested with the authority of the United Nations.

The Administration's avowed policy of "regime change" combined with the discretion to wage a unilateral attack on Iraq will inevitably lead to the indefinite occupation of Iraq by United States forces. Such an occupation will be expensive and will impose significant stress on our military forces that are already "stabilizing" Afghanistan, Bosnia, Kosovo, and other areas across the Globe.

Moreover, governing Iraq is not one of the easiest tasks. It is a country with at least three major factions; the Kurds in the North, Sunni Muslims in the Center and Shiite Muslims in the South. The potential for disintegration along ethnic and religious lines is significant.

Our tasks in Iraq will be immensely complicated by the probable damage resulting from the military campaign. Although we will deploy precision missions and will be acutely conscious of minimizing collateral damage, a "scorched earth" policy by the Iraqis compounded by the possible release of toxic agents and the possibility of extensive combat in built-up areas may lead to significant damage and significant civilian casualties.

Again, after the battle, we would look for international assistance to rebuild Iraq. That assistance would be more forthcoming if we initiated operations with international support rather than without it.

Even before calculating the costs of postwar reconstruction of Iraq, we must recognize that military operations in Iraq will be expensive in direct costs and could have significant and detrimental effects on our economy.

Estimates of the direct cost of an attack on Iraq range from \$50 billion to \$200 billion. For perspective, the gulf

war cost about \$80 billion in direct incremental costs, and our allies paid much of this expense.

Indirect effects on our economy are hard to estimate, but there is great concern that military operations in Iraq will further complicate a fragile economy.

One of the most potentially volatile economic aspects of a war in Iraq will be its effect on the price of oil. According to the Congressional Research Service, "the effect of a sudden and sustained increase in the price of oil could deepen an existing recession or push an already weak economy into recession."

Our occupation of Iraq will place us in control of the world's second largest oil reserves. Directly or indirectly, we will become a major force in the international politics of oil. That fact will not be lost on other producing nations and the world at large. There is a real danger that our motivation to remove Saddam will be ignored or quickly forgotten, and our attack on Iraq will be seen as old fashion imperialism. Once again, this perception is most likely to develop if we conduct our operations unilaterally.

To date, the administration has not publicly suggested how they intend to deal with Iraqi oil. This is a major issue of international importance touching the economic, diplomatic and security priorities of the world.

A unilateral attack by the United States will engender worldwide criticism as already suggested by the comments of many leaders around the world and reflected in public opinion in many countries. A swift victory without significant casualties or damage will mute this criticism in many quarters, but it will not easily extinguish the resentment of our "go it alone" policy. A difficult and costly struggle will accelerate this criticism and create problems that will inhibit diplomatic and economic progress on other fronts.

One of the unintended consequences of a unilateral assault on Iraq may be our efforts on the War on Terror; the unfinished business of completely destroying Al Qaida before they strike us again. Despite all the good faith assurances of military leaders that they will not lose focus on the War on Terrorism, the scale of the proposed operation, the notoriety and the huge risks involved will inevitably draw resources and attention from the War on Terror. Further complicating our efforts on the War of terror is the real possibility that many countries that are now assisting us will greet future requests with studied indifference or denial.

The President asks for the authority to use force unilaterally. This request must be viewed in the context of the newly promulgated National Security Strategy. The core of this new strategy rejects deterrence and embraces preemption.

According to this strategy, the United States has long maintained the

option of preemptive actions to counter a sufficient threat to our national security. The greater the threat, the greater the risk of inaction—and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively.

There is no argument that the United States, like every nation, retains the right to defend itself from an imminent hostile act. But, this strategy goes much further. It appears to be based not on the immediacy of a hostile act but simply on the "sufficiency" of the threat. It fails to make any distinction based on the nature or timing of the threat. As such, it can be applied or misapplied to a wide range of adversaries.

There is no question that the United States must act preemptively against terrorist like al-Qaida. The nature of the threat and the immediacy of the threat leave no other option. Al-Qaida has no significant and identifiable institutions, resources or assets to hold hostage as a means of changing behavior. Al-Qaida has no significant and identifiable institutions, resources or assets to hold hostage as a means of changing behavior. Al-Qaida makes on pretense of attempting to participate in the international system of nation states. Al-Qaida is not motivated by calculated self interest as much as it is motivated by an apocalyptic impulse for the destruction of its enemies and the ritual sacrifice of its adherents. There is no choice but to seek out these terrorists and destroy them before they attack us again.

But al-Qaida is different that many threats that face us. And, extending this notion of preemption and bolstering it in resolutions that give the President authority at his discretion to conduct unilateral military operations starts us down a potentially dangerous path.

We are debating Iraq today, but will we apply this preemptive doctrine to Iran or North Korea tomorrow? How do we prevent others from adopting this same strategy if we have enshrined it as the centerpiece of our policy? For example, how to we counsel the Indians to refrain from preemptively attacking Pakistan or vice versa? From New Delhi or Islamabad, the threat looks "sufficient" and striking first is enticing.

In this first test of the President's new National Security Strategy, we should be very careful to define the scope of his authority to avoid being swept up in a doctrine that appears to have few limits.

Our continuing confrontation with Iraq is fraught with danger and challenge. Much is uncertain, but I believe that one point is quite clear. Leading an international coalition to enforce United Nations resolutions, as the

President spoke of in Cincinnati, is the surest way to reduce the dangers and ensure the long-term success of our policy. It is for this reason that I support the Levin resolution.

Great events will turn on our deliberations. But, at this moment, my thoughts are not on historic forces. Rather, I think about the young Americans who will carry out our policies. They are prepared to sacrifice everything. We owe them more than we can ever repay. One thing that we certainly owe them is our best judgment. I have tried to give them mine.

I yield the floor.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CORZINE. I thank the Chair. I thank the distinguished Senator from Oklahoma for the opportunity to go forward.

I rise tonight to express my views on what has become the overriding issue before the Senate and our Nation as we close out the 107th Congress: the authorization of the use of military force against Iraq and in what context and under what circumstances such an operation might take place.

This issue has been one on which I have given much thought and careful analysis. This decision quite literally has life-and-death implications, not just for our courageous men and women in uniform but for all Americans across our homeland, for your family and mine.

No decision we take can weigh more heavily on our hearts and minds, particularly in light of the exposed vulnerabilities and tragic events of September 11, 2001. This is as important an issue as any of us will ever face. It requires a sober and calculating weight of the costs and benefits to our Nation.

Ultimately, our decision will shape the nature of the U.S. leadership as the first among equals in the post-cold-war world, and our decision sets a precedent for ourselves and for those who take our lead in the 21st century for good or evil.

No one argues that Saddam Hussein's brutal and criminal regime should be tolerated. He and his regime are evil. We all accept that Hussein uses torture and terrorism to advance his political goals. He constructs palaces while his people starve. He stockpiles biological and chemical weapons. At times, these weapons of mass destruction have been unleashed against the Iraqi people and his enemies.

All of us are concerned that the Iraqi regime is seeking to develop nuclear weapons contrary to international law

and U.N. resolutions. With deference to these circumstances and probable facts, the United Nations and the world community must act swiftly and decisively in response to the Iraqi threat.

As my colleague Senator KERRY said earlier today: The question is not whether Saddam Hussein should be held accountable to disarm; the question is how. Should disarmament be imposed by the United States alone or with the weight of global public opinion behind it? To answer the question how, one needs to consider the context of the broader role America plays as a single remaining superpower.

As I see it, America should make every effort to build a global coalition to achieve our objective of disarming Iraq. This effort should be considered our first priority in these grave circumstances. Building an international coalition will give moral authority to our challenge, share the sacrifices that will be incurred, and set a positive precedent for the future in foreign relations among nations.

The benefits of working cooperatively with other countries have been a cornerstone of U.S. foreign policy since the end of World War II. That is why the United States worked to create the United Nations in the very first instance.

Strangely, this administration has sometimes appeared to consider multilateral support for a military campaign to be an unnecessary inconvenience. Even in light of our unprecedented international support and cooperation following the tragedy of 9/11—some 90 nations if I am not mistaken—it was only after the President delivered his September 12 speech at the United Nations that he began visible and serious outreach to the global community.

This week, the President in his speech in Cincinnati went further to embrace a multilateral approach. I support what he expressed in that speech. In my view, we must reinforce his recent instincts. We all know at the end of the day the United States always retains the inherent right to act unilaterally in self-defense. With that understanding, I believe strongly we must not stop pursuing, however, the support of the world community before acting alone.

The United States may be the strongest country in the world militarily. We still need allies. We need help with logistics. We need intelligence cooperation and overflight rights to help us succeed. That is in the short run. And after the military campaign is over, we will need help in the long run reconstructing Iraq and rebuilding a civil society. But if the world community is not with us when we take off, it will be hard to ask for their help when we land.

Our Nation has been well served if we share the human and financial sacrifices required to prosecute the war and keep the peace, and we will be well served in the future if we follow that pattern. Unless we have the support of

our allies, it will be difficult to ask them for humanitarian assistance in helping to feed, clothe, and heal the Iraqi people or reestablishing the rule of law.

It will be difficult to ask for assistance for peacekeeping and nationbuilding activities. In the past, the current administration has been somewhat reticent to support these kinds of operations. As a case in point, we relied on the armed forces of other countries, for example, to restore law and order in Afghanistan. Yet if other countries had not been committed from the beginning, they would have been much less likely to participate once the fighting was over.

Unilateralism also brings with us great costs—most importantly, costs in the precious lives of our men and women in uniform, people who serve us bravely.

It also brings us costs as we saw in the gulf war. The United States had relatively low out-of-pocket expenses. The reason was, we had a coalition of nations. Although the Congressional Research Service notes that war cost about \$80 billion, much of that was covered by allied contributions.

Without allies, the United States, it is projected, will have to shoulder by itself the \$100 billion to \$200 billion pricetag suggested by the administration for the current war. I have seen higher estimates. It really depends on how long our participation in the peacekeeping and nationbuilding efforts will go on afterwards.

It should not be lost on the American people that we are still in Korea, 50 some years after our intervention. In other words, unilateralism is expensive and its cost—crowd out other priorities on the Nation's agenda from our first responders to our first graders.

Unfortunately, by authorizing force before a multilateral approach has been devised, the President's resolution provides no assurance that the world community will be actively involved in either the military campaign or, more importantly, the reconstruction efforts.

In the long run, the Bush doctrine of unilateral preemption embedded in the underlying resolution would set an awful example for the world community—a precedent based on the concept of survival of the fittest.

For generations, the United States has decried the aggression of foreign governments across the globe. We fought the patriotic and just fights against the Nazis and Communists who sought world domination. How in the future can we criticize Russia for attacking Georgia or stop India from taking action against Pakistan or believe Taiwan will be safe from China? Many countries may feel threats, continuing or imminent. They, too, could argue preemptive rights. The underlying resolution would codify the Bush preemption doctrine in precedent and could undermine our moral authority and leadership credibility in limiting future conflicts around the globe.

Furthermore, by advancing a policy of unilateral preemption, we could be encouraging state sponsors of terrorism such as Iran and Syria to form unholy alliances with just the kinds of agents of terror that caused the horrific events of September 11. Iran, Iraq's mortal enemy, actually opposes a U.S. invasion of Iraq. Why is that? Perhaps because Iran fears that if the U.S. attacks Iraq today, we might attack Iran tomorrow. Clearly, the thawing of relations between these two U.S. adversaries should give us pause. One can only wonder what Iran's instructions to their agents of terror will be in a world where they feel threatened under a preemption doctrine.

Earlier this week, Senator GRAHAM introduced an amendment which authorized the President to use force against several identified dangerous terrorist groups, including Iranian-linked Hezbollah and Hamas. I supported that amendment because I believe that those foreign terrorist organizations represent an even higher order risk to American security than Iraq.

Like al-Qaida, these organizations have the clear means of delivery. These terrorist groups may already be operating in our homeland. I am concerned that, at some level, Iraq may be a dangerous distraction from America's war on terrorism. While the United States military has certainly disrupted the activities of the al-Qaida network, no one should doubt that al-Qaida and its sympathizers continue to operate. The administration tells the American people this almost every week.

These groups continue to plot ways to undermine the American way of life and our security. As the United States considers its future course of action with respect to Iraq, a potential threat, we must assure the American people that we will not be distracted from the effort to destroy a proven threat, al-Qaida and these other terrorist organizations. That should be our No. 1 priority. It certainly has been in repeated statements by the President. I am also concerned that the resolution we have before us is structured with an overly broad scope. It refers to UN Security Council resolutions that are unrelated to the primary goal of disarming Iraq and eliminating its delivery capacity of weapons of mass destruction.

We must remember that the threat we feel is not from the Iraqi people but from the criminal regime's control of weapons of mass destruction. And second, because the underlying resolution refers to UN Security Council Resolution 678, a resolution that discusses the importance of returning security to the "area," we may inadvertently be permitting military action beyond Iraq. Potentially, some of these structural concerns were addressed by other resolutions that were circulated including one drafted by Senators BIDEN AND LUGAR.

There were attempts to define away some of the broader aspects of the con-

cerns I relate to in the underlying Lieberman-Warner resolution, but I am fearful, as I have suggested, that by their reference to other U.N. resolutions that may not be the case.

I certainly believe we could have done better through the Biden-Lugar approach.

Finally, I am troubled by the fact that Congress is being asked to make a decision on a matter of this gravity without being fully informed with all relevant intelligence. It is an unfortunate fact but many of us, and I can speak for myself, have often learned more by reading the New York Times and the Washington Post than by attending the secret briefings provided to Senators.

Even today, we hear about a conflict between what it is the CIA says is the likely response of the Saddam Hussein regime when they no longer have other options and would be the case as presented by the administration.

In the future, I hope that the administration will be more open earlier with secure briefings in the process so that Members of Congress can make fully informed decisions. I think they should be built upon true intelligence.

It is in this overarching context, that I will cosponsor and strongly support the Levin amendment which authorizes the use of force pursuant to a new UN security council resolution demanding swift council resolution demanding swift, certain, and unconditional inspections and Iraqi disarmament. The Levin amendment in no way comprises the US' inherent right to self-defense or Congress' ability to authorize unilateral actions if the UN fails to act. But it embraces the multilateral approach as a first priority.

This course of action, will bring with it all the benefits I have sought to outline, a multilateral approach, without giving up the right of unilateral approach as a last resort. In my judgment, the Levin amendment embraces the need for the U.S. to lead a dangerous world to disarm Saddam Hussein today with a multilateral approach, while setting a pattern and precedent that provides for greater security to the people of the United States and around the world.

That security will be in today's circumstances but it will equally be true as a guide to the future by its precedent. As a matter of conscience, barring substantive changes, I intend to oppose the underlying Lieberman-Warner resolution.

I yield the floor.

Mr. REED. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I do think our distinguished Senator from New Jersey stressed the sense of urgency that is upon us right now when he said perhaps the greatest decision we will have to make during the terms we are serving is going to be tomorrow. I think that is probably right. Even though I disagree with many of the things he stated, I certainly respect

him for the commitment and belief he has in his interpretation of the facts and the course we should take.

I have been listening for quite a number of hours now, and I quite frankly have to say it has not been all that easy. I believe tomorrow we will give the President of the United States the full support of this body in order to send the right message to Saddam Hussein and to terrorists all over the world, and that message is this: The United States of America will not live in fear.

I have ended every speech I have made since 1995 with one sentence, and I feel compelled to start this speech with that sentence. That sentence is that we today are in the most vulnerable and threatened position we have been in in our Nation's history.

In January 2002, our President gave a magnificent State of the Union address. He said:

Our enemies send other people's children on missions of suicide and murder. They embrace tyranny and death as a cause and a creed. We stand for a different choice, made long ago, on the day of our founding. We affirm it again today. We choose freedom and the dignity of every life.

The handwringers have already marshaled their special interest groups to delay this body from giving our President the homeland security bill he asked for way back in June. And just like the homeland security bill, they are trying to weaken the President's ability to protect this Nation with a hollow resolution against Iraq.

We are going to have to give the President the flexibility he needs to protect this Nation. Making the potential use of U.S. military force contingent upon the current deliberations of the U.N. Security Council is absurd. Our national security must not be tied to the actions of the "mother of all handwringers," the United Nations.

I keep hearing a grinding noise. It is our forefathers turning over in their graves. Can they really believe this Nation would get into the position where we would have to ask some multinational organization before our President had the right to defend America? I think not. And why are we letting the same groups of individuals that have prevented us from getting a homeland security bill, during a time of war, by the way, from supporting the President of the United States? What is next? Do they want us to go to the United Nations to get a homeland security bill?

The American people have to wonder about this one simple question: Why do those who oppose the President's resolution trust the United Nations more than they trust the President of the United States?

The United Nations did not stop in 1992 the threat of 100 servicemen in Yemen. The United Nations did not stop the 18 rangers from dying in Somalia or their naked bodies from being dragged through the streets of Mogadishu. The United Nations did not stop the World Trade Center, the first

bombing in 1993. They did not stop Khobar Towers in 1996. They did not stop the Embassy bombings of Kenya and Tanzania in 1998. They did not stop or prevent the loss of 17 sailors' lives in Yemen in 2000. The United Nations did not stop the airplanes from flying into the World Trade Center, into the Pentagon, and the field in Pennsylvania. The United Nations will not stop Saddam Hussein from giving a nuclear device to a terrorist, putting it on an airplane and flying it into an American city. Of course, this time, instead of 3,000 deaths, there could be hundreds of thousands of deaths.

I often remember the television scenes, the horrible scenes from New York City of the airplanes hitting into the World Trade Center. Then I thought, if that had been the weapon of choice of a terrorist—in other words, a nuclear warhead on a missile—there would be nothing left but a piece of charcoal. We would not be talking about 3,000 lives, we would be talking about 2 or 3 million lives.

Why should the President of the United States delegate his responsibility of protecting this Nation to the United Nations? We made a similar mistake back in 1998. Look where it has gotten us. In 1998, in an attempt to get the Iraqi regime to comply with the U.N. resolutions—doesn't that sound familiar—the administration blessed Secretary Annan's trip to Baghdad, and in doing so let the United Nations negotiate on behalf of the United States, which proved to be a very serious mistake. Part of that particular agreement was the recognition of the eight palaces as special sites. And that compromise continues to haunt us today. The administration should not have let the United Nations negotiate and compromise for the United States in 1998. And the current administration should not do it now and will not do it now.

My distinguished colleague, the chairman of the Armed Services Committee, likes to say: Saddam is looking down the barrel of a gun. He should be looking at the international community at the other end, not the United States.

While I respect my friend and colleague and admire his passion behind his convictions, I could not disagree more. Saddam Hussein has been looking down the gun barrel of the international community for 11 years. The problem is that he knows the gun is full of blanks. The Iraqi regime knows the United States does not shoot blanks, which is why they continue to manipulate and deceive the United Nations.

I know our Secretary of State is working very closely with the members of the Security Council in order to get a U.N. resolution against Iraq that is not full of blanks. I hope he has already expressed to the Security Council this Nation is united, and with the overwhelming support of the American people and this Congress in the form of

support of the President's resolution, we choose to exercise our right to defend ourselves. How unreasonable of us.

We have the right under international law to defend ourselves. Article 51 of the United Nations Charter states: Nothing in the present charter shall impair the inherent right of an individual or collective self-defense if an armed attack occurs against a member of the United Nations.

The current Iraqi regime has been harboring and supporting terrorist networks since the early 1990s. We know that, maybe before that. We have been under attack ever since. I challenge any of my colleagues to tell any of our brave soldiers who fly combat planes over Iraq every day that the surface-to-air missiles Iraq has been firing is not a hostile act. Iraq forces have fired on U.S. and British pilots 1,600 times since 2000. Since September 18—remember what happened on September 18 of this year—hours after Saddam Hussein promised to allow the return of U.N. inspectors without conditions, he fired on American and British pilots 67 times. That is 67 times since September 18 when he made the promise. Is anyone home? What message are we sending our brave men and women in uniform if we only consider it a hostile act when one of those missiles hits an aircraft?

The message we must send our military, our allies, the United Nations, and those who support the current Iraqi regime is that the United States of America chooses not to live in fear and we will defend ourselves. That message will be sent with the overwhelming passage of the President's resolution.

The Armed Services Committee recently had a series of hearings with former civilian and military leaders regarding the Iraqi issue. My fellow colleagues on the other side of the aisle have been using some of the testimony of witnesses to make their case that the United States must wait for the United Nations to make a decision. A lot of people do not realize, but there are over 4,000 retired generals floating around the country today. They have only found three who would agree with them. So they went out and found the three who said we have to continue to wait for the United Nations to solve the Iraqi issue.

The fourth member of that panel, not quoted by any of my fellow colleagues, disagreed with the other three generals. Lieutenant General McInerney had the following comments about the suggestion of weakening the President's authority. Members have not heard this from anyone, just the other three generals.

He said: If you water this down—talking about the President's Iraqi resolution—you are going to send a signal to al-Qaida. You may not want to, but you are going to send it to Saddam and say, well, we don't quite trust them. The signal you want to send is this nation is united. You want to send that

to the U.N. because I happen to believe—which is different than General Clark—I happen to believe this strong signal will ensure that we have a better chance of getting it through the United Nations.

That is what General McInerney said at the same time the other three generals said we need to decide what fate the United Nations will give this great country.

Saddam Hussein is an evil man. He butchered his own people. Everyone agrees. He butchered members of his own family, two of his own sons-in-law. He must be stopped. He will be stopped. Each day that goes by he gets stronger. There are those who believe the President has not made a strong enough case. They say: Where is the evidence? Why now? Additional inspections will work, and we do not want another Vietnam.

To them I ask, Are they more concerned about a war that took place over 30 years ago, or the tragic events that took place on September 11?

As I stand here today, is there more likely to be another Vietnam or another September 11?

The President asked a critical question the other night. He said, if we know Saddam has dangerous weapons today, and we do, does it make any sense for the world to wait to confront him as he grows even stronger and develops even more dangerous weapons? I know what the people of Oklahoma are more concerned about. The people of Oklahoma are well aware of what can happen when evil people unleash weapons of terror.

Go back and listen to the speeches the President gave to the U.N. on September 12 and in Cincinnati on October 7. He has made his case. He has made it to the United Nations, the Congress, and most importantly to the people of the United States. The threat is real. And with every day of delay and deceit the menace grows stronger.

The current Iraqi regime will continue to use the United Nations as his tool until he gets what he may be close to having—a nuclear weapon. It may have been the right decision not to go after Saddam Hussein in 1991, just like it may have been the right decision for the previous administration not to go after Osama bin Laden in the 1990s when they had the opportunity to do so. But is it right to go after them both today? I believe it is.

The big question is does he have a nuclear weapon? The scary thing is, no one is able to say that he does not. Does he have a delivery system? Nobody is in a position to say that he doesn't. This Congress is going to do the right thing. This Nation is united. We will defend ourselves. This Congress must once again unite as we did following the tragic events of 9/11.

There is another statement a President made following another tragic event in our history. Some of you may remember. The President was motored from the White House to the Capitol

under heavy security. The American people were full of emotions, from apprehension to anger. After being greeted by rounds of loud applause, the President of the United States addressed the Joint Session of Congress. Here is a quote from that speech. You have to listen to this, Mr. President. This is a long quote. This is what the President said:

The facts . . . speak for themselves. The people of the United States have already formed their opinion and well understand the implications to the very life and safety of our Nation. As Commander in Chief, I have directed that all measures be taken for our defense. Always will we remember the character of the onslaught against us. No matter how long it may take us to overcome this premeditated invasion, the American people in their righteous might will win through to absolute victory. I believe I interpret the will of Congress and of the people when I assert that we will not only defend ourselves to the uttermost but will make very certain that this form of treachery shall never endanger us again. Hostilities exist. There is no blinking at the fact that our people, our territory, and our interests are in danger. With confidence in our armed forces—with the unbounded determination of our people—we will gain the inevitable triumph—so help us God.

The date of that speech was December 8, 1941. President Franklin Roosevelt gave the speech. Pearl Harbor and the war that followed led to the restructuring of our national security structure.

Today, more than 1 year since 9/11, an ongoing war against terror, and a possible conflict with Iraq, we, the Congress, have not given the American people a homeland security bill and some Members of Congress want to put the security of this country in the hands of the United Nations.

I repeat, did our forefathers ever believe we would have to go to a multinational organization in order to defend America?

The President of the United States during a time of war has asked Congress to give him support to show the world that this Nation is united. He has requested the Congress give him the necessary flexibility to protect the homeland, to protect the Nation. Telling the President that he must first bow to the will of the United Nations is the wrong message. Here we are today, just like with the homeland security issue, letting the hand wringers drive the debate in a direction that has nothing to do with the task at hand.

We are going to have to and will give the President an Iraqi resolution that does not tie his hands. The Secretary of Defense has said—and I think this is so important for us to understand today, for all of us, for all Americans to understand. He said:

If the worst were to happen, not one of us here today will be able to honestly say it was a surprise. Because it will not be a surprise.

Mr. President, I remember so well—I am old enough to remember World War II. I was a very small child. I remember going to a country schoolhouse named Hazel Dell. It was way out in the coun-

try. We had eight grades in one room with a pot-bellied stove there and a schoolteacher named Harvey Beam. He was a giant of a man, but I suspect he wasn't quite as big as I thought he was at the time.

I remember studying American history and studying about how we won a war and won the freedom in this country against impossible odds, and how the greatest army on the face of this Earth was coming over from Great Britain and marching toward Lexington and Concord, and here we were, a handful of hunters and trappers with homemade weapons. We fired that shot heard round the world.

A speech was made that I remember so well, in the House of Burgesses, when a tall redhead stood up and said:

Sir, we are not weak, if we make a proper use of those means which the God of nature has placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations; and who will raise up friends to fight our battles for us.

At that time, we fired the shot heard around the world. We knew we were one nation depending on God to give us the strength to win a battle that now historians say could not have been won. That was the sublime courage we had in this country, and now the hand wringers are back.

In 1996, we had an opportunity to end this whole thing, to get Saddam Hussein. I suggest to you, if George W. Bush had been President in 1996, we would not be here today. It is a no-brainer. It would have been done.

We had the opposition, including about 100,000 troops, well trained, and the Kurds in the north ready to join us, and we implied to them that we would do that and we would together take out Saddam Hussein. What did we do? We turned our backs on them, and we walked away. Several thousand Kurds died as a result of that. Now they are back. They are willing to join us again.

I wonder about this. Why is it that so many of the people I have heard on the floor of this Senate objecting to giving the President the recognition he needs to do what he has to do, what is his constitutional obligation—where were they in 1998, back when we had another President, President Clinton, and he wanted to go after Saddam Hussein? They were in line, saying: That's fine; let's go get him. Our distinguished majority leader Senator DASCHLE said:

Saddam Hussein must understand that the United States has the resolve to reverse that threat by force if force is required. And I must say it has the will.

Senator BIDEN—I have the utmost respect for him. He came down to the floor, and he is now saying we don't want to move too fast. Then he said we risk sending a dangerous signal to other proliferators if we do not respond decisively to Iraq's intransigence. That

was 1998. What is different now? Nothing, except Saddam Hussein is stronger.

Does he have the weaponry? Does he have the weapons of mass destruction? Does he have a nuclear warhead? We don't know for sure, but we don't know he does not.

Let's go back to the Rumsfeld Commission. This is 1998. The Rumsfeld Commission was made up of, I don't know, 16 or 18 of the very top military experts in this country. They said that U.S. intelligence was shocked by a 1990 Iraqi test of a long-range booster rocket, showing Iraq was involved in an extensive, undetected, covert program to develop nuclear capability ballistic missiles with intercontinental range. That was 1990.

People keep saying: Oh, no, this is not going to happen; they don't have this. I remember in 1998, it was August 24 when our intelligence said that it would be something like 5 to 15 years before North Korea would have a multiple-stage rocket. That was August 24, 1998.

Seven days later, on August 31, North Korea fired one. We know when the weapons inspectors came back in 1998 after Saddam Hussein kicked them out, they came before our committee. I can tell you exactly—I have the transcript over here—what they said. By and large, this was it. For the sake of time, I say in response to our question, in 1998—this is the weapons inspectors who were over there:

How long would it be until Saddam Hussein has the weapons of mass destruction capability, including nuclear, and a missile with intercontinental range to deliver those?

The answer was he could have it in 6 months. That was 1998. George Tenet at that time said:

I agree with that testimony.

Unclassified intelligence told us that China was transferring technology of chemical, biological, and nuclear weapons and missiles to Iraq.

On August 24, in the Washington Times, it was revealed the intelligence community warned President Bush that weapons of mass destruction could be on their way in a very short period of time.

Just 2 weeks ago, 3 weeks ago, from a satellite image, we were able to photograph trucks, 60 trucks that were moving around—a biological lab that we knew was a weapons lab. They are up to something. Every day something has happened. The intelligence report to the administration was that Saddam Hussein is preparing to use weapons of mass destruction.

On September 27, Rumsfeld said there is solid evidence that Saddam Hussein is negotiating for weapons of mass destruction with al-Qaida—they are negotiating with each other, I mean.

With all these things that we know are going on today, why is it that we are sitting around, wringing our hands? We don't know that he doesn't already have it, but we do know this. Every day that goes by, every week that goes by,

he has a greater opportunity to have these.

So, I look at this and I think that we have to remember what Secretary Rumsfeld said when he talked about the consequences. He said:

The consequences of making a mistake during the days of conventional warfare meant that we might lose 100, maybe 200 lives. But the consequences of making a mistake now could mean hundreds of thousands of lives.

I think tonight we have the Churchills and the Chamberlains. Tomorrow we are going to have a lot more Churchills than Chamberlains and we are going to stop the hand wringing. It will all stop tomorrow, and we are going to give the President of the United States the resolution that he knows he needs in order to have the full support of Congress and the American people behind him to do what he knows he must do in defending America.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MODIFICATION TO SUBMITTED AMENDMENT NO.

4869

Mr. REID. Mr. President, this has been cleared with the minority.

Mr. President, on behalf of Senator BYRD, I ask unanimous consent to modify his amendment No. 4868 to remove paragraph 2, and further I ask consent to modify amendment No. 4869 to change references to section 3(a) to 4(a).

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

The amendment (No. 4869), as modified, is as follows:

At the appropriate place, insert the following:

SEC. 5. TERMINATION OF THE AUTHORIZATION FOR THE USE OF THE UNITED STATES ARMED FORCES.

(a) IN GENERAL.—The authorization in section 3(a) shall terminate 12 months after the date of enactment of this joint resolution, except that the President may extend, for a period or periods of 12 months each, such authorization if—

(1) the President determines and certifies to Congress for each such period, not later than 60 days before the date of termination of the authorization, that the extension is necessary for ongoing or impending military operations against Iraq under section 4(a); and

(2) the Congress does not enact into law, before the extension of the authorization, a joint resolution disapproving the extension of the authorization for the additional 12-month period.

(b) CONGRESSIONAL REVIEW PROCEDURES.—

(1) IN GENERAL.—For purposes of subsection (a)(2), a joint resolution described in paragraph (2) shall be considered in the Senate and the House of Representatives in accordance with the procedures applicable to

joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473; 98 Stat. 1936-1937), except that—

(A) references in those provisions to the Committee on Appropriations of the House of Representatives shall be deemed to be references to the Committee on International Relations of the House of Representatives; and

(B) references in those provisions to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on Foreign Relations of the Senate.

(2) JOINT RESOLUTION DEFINED.—For purposes of paragraph (1), the term "joint resolution" means only a joint resolution introduced after the date on which the certification of the President under subsection (a)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That, pursuant to section 5 of the Authorization for the Use of Military Force Against Iraq, the Congress disapproves the extension of the authorization under section 4(a) of that joint resolution for the additional 12-month period specified in the certification of the President to the Congress dated ____," with the blank filled in with the appropriate date.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

RELIEF FOR VICTIMS OF SEPTEMBER 11

Mr. KENNEDY. Mr. President, in the USA PATRIOT Act, we provided temporary immigration relief for lawful nonimmigrants who are survivors of the September 11 attacks. This relief ended last month, and it has proved to be too short. A single year is not sufficient time for these families to sort out their affairs before returning to their native lands.

Senator CORZINE has introduced legislation to help these people, most of whom are the spouses and children of H-1B and other highly skilled temporary workers killed in the terrorist attacks. S. 2845 would allow these family members to remain in the United States for an additional year to deal with the very real challenges these families face.

They have been in mourning for a year. Many have not recovered the remains of their loved ones and are waiting for DNA analyses of the samples collected from the attack site. Some families have children enrolled in American schools. Many of these families are still waiting for awards from the Victims' Compensation Fund. Some have homes that must be sold or other financial matters that need to be settled. Many of them are participating in support groups with other September 11 survivors groups that simply do not exist in their native lands.

Consider the case of Tessie Forsythe. Tessie's husband Christopher worked

for Cantor Fitzgerald. He had an H-1B visa, which expired in April. The rest of the family received H-4 visas, so their lawful status in the U.S. was dependent on him.

Christopher left behind two children Jose and Kirsten. Tessie is not Kirsten's mother, but she is seeking to adopt Kirsten because Kirsten's birth mother has had extensive mental health problems and has no contact with Kirsten. The judicial process began in the United States, and if the family leaves the country now, the adoption proceeding could be jeopardized. In addition, shortly after her husband's death, Tessie was mugged and hospitalized for 3 months with extensive injuries.

Christopher's remains have not been recovered, though DNA samples from Kirsten have been submitted and are being analyzed. Like many of the survivors, Tessie has not yet received an award from the Victims' Compensation Fund.

Consider the case of Sonia Gawas. Her husband Ganesh Ladkat was also employed by Cantor Fitzgerald. The couple had been married just 9 months when the terrorist attacks killed Ganesh. Sonia suffers from a condition known as "delayed grief," where the death of a loved one is not accepted until long after the event took place. In this case, without any remains or proof that her husband was dead, Sonia's grieving period did not begin until it became clear to her that Ganesh was in fact a victim of the attack. Acceptance of his death plunged Sonia into a severe depression.

The catastrophic nature of the terrorist attacks had made the recovery process far more difficult. Sonia is receiving counseling and attends support groups that are not available in her native country. This unusually long grieving period has taken a toll on Sonia's ability to make arrangements for her return. She is still waiting to receive compensation from the Victims' Fund.

These brave families should not have to face the specter of deportation while still in the process of grieving for their loved ones and settling their affairs. An additional year will provide an opportunity to attend to their affairs and undertake the sad task of dismantling their lives in the United States. We need to help these deserving families by enacting this legislation as soon as possible, so that these families will not face deportation.

HOLD TO NOMINATION OF GROVER J. REES

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have requested to be notified of any unanimous consent agreement before the Senate proceeds to the consideration of the nomination of Grover J. Rees to be Ambassador to the Democratic Republic of East Timor. I need further time to examine the qualifications of this nominee.

REDUCING AMERICA'S VULNERABILITY TO ECSTASY ACT

Mr. BIDEN. Mr. President, in June I introduced S. 2633, the Reducing America's Vulnerability to Ecstasy Act, also known as the RAVE Act. Since that time there has been a great deal of misinformation circulating about this legislation. I rise today to correct the record. Simply stated, my bill provides technical corrections to an existing statute, one which has been on the books for 16 years and is well established.

Critics of my bill have asserted that if the legislation were to become law "there would be no way that someone could hold a concert and not be liable" and that the bill "holds the owners and the promoters responsible for the actions of the patrons." That is simply untrue. We know that there will always be certain people who will bring drugs into musical or other events and use them without the knowledge or permission of the promoter or club owner. This is not the type of activity that my bill would address. The purpose of my legislation is not to prosecute legitimate law-abiding managers of stadiums, arenas, performing arts centers, licensed beverage facilities, and other venues because of incidental drug use at their events. In fact, when crafting this legislation, I took steps to ensure that it did not capture such cases. My bill would help in the prosecution of rogue promoters who not only know that there is drug use at their event but also hold the event for the purpose of illegal drug use or distribution. That is quite a high bar.

I am confident that the overwhelming majority of promoters are decent, law-abiding people who are going to discourage drug use, or any other illegal activity, at their venues. But there are a few promoters out there who are taking steps to profit from drug activity at their events. Some of these folks actually distribute drugs themselves or have their staff distribute drugs, get kickbacks from drug sales at their events, have thinly veiled drug messages on their promotional flyers, tell their security to ignore drug use or sales, or send patients who need medical attention because of a drug overdose to a hospital across town so people won't link emergency room visits with their club. What they are doing is illegal under current law. My bill would not change that fact. Let me be clear. Neither current law nor my bill seeks to punish a promoter for the behavior of their patrons. As I mentioned, the underlying crack house statute has been on the books since 1986, and I am unaware of this statute ever being used to prosecute a legitimate business.

The RAVE Act simply amends the current crack house statute in two minor ways. First, it clarifies that Congress intended for the law to apply not just to ongoing drug distribution operations, but to single-event activities, such as a party where the pro-

moter sponsors the event with the purpose of distributing Ecstasy or other illegal drugs. After all, a drug dealer can be arrested and prosecuted for selling one bag of drugs, and the government need not show that the dealer is selling day after day, or to multiple sellers. Likewise, the bill clarifies that a one-time event where the promoter knowingly distributes Ecstasy over the course of an evening, for example, violates the statute the same as a crack house which is in operation over a period of time. Second, the bill makes the law apply to outdoor as well as indoor venues, such as where a rogue rave promoter uses a field to hold a rave for the purpose of distributing a controlled substance. Those are the only changes the bill makes to the crack house statute. It does not give the Federal Government sweeping new powers as the detractors have asserted.

Critics of the bill have also claimed that it would provide a disincentive for promoters to take steps to protect the public health of their patrons including providing water or air-conditioned rooms, making sure that there is an ambulance on the premises, et cetera. That is not my intention. And to underscore that fact, I plan to remove the findings which is the only place in the bill where these items are mentioned, from the bill. Certainly there are legitimate reasons for selling water, having a room where people can cool down after dancing, or having an ambulance on hand. Clearly, the presence of any of these things is not enough to signify that an event is "for the purpose of" drug use.

The reason that I introduced the RAVE Act was not to ban dancing, kill the "RAVE scene" or silence electronic music, all things of which I have been accused. Although this legislation grew out of testimony I heard at a number of hearings about the problems identified at raves, the criminal and civil penalties in the bill would also apply to people who promoted any type of event for the purpose of drug use or distribution. If rave promoters and sponsors operate such events as they are so often advertised, as places for people to come dance in a safe, drug-free environment, then they have nothing to fear from this law. In no way is this bill aimed at stifling any type of music or expression—it is only trying to deter illicit drug use and protect kids.

I appreciate the opportunity to correct the record about what my legislation does and does not do. I hope that all of my colleagues will join me in supporting this bill.

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 8, 2000 in Providence, RI. Two young gay men were severely beaten by two strangers. The assailants drove by the young men, shouting vulgarities and anti-gay slurs. After making two passes, the perpetrators got out of the car, shouted more anti-gay slurs, and proceeded to punch and kick the victims in the head and body. The attackers fled after witnesses called for help.

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.

A HOLD ON EXTENDING CHAPTER 12 BANKRUPTCY

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have requested to be notified of any unanimous consent agreement before the Senate proceeds to the consideration of H.R. 5472 or any other legislation extending chapter 12 bankruptcy. While I am a strong supporter of chapter 12—in fact I was the author of chapter 12—I believe that these changes should be enacted as part of the comprehensive bankruptcy reform conference report, which includes provisions making permanent chapter 12 and extending other important family farmer protections in bankruptcy. Chapter 12 will be in effect until the end of this year, and I expect that the comprehensive bankruptcy reform conference report will be passed by the House and Senate by then. Consequently, an extension is not necessary at this time. So I urge my colleagues in the House and Senate to pass the comprehensive bankruptcy reform conference report as soon as possible to extend these protections to our family farmers.

NOMINATION OF DR. MARK MCCLELLAN

Mr. FRIST. Mr. President, just a few moments ago, I joined my colleagues on the Health, Education, Labor, and Pensions Committee in unanimously approving the nomination of Mark McClellan to be Commissioner of the Food and Drug Administration. I rise now to strongly urge the Senate to immediately act on the nomination.

Dr. McClellan is not a stranger to the Senate. During his service on the Council of Economic Advisors, many of us have benefitted from his expertise, clear-headed analysis, and sound advice concerning health policy matters. Dr. McClellan has served the President well and I know that he will continue to serve the Nation well as the next

Commissioner of the Food and Drug Administration.

Mark McClellan is an excellent choice to lead the FDA. He is a talented academician and economist who has helped challenge conventional thinking about important health policy matters through groundbreaking research. He is a gifted health policy analyst who has worked to improve the Nation's health care system for all Americans. Perhaps most importantly, he is also a physician who has cared for patients and knows first hand that there are few greater callings than helping to heal one's fellow man.

Mark McClellan is uniquely qualified to lead this important agency at this critical time.

The challenges confronting the next Commissioner of the FDA are great, perhaps greater than at any other time in our Nation's recent history.

Of course, the FDA has an important, ongoing role to play in ensuring the safety and efficacy of drugs, biologics, food, cosmetics, blood products, and devices, goods and products accounting for nearly one-quarter of all consumer spending in the United States. But the FDA Commissioner must be more than simply the head of a large, regulatory Government agency. He must also provide strong leadership on a broad range of critical health policy issues that directly affect the lives and well-being of every American.

I would like to highlight some of the issues on which it is critical that the FDA Commissioner provide leadership at this time. The most significant issue we have faced over the past year is terrorism. On September 11 we endured the most horrendous attack on American soil since Pearl Harbor. This week, we mark the 1-year anniversary of the worst attack of biological terrorism in this country. We cannot know when, where, or in what form the next attack will happen, but we must be prepared. This includes speeding the review and approval of rapid assays, vaccines, and other necessary bioterrorism countermeasures. Numerous scientists and research facilities are working to meet the call of the President and Congress to protect our homeland from outside threats. The FDA must help fashion an environment in which these discussions are encouraged and translated to medical practice.

At the same time, we cannot ignore naturally emerging threats to the safety and sustainability of our blood, tissue and organ supply. Last week, it was reported that 40 people were exposed to hepatitis C from a single organ and tissue donor and salmonella was transmitted through blood transfusions. This is in addition to the growing body of knowledge we are amassing on West Nile virus. Considered together with the existing shortage of blood, tissue and organ donors, the need to speed the development of new screening and purification products is clearly illustrated.

Finally, I would like to highlight the importance of promoting a regulatory

environment that values innovations to improve patient care and consumer safety, while at the same time safeguarding the public health. But this must be done without contributing unnecessarily to overall rising health care costs or allowing basic medical treatments to be forgotten. We presently face just this situation with our Nation's vaccine supply. Currently, only four manufacturers produce vaccines and they face the multiple challenges of a growing litigation crisis and changes in the FDA's regulatory oversight. While most of the recent childhood vaccine shortages have been alleviated, our system remains vulnerable to future shortages if we fail to act.

Mark has my full support, the full support of the HELP Committee, and I believe the full support of the Senate. It is in not only in our best interest to see that his nomination is acted on quickly, but it is in the best interest of the entire Nation for the Senate to confirm him as the next Commissioner of the Food and Drug Administration. We cannot wait or allow the nomination to be delayed.

THE ACCOUNTABILITY OF TAX DOLLARS ACT OF 2002

Mr. FITZGERALD. Mr. President, I rise today to urge my colleagues to support S. 2644, the Accountability of Tax Dollars Act, which was approved today by unanimous vote by the Governmental Affairs Committee. Earlier this week, the House of Representatives approved by voice vote the companion measure, H.R. 468, sponsored by Congressman TOOMEY of Pennsylvania.

I thank Chairman, LIEBERMAN and Ranking Member THOMPSON for their support of this legislation, and Congressman TOOMEY for his leadership in the House on this significant issue.

This important legislation will increase the effectiveness of the Chief Financial Officers' Act by expanding to all executive agencies the requirement that Federal agencies conduct independent financial audits. This bill will also subject agencies audited records to review by Congress and the administration.

As my colleagues well know, fiscal mismanagement by Federal agencies costs taxpayers billions of dollars each year. The total amount of taxpayer losses is probably much greater than we know, however, because many agencies do not subject their budget reviews to the scrutiny of outside accountants. By requiring independent audits of all executive agencies, this bill will help make our Government more accountable to the taxpayers. The agencies covered by this bill have a combined annual budget of tens of billions of dollars—budgets that represent taxpayer dollars that should be accounted for more rigorously.

I was dismayed to learn that under current law, only the 24 largest departments and agencies—and a few others specified by Congress—are required to

submit their books to outside auditors. The Accountability of Tax Dollars Act of 2002 would require all executive agencies to prepare audited financial statements and subject those statements to an independent audit.

I was especially surprised to learn that current Federal law does not require the Securities and Exchange Commission—the entity with which publicly held companies are required to file their audited financial statements—to subject its own books to the scrutiny of outside auditors. Other Government agencies, including the Federal Trade Commission, the Consumer Product Safety Administration, the Federal Election Commission, the National Endowments for the Arts and Humanities, the National Labor Relations Board, and the Federal Communications Commission—agencies that spend billions of taxpayer dollars every year—have also been exempt from this legal requirement.

I, along with many of my colleagues, have been very critical of the alleged accounting abuses by some of this Nation's largest corporations that have recently been brought to light. Particularly in light of these recent revelations, it is incumbent on Congress to ensure that the Federal Government, at the very least, meets the same standards that we set for the private sector.

It is my hope that subjecting Federal agencies to congressional and executive oversight will provide an incentive for agencies to improve their financial performance or risk possible elimination. Independent audit opinions should contribute to increased Government efficiency by providing information that can be used to strengthen integral accountability, better monitor assets and liabilities, enhance cost controls, identify inefficiencies and weaknesses, and curb Government waste.

S. 2644, the Accountability of Tax Dollars Act of 2002, would extend the Chief Financial Officers' Act requirements currently imposed on the major agencies to all executive branch agencies.

The act gives the Office of Management and Budget the authority to waive the audit requirement for smaller agencies that have annual budgets of less than \$25 million. In order to allow agencies some additional time to meet this new standard of accountability, the bill allows the OMB Director discretion during the first 2 years of the act's implementation to waive the application of the new requirements to any agency.

This bill has bipartisan support as well as the support of the Government Accounting Office and the administration.

Again, I urge my colleagues to support this important good Government legislation.

NOMINATION OF MAURA HARTY

Mr. GRASSLEY. Mr. President, I rise today to place a hold on the nomina-

tion of Ms. Maura Harty to be Director of the Office of Consular Affairs within the Department of State. Ms. Harty was voted out of the Committee on Foreign Relations today by voice vote. My reason for placing a hold on this nomination is to hear from Ms. Harty regarding a number of controversial cases that were under her jurisdiction as an employee of the Office of Consular Affairs.

First, I am seeking to know more about cases of international child abductions, which have left many parents frustrated with our Government. Many parents do not believe that Ms. Harty, in her capacity as the Managing Director of the Office of Overseas Citizens Services, vigorously pursued the interest of American abducted children.

Second, I wish to convey my concerns about personal appearance waiver programs, such as Visa Express. I am seeking assurance from the nominee that visa issuing procedures will be improved, and future recommendations from the inspector general will be seriously considered by the Office of Consular Affairs.

Finally, I intend to question the nominee on allegations that she fired an employee for blowing the whistle on a Foreign Service national who committed visa fraud. I have been a long-time champion for protecting the rights of those who shed light on the problems in our Government, so I take these allegations very seriously and look forward to hearing from Ms. Harty regarding this matter.

DECOMMISSIONING OF THE U.S. COAST GUARD CUTTER "SEdge"

Mr. MURKOWSKI. Mr. President, I rise today to commemorate the distinguished history of the U.S. Coast Guard Cutter *Sedge* which will be decommissioned November 15, 2002, after serving 50 years in Alaskan waters, and to honor the many men and women who have served aboard her.

The *Sedge*, a 180-foot seagoing buoy tender with a complement of 7 officers and 54 enlisted personnel, was the 35th of the original 39 buoy tenders built for the U.S. Coast Guard. Commissioned on July 5, 1944, the *Sedge* began her long service with an assignment in Hawaii. Shortly after arriving in her new home port of Honolulu, she was called into service to support wartime operations. She served in the Pacific theater from 1944 to 1945, tending navigation aids in Guam, Okinawa, Anguar, Midway, Pearl Harbor, and Shanghai.

On February 26, 1947, the *Sedge* was decommissioned and mothballed. But the old girl's life was not over. She was recommissioned in Seattle, Washington on April 14, 1950, with orders making Boston, MA, her new homeport. However, on May 1, new orders sent the *Sedge* to Kodiak, AK, instead.

After 7 years of service in Kodiak, the *Sedge* was transferred to Cordova, AK on July 15, 1957, serving there for almost 16 years. In the Spring of 1973,

the *Sedge* shaped a course for the Coast Guard Yard in Curtis Bay, MD, for major renovation. She came out of the yard with a new lease on life—updated propulsion machinery, a new hydraulic buoy handling system, a bow thruster and improved quarters.

After about a year of work, the *Sedge* was recommissioned and departed for yet another new homeport: Homer, AK. She arrived in Homer on November 8, 1974.

The *Sedge's* primary duty is to maintain aids to navigation that make maritime travel possible and safe. For the last 28 years, she has maintained 73 shore aids and 19 buoys in and around Alaska's Cook Inlet, and she has done it well. But throughout her history she has also done her duty on other matters: national defense, search and rescue, maritime law enforcement, and environmental protection.

In the early 1950s, radar stations in the Arctic—the DEW Line—needed regular servicing and supplies. Convoys would meet in Nome, AK, for the voyage, and the *Sedge* was there. This included the year she was locked in the ice pack for 3 days, and the year she was called on to rescue an LST that was in severe danger in an Arctic storm.

In 1962, she rescued six people who had been adrift in a life raft for 5 days.

After the gigantic Alaska earthquake of 1964, the *Sedge* helped evacuate people from stricken towns and villages in Prince William Sound. She braved many difficulties including the unpredictable seas and tides after the earthquake, including one unheard of minus 30-foot tide that put her hard aground in Prince William Sound.

In 1989, she was back in the Prince William Sound for another disaster. She was the first Coast Guard cutter to respond to the *Exxon Valdez* oilspill. The *Sedge* helped skim 4,000 barrels of oil off the water soon after the incident. Afterwards, the crew of the *Sedge* constructed a lighted tower on Bligh Reef, the shoal on which the *Exxon Valdez* ran aground.

The history of the *Sedge* contains too many such stories of lives saved and lives touched to relate them all. Suffice it to say that the men and women who have served on board the *Sedge* have earned the many accolades and honors they have received, including the Coast Guard Meritorious Unit Commendation, the World War II Victory Medal, the Navy Occupation Service Medal, the Coast Guard Special Operations Service Ribbon, the Department of Transportation Outstanding Unit Award, the Coast Guard Unit Commendation, the Coast Guard "E" Ribbon, the Coast Guard Bicentennial Unit Commendation, the National Defense Service Medal, the Coast Guard Arctic Service Medal, and the Humanitarian Service Medal.

The *Sedge* will work her last aid to navigation on November 5, 2002, before her scheduled decommissioning on November 15, 2002. She will be replaced

next summer by the USCGC *Hickory*, a brand-new seagoing buoy tender, but she will not be forgotten.

I am proud to commemorate the decommissioning of this great ship, the *Sedge*, and to honor the distinguished achievements of the officers and enlisted personnel who have served our Nation so well.

ADDITIONAL STATEMENTS

ON THE WORK OF ANNE AND KIRK DOUGLAS, HONOREES, TREE-PEOPLE'S EVENING UNDER THE HARVEST MOON EVENT

• Mrs. BOXER. Mr. President, I would like to take this moment to reflect on the exceptional work of Anne and Kirk Douglas, who will be honored by TreePeople on October 19 for their extraordinary commitment to children.

In 1997, Anne and Kirk Douglas established the Anne and Kirk Douglas Playground Award to improve Los Angeles school campuses. Collaborating with TreePeople's Campus Forestry Program, community members and organizations, Anne and Kirk have helped fund new playground equipment, tree planting, outdoor classrooms, and other worthy projects throughout Los Angeles County.

Improving schools is a wonderful community service. Because of Anne and Kirk's work, many children can play on safe equipment, enjoy the beauty and shade trees provide, and admire the natural environment. Anne and Kirk have every reason to be proud of their dedication to improving the lives of countless children.

The Anne and Kirk Douglas Playground Award not only makes schools better, but also strengthens the bond among community members. Parents, students, school staff and local businesses work together for the betterment of the community. This is truly a win-win situation for all involved.

I am proud to extend my sincere congratulations to Anne and Kirk on this special honor from TreePeople, and wish them much continued success.●

IN RECOGNITION OF SHEB WOOLEY

• Mr. THOMPSON. Mr. President, today I rise to honor and recognize a fine American treasure. This talented individual has enjoyed a remarkable career in the entertainment industry spanning from the hills of Hollywood to the recording labels of Nashville.

This gentleman's name is Mr. Sheb Wooley. Mr. Wooley is currently in poor health and I would like to take this opportunity to wish him well and reflect upon his many accomplishments.

Sheb Wooley is a genuine American cowboy who throughout his early years earned a living on the rodeo circuit. Born in Erick, OK, in 1921, Sheb, who grew up facing the harsh realities of the Dust Bowl during the 1930s, turned

to entertainment after his father traded a shotgun for a guitar.

Sheb's first encounter with the music industry occurred in Nashville in 1945 when he signed a deal with the Bullet record label and WSM. He then ventured west to Fort Worth, TX, for a regular radio spot. While in Texas, upon the advice of a friend at WSM, Sheb decided to try his luck as an actor in California. Soon after his arrival in Hollywood, Sheb appeared in several western films and worked with such film heroes as Errol Flynn and John Wayne. His most notable film was "High Noon" in which he played an outlaw gang leader opposite the town sheriff, Gary Cooper. During his movie career he appeared in several more films including "The War Wagon," "Outlaw Josie Wales," "Rio Bravo," "Seven Brides for Seven Brothers," and "Hoosiers."

In 1958, Sheb was cast in the role of Pete Nolan on the popular television series "Rawhide," and later made many television appearances including the "Ed Sullivan Show," "Lone Ranger," "American Bandstand," "Hee Haw," and "Murder She Wrote," writing several scripts along the way.

While Sheb was enjoying his time on the screen, he was also working on writing country music. After several attempts, Sheb landed a smash hit with "Purple People Eater." In 1959 this tune climbed the pop charts and eventually became one of MGM's most successful singles of all time.

And then there was Ben Colder, the drunken persona that Sheb created and ultimately played as a cast member on the television series, "Hee Haw." Under the guise of Colder, Sheb performed many hit parodies of the country music artists of the 1960s, including "Don't Go Near the Eskimos." In 1969, Sheb wrote and recorded the theme song for "Hee Haw."

The career of Sheb Wooley has been as colorful as the characters he has played on and off the screen. He has won many accolades over the years, including the Western Heritage Award for 9 consecutive years and Songwriter of the Year in 1992. He never strayed far from his roots and always knew how to rope in an audience. I wish him well and pray that his health returns to him soon.●

CONGRATULATIONS TO KEVIN DILLON

• Mr. BUNNING. Mr. President, I rise today to congratulate Kevin Dillon of Prospect, KY, for winning the top honor in a recently held national essay competition sponsored by the American Psychiatric Association. This competition was judged by Members of Congress, authors, and national health reporters.

The American Psychiatric Association accepted up to five essays from each State; 14 States participated in this year's competition. This year's essay topic was "When not to keep a

secret." In his essay, Kevin provides his readers with a very real and very frightening scenario. The story describes a scenario in which someone is feeling down and confides in a friend that he plans to commit suicide. Kevin offers two possible endings to his essay. In the first instance, the friend reports the suicide plan to the police, who intervene and save the boy's life. In the other scenario, no one intervenes, the boy kills himself and his friend is left with an enormous amount of guilt and regret.

Mr. President, Kevin Dillon, a sophomore at St. Xavier High School, deserves to be applauded for tackling such a difficult and important issue in such an elegant and stylistic manner. His story depicts the ideal situation when keeping a secret becomes a detrimental and dangerous act for all parties involved. Once again, I congratulate Kevin Dillon for this distinction and urge him to continue to take on the tough issues this Nation faces today.●

IN RECOGNITION OF MR. ALBERT JOHNSON

• Mr. THOMPSON. Mr. President, I rise to recognize the ongoing efforts of my friend and fellow Tennessean, Mr. Albert Wm. Johnson of Nashville. Mr. Johnson is chairman and CEO of Dobson & Johnson Financial, a leading national mortgage banking advisory firm since its founding in 1955.

Let me say that Albert Johnson continues to enjoy a remarkable life. Upon graduation from college, he entered the military service as an aviation cadet en route to a distinguished military career. Mr. Johnson flew 49 missions against German bombing targets in WW II before being shot down in Austria and becoming a prisoner of war, POW, until the end of the conflict. During his World War II service, Al Johnson accumulated numerous decorations, citations, and commendations, including the Distinguished Flying Cross, DFC, with two Oak Leaf Clusters. After the war, Mr. Johnson was a senior instructor assigned to assist the Tennessee Air National Guard until returning to Europe to again serve with notable commendation on the NATO staff responsible for planning Germany's integration into NATO.

Upon leaving active military service, Albert Johnson returned to Nashville and cofounded Dobson & Johnson, thereby embarking on a brilliant business career that has featured the holding of billions of dollars in residential mortgage loans in trust for State mutual saving banks, insurance companies, pension funds, and private investors. His remarkable leadership in the mortgage banking and real estate industry has received well-deserved national acclaim and his firm has been recognized as one of the largest private business enterprises in Nashville.

In 1994, for his "commitment to free enterprise, limited government, traditional American values and strong National Defense," Albert Johnson received the Medal of Freedom from the National Republican Senatorial Campaign Committee thereby joining the ranks of other distinguished recipients of that award, including former President Ronald Reagan, former British Prime Minister Margaret Thatcher and Retired General Norman Schwarzkopf.

Recently, I have been advised that Mr. Johnson has embarked on a new undertaking that features a joint venture whose mission is to build 20,000 private homes in Kabul, Afghanistan, using imported capital, local Afghanistan labor and materials, and fully funded mortgage loans with no down payment and long-term rates to assist that country in developing their infrastructure. This sounds like a daunting task. Nevertheless, Albert Johnson of Nashville has a track record to suggest he is the right man for the job.

There is very little that Mr. Johnson, an embodiment of American values, has not been able to achieve. To the extent that his ongoing efforts foster stability and peace in strife torn Afghanistan, I wish him well.●

RECOGNIZING THE AMERICAN HUMANE ASSOCIATION'S 125th ANNIVERSARY

● Mr. ALLARD. Mr. President, animals and small children do not have an adequate voice to speak for themselves. They often cannot tell a parent or an owner that they don't like what they are doing or let them know that they are unhappy or in pain. That is why organizations that aid such vulnerable members of our society are so important. For this reason, I rise today to recognize the American Humane Association.

Today marks the 125th anniversary of the founding of that organization. I could not be more proud to report that the American Humane Association, a Colorado organization, has made a solid career of furthering the welfare of children and animals.

The American Humane Association is the only organization in the country that is dedicated to the protection and support of both animals and children. They have organized events such as Be Kind to Pets Week and Tag Day, to educate the public about the need to treat animals humanely and the need to be sure that pets can be easily identified if they are lost, to the Front Porch Project, a program to educate the public on how to protect children in their communities from abuse. American Humane also works to educate the public about the link between violence to people and violence to animals.

For 125 years, the American Humane Association has worked, through programs such as these and others, to assure that the interest and well-being of children and animals are fully, effec-

tively, and humanely guaranteed. I, for one, am grateful to the American Humane Association for the work that they do, and have done, and wish them another 125 years of success.●

REPORT ENTITLED "CONTINUED PRODUCTION OF THE NAVAL PETROLEUM RESERVES BEYOND APRIL 5, 2003"—PM 115

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

In accordance with section 201(3) of the Naval Petroleum Reserves Production Act of 1976 (10 U.S.C. 7422(c)(2)), I am informing you of my decision to extend the period of production of the Naval Petroleum Reserves for a period of 3 years from April 5, 2003, the expiration date of the currently authorized period of production.

Enclosed is a copy of the report investigating the necessity of continued production of the reserves as required by section 201(3)(c)(2)(B) of the Naval Petroleum Reserves Production Act of 1976. In light of the findings contained in the report, I certify that continued production from the Naval Petroleum Reserves is in the national interest.

GEORGE W. BUSH.

THE WHITE HOUSE, October 9, 2002.

MESSAGE FROM THE HOUSE

At 1:20 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3580. An act to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

H.R. 5422. An act to prevent child abduction, and for other purposes.

H.R. 5542. An act to consolidate all black lung benefit responsibility under a single official, and for other purposes.

H.R. 5557. An act to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

H.J. Res. 113. A joint resolution recognizing the contributions of Patsy Takemoto Mink.

The message also announced that the House has passed the following bill, with an amendment:

S. 2690. An act to reaffirm the reference to one Nation under God in the Pledge of Allegiance.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 5427. An act to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, without amendment:

H.R. 2666: A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program. (Rept. No. 107-307).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with an amendment:

S. 2483: A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes. (Rept. No. 107-308).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LIEBERMAN for the Committee on Governmental Affairs.

*Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 2004.

*Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission for the term expiring November 22, 2008.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Mark B. McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

By Mr. INOUE for the Committee on Indian Affairs.

*Quannah Crossland Stamps, of Virginia, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

*Philp N. Hogen, of South Dakota, to be Chairman of the National Indian Gaming Commission for the term of three years.

*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. FRIST (for himself and Mr. KENNEDY):

S. 3083. A bill to amend the Public Health Service Act to extend the Advisory Council on Graduate Medical Education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST:

S. 3084. A bill to provide for the conduct of a study concerning health services research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 3085. A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself and Mr. BINGAMAN):

S. 3086. A bill to amend title XVIII of the Social Security Act to provide coverage under the medicare program for diabetes laboratory diagnostic tests and other services to screen for diabetes; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 3087. A bill to make adjustments to the method of determining eligibility for impact aid funds for heavily impacted local educational agencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 3088. A bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself and Mr. STEVENS):

S. Res. 337. A resolution authorizing the printing with illustrations of a document entitled "Committee on Appropriations, United States Senate, 135th Anniversary, 1867-2002"; considered and agreed to.

By Mr. HUTCHINSON:

S. Con. Res. 151. A concurrent resolution expressing the sense of Congress that the Federal Government and the States should make it a priority to ensure a stable, quality direct support workforce that provides services and supports for individuals with mental retardation and other developmental disabilities; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 321

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 724

At the request of Mr. BOND, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 1966

At the request of Mr. BIDEN, the name of the Senator from South Da-

kota (Mr. JOHNSON) was added as a cosponsor of S. 1966, a bill to educate health professionals concerning substance abuse and addiction.

S. 2122

At the request of Mrs. CARNAHAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2122, a bill to provide for an increase in funding for research on uterine fibroids through the National Institutes of Health, and to provide for a program to provide information and education to the public on such fibroids.

S. 2821

At the request of Mr. FRIST, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2821, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 2903

At the request of Mr. JOHNSON, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2903, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care.

S. 2922

At the request of Ms. LANDRIEU, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Hampshire (Mr. SMITH), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2922, a bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

S. 2968

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 2968, a bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

S. 3009

At the request of Mr. WELLSTONE, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 3009, a bill to provide economic security for America's workers.

S. 3018

At the request of Mr. BAUCUS, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. 3032

At the request of Mr. SARBANES, the name of the Senator from California (Mrs. FEINSTEIN) was added as a co-

sponsor of S. 3032, a bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

S. 3054

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3054, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 3070

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3070, a bill to authorize appropriations for the Merit Systems Protection Board and the Office of Special Counsel, and for other purposes.

S. 3081

At the request of Mr. JOHNSON, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 3081, a bill to amend the Internal Revenue Code of 1986 to suspend the tax-exempt status of designated terrorist organizations, and for other purposes.

S.J. RES. 46

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S.J. Res. 46, a joint resolution to authorize the use of United States Armed Forces against Iraq.

S.J. RES. 49

At the request of Mr. AKAKA, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S.J. Res. 49, a joint resolution recognizing the contributions of Patsy Takemoto Mink.

S. RES. 266

At the request of Mr. JEFFORDS, his name was added as a cosponsor of S. Res. 266, a resolution designating October 10, 2002, as "Put the Brakes on Fatalities Day".

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 138

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that the Secretary of Health and Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

S. CON. RES. 148

At the request of Mr. BROWNBACK, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Missouri (Mr. BOND), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 148, a concurrent resolution recognizing the significance of bread in American history, culture, and daily diet.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself and Mr. KENNEDY):

S. 3083. A bill to amend the Public Health Service Act to extend the Advisory Council on Graduate Medical Education; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today to introduce legislation with Senator KENNEDY to extend the authorization time for an advisory council for graduate medical education. The Council on Graduate Medical Education, COGME, was created by Congress in 1986 to provide an ongoing assessment of physician workforce trends, training issues and financing policies, and to recommend appropriate Federal and private sector efforts to address identified needs. The legislation calls for COGME to advise and make recommendations to the Secretary of the U.S. Department of Health and Human Services, the Senate Committee on Health, Education, Labor and Pensions, and the House of Representatives Committee on Commerce. In 1998, when we re-authorized Title 7 programs, we re-authorized the Council through September 30, 2002.

Unfortunately, we have not been able to fully review all of the programs outlined in Title 7, including COGME. To give our Committee the additional time to review this council, I am introducing legislation today with Senator KENNEDY to extend the time period for its authorization until the end of fiscal year 2003.

By Mr. FRIST:

S. 3084. A bill to provide for the conduct of a study concerning health services research; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today to introduce legislation to authorize an Institute of Medicine study to examine the field of health services research. The health services research is the primary source of information for policy makers, payers, managers, providers and the public concerning the organization, financing and performance of the American health care system. The Agency for Healthcare Research and Quality, AHRQ, is the lead Federal agency in this effort. However, many other federal partners, most institutes at the National Institutes of Health, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Centers for Medicare & Medicaid Services, the Department of Veterans Affairs and the Department of Defense, fund and use health services research extensively to advance their mission. The American health care system is facing significant problems with rapidly rising costs, a staggering number of uninsured, racial and ethnic disparities, and a compelling need for safer, higher quality care. In the post-September 11 environment, we add the need to assure adequate public health systems and emergency response capacity in hospitals. In this challenging environment, I am increasingly concerned that the information needed from research to address current and future problems in the American health care system may not be available when needed. Therefore, I am introducing legislation today that requests AHRQ to contract with the Institute of Medicine for a report on the adequacy of the organization and financing of the field of health services research for meeting the nation's future information needs. The report should focus on the Federal role in supporting health services research, and in particular, the role of AHRQ in leading the federal effort and coordinating the complementary roles of other Federal agencies, as well as the private foundations and corporations, that conduct and fund health services research.

By Mrs. LINCOLN (for herself and Mr. BINGAMAN):

S. 3086. A bill to amend title XVIII of the Social Security Act to provide coverage under the Medicare program for diabetes laboratory diagnostic tests and other services to screen for diabetes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I am pleased to introduce the Access to Diabetes Screening Services Act of 2002. My colleague Senator BINGAMAN joins me in introducing this important legislation. This bill will provide Medicare coverage for laboratory diagnostic tests and other services which are used to screen for diabetes.

Diabetes has reached epidemic proportions among adults in the United States. Trend data indicate that by the year 2010 more than 10 percent of all Americans will have diabetes. Even today our Nation is feeling the effects

of this disease, diabetes is the Nation's sixth leading cause of death.

My own home State of Arkansas has had first-hand experience with the rising diabetes rates. Arkansas ranks fifth in the Nation for diabetes incidence. According to recent health statistics, diabetes is the seventh leading cause of death for Arkansans. Recent studies show that 6.5 percent of all Arkansas adults have diagnosed diabetes, and over 1 million Arkansans are at risk for undiagnosed diabetes.

These rising rates are especially evident among our aging population. Currently almost 7 million Americans age 65 and older, or 20 percent of seniors, have diabetes. Roughly 20 percent of seniors age 65 and older have a newly identified condition called pre-diabetes. If left untreated, pre-diabetes will develop into diabetes. An additional 40,000 people living with diabetes and end-stage renal disease under the age of 65 participate in the Medicare program.

Even more distressing is the fact that approximately one third of the 7 million seniors with diabetes, or 2.3 million people, are undiagnosed. They simply do not know that they have this very serious condition—a condition whose complications include heart disease, stroke, vision loss and blindness, amputations, and kidney disease.

Those in the medical community and the federal government are only too aware of the rising prevalence and serious nature of diabetes. The Centers for Disease Control, National Institutes of Health, and the Department of Health and Human Services have recently joined together in a national education campaign to inform people about diabetes and encourage people age 45 and older to get screened for diabetes.

Unfortunately, current law does not allow Medicare to reimburse for diabetes testing, even if a patient presents a physician with serious risk factors for diabetes such as obesity, high blood pressure, or high cholesterol. Most shockingly, even if a patient is experiencing early evidence of diabetes complications like blindness and kidney disease, Medicare still cannot reimburse for diabetes testing.

This nonsensical omission of diabetes screening coverage is even more shocking in light of the fact that about 25 percent of the Medicare budget currently is devoted to providing medical care to seniors living with diabetes. In 1999, Arkansas spent \$1.6 billion on direct and indirect costs of diabetes. Why would we continue to constantly react to the disease in this manner, instead of proactively providing screening for our Medicare beneficiaries? This screening can identify the disease, even before any symptoms have appeared, and has the potential to save and improve thousands of lives.

The American Association of Clinical Endocrinologists strongly believes that patients with diabetes should be identified as early as possible in their illness. We have the technology to do this through screening.

I cannot overstate the need for this legislation. When faced with the rising prevalence of diabetes, the high percentage of seniors who already have the disease, the alarmingly high number of seniors who have diabetes but do not know it yet, and the high cost associated with its treatment, it is obvious that Medicare should provide coverage for diabetes screening.

The American Diabetes Association has identified Medicare screening coverage as their top legislative priority, and I have worked closely with them to craft this legislation. I urge all of my colleagues to give serious consideration to the Diabetes Screening Act of 2002.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 337—AUTHORIZING THE PRINTING WITH ILLUSTRATIONS OF A DOCUMENT ENTITLED “COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE, 135TH ANNIVERSARY, 1867-2002”

Mr. BYRD (for himself and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 337

Resolved, That there be printed with illustrations as a Senate document a compilation of materials entitled “Committee on Appropriations, United States Senate, 135th Anniversary, 1867-2002”, and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION 151—EXPRESSING THE SENSE OF CONGRESS THAT THE FEDERAL GOVERNMENT AND THE STATES SHOULD MAKE IT A PRIORITY TO ENSURE A STABLE, QUALITY DIRECT SUPPORT WORKFORCE THAT PROVIDE SERVICES AND SUPPORTS FOR INDIVIDUALS WITH MENTAL RETARDATION AND OTHER DEVELOPMENTAL DISABILITIES

Mr. HUTCHINSON submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 157

Whereas there are more than 8,000,000 Americans who have mental retardation or other developmental disabilities;

Whereas individuals with developmental disabilities include those with mental retardation, autism, cerebral palsy, Down's syndrome, epilepsy, and other related conditions;

Whereas individuals with mental retardation or other developmental disabilities have a continuous need for individually planned and coordinated services due to substantial limitations on their functional capacities, including limitations in at least 2 of the areas of self-care, receptive and expressive language, learning, mobility, self-direction,

independent living, and economic self-sufficiency;

Whereas for the past 2 decades individuals with mental retardation or other developmental disabilities and their families have increasingly expressed a desire to live and work in their communities and to join the mainstream of American life;

Whereas the Supreme Court, in *Olmstead v. L.C.*, 527 U.S. 581 (1999), affirmed the right of individuals with mental retardation or other developmental disabilities to receive community-based services as an alternative to institutional care;

Whereas the demand for community supports and services is rapidly growing, as States comply with *Olmstead* and continue to move more individuals from institutions into the community;

Whereas the demand for community supports and services will also continue to grow as family caregivers age, waiting lists grow, individuals with mental retardation or other developmental disabilities live longer, and services for such individuals expand;

Whereas our Nation's long-term care delivery system is dependent upon a disparate array of public and private funding sources, and is not a conventional industry, but rather is financed primarily through third-party insurers;

Whereas Medicaid financing of supports and services to individuals with mental retardation or other developmental disabilities varies considerably from State to State, causing significant disparities across geographic regions, among differing groups of consumers, and between community and institutional supports;

Whereas aside from families, private providers that employ direct support professionals deliver the majority of supports and services for individuals with mental retardation or other developmental disabilities in the community;

Whereas direct support professionals provide a wide range of supportive services to individuals with mental retardation or other developmental disabilities on a day-to-day basis, including habilitation, health care, personal care and hygiene, employment, transportation, recreation, housekeeping, and other home management-related supports and services that enable these individuals to live and work in their communities;

Whereas direct support professionals generally assist individuals with mental retardation or other developmental disabilities to lead a self-directed family, community, and social life;

Whereas private providers and the individuals for whom they provide supports and services are in jeopardy as a result of the growing crisis in recruiting and retaining a direct support workforce;

Whereas providers of supports and services to individuals with mental retardation or other developmental disabilities typically draw from a labor market that competes with other entry-level jobs that provide less physically and emotionally demanding work as well as higher pay and other benefits, and therefore these direct support jobs are not currently competitive in today's labor market;

Whereas annual turnover rates of direct support workers range from 40 to 75 percent;

Whereas high rates of employee vacancies and turnover threaten the ability of providers to achieve their core mission, which is the provision of safe and high-quality supports to individuals with mental retardation or other developmental disabilities;

Whereas direct support staff turnover is emotionally difficult for the individuals being served;

Whereas many parents are becoming increasingly afraid that there will be no one

available to take care of their sons and daughters with mental retardation or other developmental disabilities who are living in the community; and

Whereas this workforce shortage is the most significant barrier to implementing the *Olmstead* decision, undermines the expansion of community integration as called for by President George W. Bush's New Freedom Initiative, and places the community support infrastructure at risk: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the “Direct Support Professional Recognition Resolution”.

SEC. 2. SENSE OF CONGRESS REGARDING SERVICES OF DIRECT SUPPORT PROFESSIONALS TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

It is the sense of Congress that the Federal Government and the States should work to advance our Nation's commitment to community integration for individuals with mental retardation or other developmental disabilities and to advance personal security for such individuals and their families by making it a priority to ensure a stable, quality direct support workforce that provides services and supports for such individuals.

AMENDMENTS SUBMITTED & PROPOSED

SA 4858. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table.

SA 4859. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4860. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4861. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4862. Mr. LEVIN (for himself, Mr. REED, Mr. BINGAMAN, Mrs. BOXER, Ms. MIKULSKI, Ms. STABENOW, Mr. AKAKA, and Mr. JEFFORDS) submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, supra.

SA 4863. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. SPECTER and intended to be proposed to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4864. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. SPECTER and intended to be proposed to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4865. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. SPECTER and intended to be proposed to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4866. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table.

SA 4867. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4868. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, supra.

SA 4869. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4870. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4858. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that would—

(A) demand that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorize the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply; and

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) **AUTHORIZATION.**—Pursuant to a resolution of the United Nations Security Council described in section 2(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the

United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) **REQUIREMENTS.**—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 2(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) **SPECIFIC STATUTORY AUTHORIZATION.**—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) **APPLICABILITY OF OTHER REQUIREMENTS.**—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 2(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

SA 4859. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that would—

(A) demand that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorize the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply;

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense; and

(4) will not adjourn sine die this year and will return to session at any time before the next Congress convenes to consider promptly proposals relative to Iraq if in the judgment of the President the United Nations Security Council fails to adopt or enforce the resolution described in paragraph (2).

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) **AUTHORIZATION.**—Pursuant to a resolution of the United Nations Security Council described in section 2(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) **REQUIREMENTS.**—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 2(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) **SPECIFIC STATUTORY AUTHORIZATION.**—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) **APPLICABILITY OF OTHER REQUIREMENTS.**—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 2(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

SA 4860. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept

the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that—

(A) demands that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorizes the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply;

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense; and

(4) will not adjourn sine die this year and will return to session at any time before the next Congress convenes to consider promptly proposals relative to Iraq if in the judgment of the President the United Nations Security Council fails to adopt the resolution described in paragraph (2).

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) **AUTHORIZATION.**—Pursuant to a resolution of the United Nations Security Council described in section 2(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) **REQUIREMENTS.**—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 2(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) **WAR POWERS RESOLUTION REQUIREMENTS.**—

(1) **SPECIFIC STATUTORY AUTHORIZATION.**—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) **APPLICABILITY OF OTHER REQUIREMENTS.**—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 2(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

SA 4861. Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that—

(A) demands that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorizes the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply; and

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) **AUTHORIZATION.**—Pursuant to a resolution of the United Nations Security Council described in section 2(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) **REQUIREMENTS.**—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 2(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) **WAR POWERS RESOLUTION REQUIREMENTS.**—

(1) **SPECIFIC STATUTORY AUTHORIZATION.**—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) **APPLICABILITY OF OTHER REQUIREMENTS.**—Nothing in this joint resolution su-

persedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 2(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

SA 4862. Mr. LEVIN (for himself, Mr. REED, Mr. BINGAMAN, Mrs. BOXER, Ms. MIKULSKI, Ms. STABENOW, Mr. AKAKA, and Mr. JEFFORDS) submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In accordance with United Nations Security Council Resolution 687 (1991), Iraq made a commitment—

(A) to destroy, remove, or render harmless all chemical and biological weapons and stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities related thereto;

(B) to destroy, remove, or render harmless all ballistic missiles with a range greater than 150 kilometers, and related major parts and production facilities;

(C) not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities; and

(D) to permit immediate on-site inspection of Iraq's biological, chemical, and missile capabilities, and assist the International Atomic Energy Agency in carrying out the destruction, removal, or rendering harmless of all nuclear-related items and in developing a plan for ongoing monitoring and verification of Iraq's compliance.

(2) The regime of Saddam Hussein consistently refused to cooperate with United Nations Special Commission weapons inspectors in Iraq between 1991 and 1998 by denying them access to crucial people, sites, and documents.

(3) On October 31, 1998, Iraq banned the United Nations weapons inspectors despite its agreement and obligation to comply with United Nations Security Council Resolution 687 (1991).

(4) Iraq continues to develop weapons of mass destruction, in violation of its commitments under United Nations Security Council Resolution 687 (1991) and subsequent resolutions, and the regime of Saddam Hussein has used weapons of mass destruction against its own people and other nations.

(5) The development of weapons of mass destruction by Iraq is a threat to the United States, to the friends and allies of the United States in the Middle East, and to international peace and security.

SEC. 3. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that—

(A) demands that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorizes the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply;

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense; and

(4) will not adjourn sine die this year and will return to session at any time before the next Congress convenes to consider promptly proposals relative to Iraq if in the judgment of the President the United Nations Security Council fails to adopt or enforce the resolution described in paragraph (2).

SEC. 4. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) **AUTHORIZATION.**—Pursuant to a resolution of the United Nations Security Council described in section 3(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) **REQUIREMENTS.**—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 3(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) **WAR POWERS RESOLUTION REQUIREMENTS.**—

(1) **SPECIFIC STATUTORY AUTHORIZATION.**—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) **APPLICABILITY OF OTHER REQUIREMENTS.**—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 5. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 3(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

SA 4863. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. SPECTER and intended to be proposed to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

SECTION. 1. SHORT TITLE.

This joint resolution may be cited as the "Multilateral Use of Force Authorization Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In accordance with United Nations Security Council Resolution 687 (1991), Iraq made a commitment—

(A) to destroy, remove, or render harmless all chemical and biological weapons and stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities related thereto;

(B) to destroy, remove, or render harmless all ballistic missiles with a range greater than 150 kilometers, and related major parts and production facilities;

(C) not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities; and

(D) to permit immediate on-site inspection of Iraq's biological, chemical, and missile capabilities, and assist the International Atomic Energy Agency in carrying out the destruction, removal, or rendering harmless of all nuclear-related items and in developing a plan for ongoing monitoring and verification of Iraq's compliance.

(2) The regime of Saddam Hussein consistently refused to cooperate with United Nations Special Commission weapons inspectors in Iraq between 1991 and 1998 by denying them access to crucial people, sites, and documents.

(3) On October 31, 1998, Iraq banned the United Nations weapons inspectors despite its agreement and obligation to comply with United Nations Security Council Resolution 687 (1991).

(4) Iraq continues to develop weapons of mass destruction, in violation of its commitments under United Nations Security Council Resolution 687 (1991) and subsequent resolutions, and the regime of Saddam Hussein has used weapons of mass destruction against its own people and other nations.

(5) The development of weapons of mass destruction by Iraq is a threat to the United States, to the friends and allies of the United States in the Middle East, and to international peace and security.

SEC. 3. CONGRESSIONAL POLICY FOR UNITED NATIONS SECURITY COUNCIL ACTION ON IRAQ.

Congress—

(1) supports the President's call for the United Nations to address the threat to international peace and security posed by Saddam Hussein's continued refusal to meet Iraq's obligations under resolutions of the United Nations Security Council to accept the destruction, removal, or rendering harmless of its weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities, and to cease the development, production, or acquisition of such weapons, materials, and missiles;

(2) urges the United Nations Security Council to adopt promptly a resolution that—

(A) demands that Iraq provide immediate, unconditional, and unrestricted access of the United Nations weapons inspectors so that Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range in excess of 150 kilometers, and related facilities are destroyed, removed, or rendered harmless; and

(B) authorizes the use of necessary and appropriate military force by member states of the United Nations to enforce such resolution in the event that the Government of Iraq refuses to comply; and

(3) affirms that, under international law and the United Nations Charter, the United States has at all times the inherent right to use military force in self-defense.

SEC. 4. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES PURSUANT TO A NEW UNITED NATIONS SECURITY COUNCIL RESOLUTION.

(a) **AUTHORIZATION.**—Pursuant to a resolution of the United Nations Security Council described in section 3(2) that is adopted after the enactment of this joint resolution, and subject to subsection (b), the President is authorized to use the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

(b) **REQUIREMENTS.**—Before the authority granted in subsection (a) is exercised, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that the United States has used appropriate diplomatic and other peaceful means to obtain compliance by Iraq with a resolution of the United Nations Security Council described in section 3(2) and that those efforts have not been and are not likely to be successful in obtaining such compliance.

(c) **WAR POWERS RESOLUTION REQUIREMENTS.**—

(1) **SPECIFIC STATUTORY AUTHORIZATION.**—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (22 U.S.C. 1544(b)).

(2) **APPLICABILITY OF OTHER REQUIREMENTS.**—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 5. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this joint resolution, and at least once during every 60-day period thereafter, the President shall submit to Congress a report containing a summary of the status of efforts—

(1) to have the United Nations Security Council adopt the resolution described in section 3(2); or

(2) in the case of the adoption of such resolution, to obtain compliance by Iraq with the resolution.

SA 4864. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. SPECTER and intended to be proposed to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, strike lines 19 through 23 and insert the following:

(1) defend the national security of the United States against an imminent threat posed by Iraq's weapons of mass destruction; and

(2) enforce paragraphs (8) through (13) of United Nations Security Council Resolution 687 (1991).

SA 4865. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4586 submitted by Mr. SPECTER and intended to be proposed to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 20, strike "the continuing threat posed by Iraq" and insert "an imminent threat posed by Iraq's weapons of mass destruction".

SA 4866. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

On page 8, line 10, strike "or" and insert "and".

SA 4867. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. . TWO-PARENT FAMILIES IN COMBAT.

In families with minor children where both parents serve on active duty in the Armed Forces or where both parents are members of the National Guard or Reserves, the Secretary of Defense shall make every effort to ensure that not more than one of the parents is deployed in combat.

SA 4868. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; as follows:

At the appropriate place, insert the following:

SEC. 5. STATUTORY CONSTRUCTION.

Nothing in this joint resolution—

(1) is intended to alter the constitutional authorities of the Congress to declare war, grant letters of Marque and Reprisal, or other authorities invested in Congress by Section 8, Article 1 of the Constitution; or

(2) shall be construed as granting any authority to the President to use the United States Armed Forces for any purpose not directly related to a clear threat of imminent, sudden, and direct attack upon the United States, its possessions or territories, or the Armed Forces of the United States, unless the Congress of the United States otherwise authorizes.

SA 4869. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5. TERMINATION OF THE AUTHORIZATION FOR THE USE OF THE UNITED STATES ARMED FORCES.

(a) IN GENERAL.—The authorization in section 3(a) shall terminate 12 months after the date of enactment of this joint resolution, except that the President may extend, for a period or periods of 12 months each, such authorization if—

(1) the President determines and certifies to Congress for each such period, not later than 60 days before the date of termination of the authorization, that the extension is necessary for ongoing or impending military operations against Iraq under section 3(a); and

(2) the Congress does not enact into law, before the extension of the authorization, a joint resolution disapproving the extension of the authorization for the additional 12-month period.

(b) CONGRESSIONAL REVIEW PROCEDURES.—

(1) IN GENERAL.—For purposes of subsection (a)(2), a joint resolution described in paragraph (2) shall be considered in the Senate and the House of Representatives in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473; 98 Stat. 1936-1937), except that—

(A) references in those provisions to the Committee on Appropriations of the House of Representatives shall be deemed to be references to the Committee on International Relations of the House of Representatives; and

(B) references in those provisions to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on Foreign Relations of the Senate.

(2) JOINT RESOLUTION DEFINED.—For purposes of paragraph (1), the term "joint resolution" means only a joint resolution introduced after the date on which the certification of the President under subsection (a)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That, pursuant to section 5 of the Authorization for the Use of Military Force Against Iraq, the Congress disapproves the extension of the authorization under section 3(a) of that joint resolution for the additional 12-month period specified in the certification of the President to the Congress dated ____", with the blank filled in with the appropriate date.

SA 4870. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 4856 proposed by Mr. LIEBERMAN (for himself, Mr. WARNER,

Mr. BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, Mr. LOTT, Mr. SHELBY, Mr. THOMPSON, and Mr. NICKLES) to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

Strike all after "SECTION 1." and insert the following:

SHORT TITLE.

This joint resolution may be cited as the "Disarm Iraq Act of 2002".

SEC. 2. FINDINGS.

(1) Since in 1990 in response to Iraq's war of aggression against and illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq.

(2) Since after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism.

(3) Since the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated.

(4) Since Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998.

(5) Since in 1998 Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in "material and unacceptable breach of its international obligations" and urged the President "to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations" (Public Law 105-235).

(6) Since Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations.

(7) Since Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait.

(8) Since the current Iraqi regime has demonstrated its capability and willingness to

use weapons of mass destruction against other nations and its own people.

(9) Since the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council.

(10) Since members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq.

(11) Since Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens.

(12) Since the attacks on the United States of September 11, 2001, underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations.

(13) Since Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself.

(14) Since United Nations Security Council Resolution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949.

(15) Since Congress in the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102-1) has authorized the President "to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677".

(16) Since in December 1991, Congress expressed its sense that it "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102-1)," that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and "constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region," and that Congress, "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688".

(17) Since the Iraq Liberation Act (Public Law 105-338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime.

(18) Since on September 12, 2002, President Bush committed the United States to "work with the United Nations Security Council to

meet our common challenge" posed by Iraq and to "work for the necessary resolutions," while also making clear that "the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable".

(19) Since the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 ceasefire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary.

(20) Since Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations.

(21) Since the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations.

(22) Since the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107-40).

(23) Since Congress, under the Constitution, has the sole authority to declare war.

SEC. 3. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 4. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is designated by the Constitution as the Commander in Chief, and is empowered to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the United States against an imminent threat posed by Iraq.

(b) PREPARATION.—Congress urges the President, as Commander in Chief, to undertake all steps necessary to prepare the Armed Forces of the United States for use against Iraq, if reliance by the United States on further diplomatic or peaceful means alone either—

(1) will not adequately protect the national security of the United States against the continuing threat posed by Iraq; or

(2) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq.

SEC. 5. ADJOURNMENT.

The One Hundred Seventh Congress shall, upon adjournment sine die, adjourn condi-

tionally, to reconvene immediately if the President requests a declaration of war to be voted upon.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 10, 2002, at 11:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a Hearing on S. 2986, a bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, Michigan.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, October 9, 2002, at 9:30 a.m. in Executive Session to discuss pending military nominations.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, October 9, 2002, at 10:00 a.m., to hear testimony on "The Financial War on Terrorism: New Money Trails Present Fresh Challenges."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 9, 2002, at 10 a.m., to hold a nomination hearing.

Agenda

Nominees: The Honorable John R. Hamilton, of North Carolina, to be Ambassador to the Republic of Guatemala; Mr. John F. Keane, of Virginia, to be Ambassador to the Republic of Paraguay; and the Honorable David N. Greenlee, of Maryland, to be Ambassador to the Republic of Bolivia.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 9, 2002, at 10:15 a.m., to hold a hearing on 10 +10 over 10.

Agenda

Witnesses

Panel 1: The Honorable John R. Bolton, Under Secretary for Arms Control and International Security Affairs, Department of State, Washington, DC.

Panel 2: Representative from the Department of State; Representative from the Department of Defense; Representative from the Department of Energy; and Representative from the Department of Treasury.

Panel 3: Mr. Kenneth Luongo, Executive Director, The Russian-American Nuclear Security Advisory Council, Princeton, NJ.

Additional witnesses to be announced.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive Session after the first floor vote of the day during the session of the Senate on Wednesday, October 9, 2002, in SC-216. The committee will consider the nomination of Mark B. McClellan, of District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, October 9, 2002, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing on S. 2694, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2002.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on "Tools Against Terror: How the Administration is Implementing New Laws in the Fight to Protect Our Homeland" on Wednesday, October 9, 2002, at 10 a.m., in room 226 of the Dirksen Senate Office Building.

Witness list

Panel I: Glenn Fine, Inspector General, Department of Justice; Alice Fisher, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and Dennis Lormel, Chief, Financial Crimes Section, Federal Bureau of Investigation.

Panel II: Scott Hastings, Associate Commissioner for the Office of Information Resources Management, Immigration and Naturalization Service; Michael Cronin, Assistant Commissioner for Inspections, Immigration and Naturalization Service; Steven Edson, Acting Deputy Assistant Secretary of State for Visas, Department of State; and Benjamin Wu, Under Secretary for Technology, Department of Commerce.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 9, 2002, at 9:30 a.m., to hold an open hearing on the nomination of Scott M. Miller to be General Counsel at the Central Intelligence Agency.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 9, 2002, at 2 p.m., to hold a closed hearing with the House Permanent Select Committee on Intelligence concerning the joint inquiry into the events of September 11, 2001.

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

SUBCOMMITTEE ON TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, October 9, 2002, at 2:30 p.m., to conduct an oversight hearing on "Affordable Housing Preservation."

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

PRIVILEGES OF THE FLOOR

Mr. REID. Madam President, I ask unanimous consent that Rich Verma be granted access to the floor during the consideration of S.J. Res. 45.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent that Ed Danielson, a fellow in the office of Senator REED of Rhode Island, be granted floor privileges during the debate on S.J. Res. 45.

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

NOTICE

REGISTRATION OF MASS MAILINGS

The filing date for 2002 third quarter mass mailings is October 25, 2002. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

48 HOUR NOTIFICATIONS

The Office of Public Records will be open on three successive Saturdays and Sundays from 12 noon until 4 p.m. for the purpose of accepting 48 hour notifications of contributions required by the Federal Election Campaign Act, as amended. The dates are October 19th and 20th, October 26th and 27th, November 2nd and 3rd. All principal campaign committees supporting Senate candidates in 2002 must notify the Secretary of the Senate regarding contributions of \$1,000 or more if received after the 20th day, but more than 48 hours before the day of the general election. The 48 hour notifications may also be transmitted by facsimile machine. The Office of Public Records FAX number is (202) 224-1851.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 10, the 1997 amendment to the Montreal Protocol; that the amendment be advanced through its parliamentary stages up to and including the presentation of the resolution of ratification, and that the Senate now vote on the resolution of ratification.

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

The question is on agreeing to the resolution.

All of those in favor will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

In the opinion of the Chair, two-thirds of the Senators present and voting having voted in the affirmative, the resolution is agreed to.

The resolution of ratification reads as follows:

Resolved, (two-thirds of the Senators present concurring therein),

That the Senate advise and consent to the ratification of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at Montreal on September 15-17, 1997, by the Ninth Meeting of the Parties to the Montreal Protocol (Treaty Doc. 106-10).

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Executive Calendar No. 11, the amendment to the Montreal Protocol—the Beijing amendment—that amendment be advanced through its parliamentary stages up to and including the presentation of the resolution of ratification, and the Senate now vote on the resolution of ratification.

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

The question is on agreeing to the resolution.

All those in favor of the resolution will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

In the opinion of the Chair, two-thirds of the Senators present and voting having voted in the affirmative, the resolution is agreed to.

The resolution of ratification reads as follows:

Resolved, (two-thirds of the Senators present concurring therein),

That the Senate advise and consent to the ratification of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at Beijing on December 3, 1999, by the Eleventh Meeting of the Parties to the Montreal Protocol (Treaty Doc. 106-32).

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

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

MEASURE READ THE FIRST TIME—H.R. 5427

Mr. REID. Mr. President, it is my understanding that H.R. 5427 is at the desk. If that is the case, I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 5427) to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building."

Mr. REID. I would now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will have its second reading on the next legislative day.

SUDAN PEACE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5531, which has been received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5531) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the act be read a third time, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements be printed in the RECORD.

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

The bill (H.R. 5531) was read the third time and passed.

AUTHORIZING THE PRINTING OF A DOCUMENT ENTITLED "COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE, 135TH ANNIVERSARY, 1867-2002"

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 337, submitted early today by Senators BYRD and STEVENS.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 337) authorizing the printing with illustrations of a document entitled "Committee on Appropriations, United States Senate, 135th Anniversary, 1867-2002."

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 337) was agreed to, as follows:

S. RES. 337

Resolved, That there be printed with illustrations as a Senate document of compilation of material entitled "Committee on Appropriations, United States Senate, 135th Anniversary, 1867-2002", and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

EXPRESSION OF APPRECIATION

Mr. REID. Mr. President, first of all, I express my appreciation and that of the Senate to the Presiding Officer for being so patient and staying so late and doing double duty. We appreciate that very much. And for all the staff, we appreciate your hard work today, but get ready for tomorrow.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 3295

Mr. REID. Mr. President, I ask unanimous consent that, notwithstanding rule XXII, when the Senate considers the conference report to accompany H.R. 3295, election reform, it be considered under the following limitations: there be 2 hours for debate on the conference report, with the time equally divided and controlled between the chairman and ranking member of the Rules Committee, or their designees; that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote on adoption of the conference report.

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

ORDERS FOR THURSDAY, OCTOBER 10, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m., Thursday, October 10; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceeding be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S.J. Res. 45, under the previous order.

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

PROGRAM

Mr. REID. Mr. President, the next rolcall vote will occur tomorrow at 9:40 a.m. on the Byrd amendment No. 4869.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. REID. Mr. President, I am aware of 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 11:17 p.m., adjourned until Thursday, October 10, 2002, at 9:15 a.m.