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Senate

The Senate met at 9 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

PRAYER

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

O God, our refuge and strength, a very present help in trouble, we will not fear! In the midst of these perilous times, we hear Your voice saying, "Be still and know that I am God, I will be exalted among the Nations, I will be exalted in the earth." In response we affirm, "The Lord of hosts is with us; You are our help and hope."

Almighty God, as You have intervened to help our Nation in just wars against despots and dictators of history, we ask for Your continuing intervention in the battle against terrorism. Guide the Senators as they further debate the resolution to authorize the use of United States Armed Forces against Iraq. Thank You for the integrity and intentionality the Senators have shown in the debate of this crucial issue. Guide their thinking, bind them together in unity and inspire their vision. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER 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 8, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the minority and majority have full half hours in morning business, so we will not be on the bill until about 5 after 10.

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

SCHEDULE

Mr. REID. Mr. President, you will be announcing morning business for an hour. After that, we are going to the resolution. It is open to amendment. We have had five Senators contact our cloakroom—and I will check to see if there have been some who have contacted the Republican cloakroom—wishing specific times to speak. We are going to do our best to accommodate the times. I know committee hearings are taking place, and it is difficult for people to come over this morning. This debate is not going to go on forever, and Senators are going to have to speak when it may not be as convenient for them as some other time. If they wait until after Thursday, there may be no time to speak on this resolution.

I ask Senators to try to find time in their schedules and, as I indicated last night, we will try to work with both staffs to come up with specific times so people are not waiting around. This debate should be in full sway at 10 o'clock. I hope if anyone has amendments to offer, they will do it also at that time or shortly thereafter.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the 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 10 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 Republican leader or his designee.

The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself the requisite amount of time to speak in morning business.

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

FBI REFORM

Mr. GRASSLEY. Mr. President, I have addressed the Senate many times on my oversight efforts of the FBI. As my colleagues know, I have been trying to improve the FBI for years. Sometimes that means investigating problems that some people would otherwise rather cover up. But there is nothing like sunshine that fixes what is wrong, particularly in Government.

I do this not because I am against the FBI but because I think the FBI is

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



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meant to work well and work right so our country is protected. In fact, since September 11, the FBI is on the front line on the domestic war on terrorism. Obviously, the FBI must change to meet that demand. If it does not, we lose the domestic war on terrorism when the people on the front line are not ready to do what needs to be done.

In February, I was addressing the Senate about the FBI reform bill introduced by Chairman LEAHY and myself to help bring more security and accountability to the FBI. I want to highlight that bill.

The bill strengthens the FBI uniformed police, creates an effective polygraph program to detect moles, and establishes an attractive career path for internal security officers. This is important. It has not been that long since probably the worst spy case in FBI history, Robert Hanssen, was uncovered.

For accountability, it ends the double standard in discipline that allows top bureaucrats to escape punishment. This bill gives real whistleblower protections to FBI agents so others, such as Coleen Rowley of Minneapolis, can come forward with the truth, as Director Mueller complimented her as a whistleblower for bringing valuable information to the surface.

I happen to think the Attorney General and the FBI Director are working hard to reform and improve the FBI, but the Leahy-Grassley bill will help ensure that reform really happens. In fact, the Justice Department has even asked us for several provisions that we agreed to put in the bill.

The Judiciary Committee approved this bill unanimously back in April. Since then, this bill has been in limbo. There is now a hold on this bill—one of these secret holds. I do not do secret holds. When I put a hold on a nominee or a bill, I always put a statement in the CONGRESSIONAL RECORD so Senators know it is CHUCK GRASSLEY and why CHUCK GRASSLEY is putting a hold on a bill. It seems we need to put a stop to the backroom squabbles that have brought this hold about and put national security first and help reform the FBI.

A few parts of the bill were luckily included in the Department of Justice reauthorization bill last week. I appreciate that the inspector general's authority to investigate the FBI is now codified, and I am sure the FBI appreciated the help we gave them by including provisions for the uniformed police force.

That is all nice, but the heart of the FBI reform bill was left out, and that heart is more whistleblower protections and ending the double standard in discipline.

I have outlined why this bill is important. Now I think an example I have will help people understand why we need to enact this bill very shortly.

Quite recently, my staff was shown a Tiffany crystal paperweight globe. This globe sells for \$100 to \$200 but has been

valued by experts at more than \$5,000. This globe was wrapped in an evidence bag.

What does this have to do with the FBI?

Well, the answer is this globe was stolen from Ground Zero New York City, as you know. I don't think I have to explain how disgraceful that act is.

It is not only illegally taking evidence from a crime scene, but it is stealing from hallowed ground where thousands of people died on September 11. There have already been numbers of prosecutions for removing items from Ground Zero. There is not question then that this act was wrong.

But in this case, I am told that the globe was taken by one or more FBI agents. That is right. I am sorry to say it was taken by FBI agents.

Agents from the Minneapolis Division apparently took it back with them after being on official business at Ground Zero. When they returned, I guess they gave it to a secretary in the office, as if it was some memento from the trip.

This is how I know that: because an FBI agent decided to blow the whistle after her superiors would not do anything about the theft.

The FBI and the Federal Emergency Management Administration Inspectors General have been investigating a Minnesota company for stealing items from Ground Zero and other matters.

Coincidentally, Agent Jane Turner of the Minneapolis office discovered that other FBI agents did the very same thing.

In fact, it was one or more agents from the Evidence Response Team that took the globe. The ERT is supposed to secure and collect evidence at a crime scene. Their job is to preserve the integrity of a crime scene, not take from it and disrupt it.

When Agent Turner told her supervisor about this, he said he already knew about it. It evidently was not that big a deal because he did not do anything about it.

Well, I do think it is a big deal. I think it is outrageous. And I suspect that the loved ones of the 9/11 victims would think this is an outrage.

In New York, the fact is people are working overtime to try and return items like this to the families that once owned them. Maybe some people who work at these scenes think that taking something is OK, like it is a trophy for their hard work, but I do not think so. Most important, it is against the law.

This makes me wonder what else these agents stole, if they were generous enough to give a pricey crystal globe to a secretary.

This is the kind of behavior from a law enforcement agency that could backfire and hurt the case against criminals.

For example, if a company were to do the same thing, steal something from Ground Zero, they might argue in court that the FBI did it, so it must be

OK and why can't they get away with it? So taking this from Ground Zero was not only wrong, but it could really hurt prosecutions.

Because Agent Turner could not get an investigation into this matter by the FBI, she had to bring this to my staff and Chairman LEAHY's staff. Because of the severity of the situation, it was decided that she report the situation to the Justice Department Inspector General for a criminal investigation.

Fortunately, Agent Turner was able to recover the globe from the Minnesota office and bring it to the Inspectors General in a sealed evidence bag. The bag was sealed and signed both by Agent Turner and an agent from the FEMA Inspector General office, which is also working the case.

I have also learned of other problems with the FBI Minneapolis office. Apparently, a former FBI agent from that office is using his influence and access to undermine an FBI investigation. This former agent is now a consultant to the subject of an investigation. So he is working against the FBI on a case, but at the same time trying to influence and get information from the FBI with such perks as sideline-access Vikings tickets.

This appears to be a violation of Government ethics rules, a big security problem and conflict of interest. I hope the FBI looks into this problem as well.

What does this have to do with the FBI reform bill? Agent Turner's disclosures to the committee are not protected. The FBI knows they could retaliate.

It is the same thing that happened with Agent Coleen Rowley from Minneapolis. She was involved with the Moussaoui case, and she was not retaliated against because of media attention and Director Mueller's promise.

But that is not going to happen every time. FBI agents cannot always take the risk that comes with blowing the whistle. There has to be protection in the law, and that's what the FBI reform bill does. In the Turner case, Chairman LEAHY and I wrote to the Director asking for his assurance that Agent Turner not get hit with retaliation, but we have not gotten an answer back yet.

This bill also will put an end to the double standard in discipline, where senior officials get away with misconduct and coverups, while rank-and-file agents get punished for the same thing. This hurts the morale of the FBI.

And how do we know about these discipline problems? We know about them because of whistleblowers, patriotic American citizens wanting the law to be abided by.

Agents John Roberts, Frank Perry, Patrick Kiernan, and former agent John Werner all testified about this discipline scandal last summer. This bill is only the first step to fix it, but the bill has not gone anywhere. These

agents stuck their necks out to explain what is wrong with the FBI to Congress and the public. So far the Senate has ignored them, and their careers continue to be at risk.

I know all this might be embarrassing for the FBI, but stealing is wrong, especially from Ground Zero, and there has to be consequences. Heads have to roll. I think the FBI agents in the field around the country do a great job. I have found that the big FBI mistakes over the years usually come from headquarters, not from the grassroots.

In this case, it looks as if there are a few bad apples who did something wrong. And no one wanted to deal with it, so Agent Turner was obligated to blow the whistle. It was her sworn duty as a Federal law enforcement officer.

If we do not have the FBI reform bill, we will not have whistleblowers like Jane Turner and Coleen Rowley who expose these hidden problems that need to be fixed.

Without the bill, agents in the field will still think senior bureaucrats are held to a different standard, so morale suffers.

Without the bill, FBI internal security will not be the best it can be. That means the FBI will be more vulnerable and less effective, and that hurts national security.

This is not about politics. It is about improving the FBI and national security, and about making sure truth, fairness and justice prevail.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

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

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

IRAQ

Mr. THOMAS. Mr. President, this morning I will make a few comments with regard to the issue that is generally before us and before the country, and that is, of course, where we go with regard to Iraq and Saddam Hussein.

The President did a great job last night. He made very appropriate comments at a very appropriate time. He has discussed in detail the threats we see in Iraq, the threats we see in terrorism, and he has talked about his solution.

There have been questions raised, and properly so, and the President last evening sought to answer those questions, as indeed I think he should.

Why do we need to contain this dictator? I think surely most people understand that. Why do we need to do it now? I suppose that may be one of the most difficult questions for some. Why

are we waiting to have allies in the U.N.? Certainly most agree that is something we want. The President covered that very thoroughly, and indicated that is his goal.

Our loss of 3,000 innocent Americans on September 11 makes us aware of why we need to make some changes; that activity in the world has changed. A number of years ago the threats were of landing on barges, flying huge formations of airplanes, with divisions of armed men and women. Now it is not entirely safe, as we found out September 11. We suffer huge damages from one incident. That is difficult to control. Clearly we have a problem.

We must complete our discussion, move forward and make decisions. It is an issue important to everyone, as a Nation, and important to the world. We will be voting on a resolution soon. I suppose there will be amendments to the resolution. The House may or may not come up with the same resolution. Nevertheless, that is the role of the Senate. I hope we deal with it as quickly as we can.

It grants the authority of the President to do what he feels has to be done to deal with this issue. Today we understand the clear and present threat of terrorism being different than in the past. September 11 changed that. We see evidence of these threats around the world.

Our personal safety has changed, as well as our national security. We recognize that. I understand there is reason to debate this issue. People have different views. We need to discuss the commitment of the military in this world. The question of acting unilaterally is a difficult question. That is one alternative.

We need to offer leadership in the world to reduce the risk that exists. The administration has done an excellent job of getting the support of our allies. Not all have signed up. Not all have stood up and raised their hands. Many support what we do now, as in Afghanistan.

Obviously, people have different views. Some are politicized. Some are different, legitimate views. We have to identify what our role should be as a leader in the world. More importantly, we need to protect this country's freedom and protect the freedom of all citizens.

In England, Prime Minister Blair has stepped up. I am sure others will, as well. We need to continue to discuss it. Much of the discussion has already taken place and the decision is ready to be made. Is this a sufficient threat to cause us to commit ourselves? I think so. Should we work through the U.N. with our allies? Of course. That is what the President suggested last night. I heard a fellow Senator this morning saying we should not do anything until the U.N. authorizes it. I hope the U.N. does, and I hope the U.N. is there. They should be. On the other hand, I don't think we ought to be controlled by the U.N. If we find this has

to be something we do, we must go ahead.

Our role is to disarm Saddam. Inspectors are an excellent way to do that. But we have to review policy to see they are unrestricted. However, getting inspectors in is not the goal. Disarmament is the goal. Inspectors may be a way to do that. We hope they are. There will be movement in the U.N. The President's talk last night will do a great deal to assist in that regard.

The resolution before the Senate provides for the necessary authority. It pertains to support of diplomatic efforts of the President to strictly enforce the United Nations Security Council resolutions that have been in place for 10 years. That is all we are asking.

We support, in this resolution, action by the Security Council to ensure Iraq abandons its strategy for delay and invasion. The authorization is included. The President is authorized 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 the continuing threat posed by Iraq, and, number 2, enforce all relevant United Nations Security Council resolutions regarding Iraq. The President makes those determinations and reports to the Congress. He makes available to the Speaker of the House and the President pro tempore his determination that, number one, reliance by the United States on further diplomatic or peaceful means alone either will not adequately protect the national security or will not likely lead to the enforcement of those Security Council resolutions. It makes that determination, and, number 2, determines that acting pursuant to this resolution is consistent with the United States and other countries continuing to take necessary actions against international terrorists, terrorist organizations, including the nations, organizations, and persons planning and authorized to commit or aiding terrorists in the attacks that occurred on September 11.

It is pretty clear what needs to be done. It is appropriate to discuss this. We have discussed it sufficiently. I hope in the next day or two we can complete action. We need a little less talk and more action. The time has come to do that. It is our challenge. It is our responsibility. I hope we can do it in the next several days.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

UNANIMOUS CONSENT REQUEST— S. 724

Mr. BINGAMAN. Mr. President, today, once again, I will rise for the purpose of asking unanimous consent to take up and pass S. 724. I will withhold doing that until Senator NICKLES is able to come to the floor. I understand he wishes to address the issue.

This is a subject I raised last week here in the Senate. S. 724 is the Mothers and Newborns Health Insurance Act of 2001. It was reported by the Senate Finance Committee unanimously in July. It is legislation which was introduced by Senators BOND and BREAUX and would simply give States the option of covering pregnant women in the State Children's Health Insurance Program, or the CHIP program, for the full range of pre- and postpartum care.

This legislation did pass out of the Senate Finance Committee by unanimous vote. It includes language we incorporated in an earlier bill, S. 1016, which was the Start Healthy, Stay Healthy Act of 2001 introduced by me and supported by Senators LUGAR, MCCAIN, CORZINE, LINCOLN, CHAFEE, MILLER, and LANDRIEU, and it provides children with continuous health care coverage throughout the first and most fragile year of life.

According to the Centers for Disease Control, the United States ranks 21st in the world in infant mortality and 26th in the world in maternal mortality. For a nation as wealthy as ours, these statistics are simply unacceptable.

Unfortunately, the regulation the administration issued last week to allow unborn children to be covered by the State Children's Health Insurance Program, or CHIP, leaves pregnant women out of that equation. That is contrary to the clinical guidelines of the American College of Obstetricians and Gynecologists. It is contrary to the guidelines of the American Academy of Pediatrics. Both organizations indicate that the woman and the unborn child need to be treated together.

If you are covering only the fetus, as this regulation that came out last week purports to do, this eliminates important aspects of coverage for women during all the stages of birth, pregnancy, delivery, and postpartum care. The various health services that pregnant women could be denied, without passage of this legislation, were elaborated on the Senate floor earlier. We need to do better by our Nation's mothers than we have done so far. This legislation will do that.

Let me also make it clear, though, that this bill is about children's health. Senator BOND's bill appropriately is called the Mothers and Newborns Health Insurance Act. It is given that title for a very good reason. We all know the importance of an infant's first year of life. Senator BOND's legislation, as amended in our committee, the Finance Committee, provides 12 months of continuous coverage for children after they are born.

Again, the United States ranks 21st in the world in infant mortality. We need to do a better job by our Nation's newborn infants just as we need to do a better job by our Nation's mothers. The rule that was passed last week does provide an option for 12 months continuous enrollment to States, but it makes the time for that 12 months ret-

roactive to the period that the child was in the womb. Therefore, if 9 months of pregnancy were covered, the child would lose coverage in the third month after birth. Potentially lost would be a number of well-baby visits, immunizations, and access to pediatric caregivers.

This legislation, S. 724, which was introduced by Senator BOND, has a large number of bipartisan cosponsors. Senator DASCHLE is a cosponsor. Senator LOTT is a cosponsor. Many others of my colleagues are cosponsors.

Last Wednesday, we tried to pass S. 724 and objections were raised. Senator NICKLES asked a number of questions, and Senator LINCOLN and I prepared some detailed responses. We made several points in those responses. Let me just summarize those.

First, with regard to the cost of this legislation, the bill is almost entirely offset over the first 5 years it would be in existence, and it actually saves money over the 10-year period.

With regard to whether the administration supports the bill, Secretary Thompson has repeatedly expressed support for passage of legislation, including specifically mentioning support for S. 724 and companion legislation in the House. He has done that on two occasions.

With regard to whether the regulation eliminates the need for legislation, the regulation itself notes that it leaves many gaps in coverage that the rule creates, including denials of care for pregnant women through pregnancy, through delivery, and through postpartum care.

With regard to the burden this bill could place on States, the legislation would simply allow States the option to expand coverage to pregnant women through the CHIP program, or not to expand that coverage, as they choose. States that do not wish to expand coverage would not be compelled to do so. The National Governors Association believes all States should have that option. Therefore, the NGA has specific policy in support of expanding options to cover pregnant women through this CHIP program.

I ask unanimous consent to have printed in the RECORD the more detailed response Senator LINCOLN and I sent to Senator NICKLES with respect to the objections and questions he raised on the floor last Wednesday.

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

U.S. SENATE,

Washington, DC, October 4, 2002.

Hon. DON NICKLES,
Assistant Minority Leader,
Capitol, Washington, DC.

DEAR SENATOR NICKLES: On Wednesday, October 2, 2002, we tried to pass by unanimous consent bipartisan legislation by Senators Bond and Breaux, the "Mothers and Newborns Health Insurance Act" (S. 724), which passed the Senate Finance Committee in July by unanimous consent. The legislation has a number of bipartisan cosponsors, including Senators Daschle and Lott.

We were unable to proceed with passage of this important legislation to cover pregnant women due to the objection you raised, which, you stated, were based on questions you wanted answered prior to passage. Through this letter and attachment, we have addressed all the issues that you raised. Therefore, we will once again ask for unanimous consent to proceed to passage next week, and we hope we can count on your support.

Thank you for your immediate consideration. The health of many of our nation's mothers and children await this important action by the Senate.

Sincerely,

JEFF BINGAMAN.

BLANCHE L. LINCOLN.

Attachment.

QUESTIONS AND ANSWERS ABOUT S. 724

Question. How much does the bill cost and what is the offset?

The CBO estimate of the pregnant women bill was \$611 million over five years and \$1.08 billion over 10 years prior to the issuance of the rule. The legislation also uses SSI pre-effectuation reviews as the offset, with a savings of \$279 million over 5 years and \$1.34 billion over 10 years. Over ten years, there is a net savings to the passage of this legislation.

However, according to the Administration, the cost of their rule is \$330 million between fiscal years 2003 and 2007. With that taken into account, the cost of passage of pregnant women coverage would drop to \$281 million over five years. As a result, the overall net cost of the bill would be almost nothing over five years and would save money over the 10-year period.

Question. . . . It's just my understanding that Secretary Thompson has promulgated a regulation which I believe he thinks satisfies a lot of the unmet health care needs of children, including unborn children, and . . . so he supports the regulation that he's promulgated and is now effective and does not support the legislation which goes far beyond the regulation that he's just promulgated . . . Maybe he did make a statement that was supportive in March but he may well feel like that was accomplished in the regulation.

Department of Health and Human Services (HHS) Secretary Tommy Thompson has stated repeatedly his support for the passage of legislation to allow states the option to cover the full range of health services to pregnant women through the State Children's Health Insurance Program (SCHIP), and specifically mentioned S. 724 on at least one occasion.

In a statement issued on January 31, 2002, Secretary Thompson praised Senators Bond, Breaux and Collins for "bipartisan leadership in supporting S. 724, a bill that would allow states to provide prenatal coverage for low-income women through the SCHIP program. We support this legislative effort in this Congress."

In testimony before the Senate Finance Committee on February 14, 2002, Secretary Thompson expressed support for legislation expanding coverage to pregnant women rather than states having to seek waivers.

In testimony before the House Labor-HHS Appropriations Subcommittee on March 6, 2002, Secretary Thompson said, "And so, if you can pass the bill [the House companion bill to S. 724 introduced by Representatives Hyde and Lowey], we don't need the rule." He added, "Let's pass the legislation."

In a letter to Senator Bingaman dated April 12, 2002, Secretary Thompson wrote:

"Prenatal care for women and their babies is a crucial part of medical care. These services can be a vital, life-long determinant of health, and we should do everything we can

to make this care available for all pregnant women. It is one of the most important investments we can make for the long-term good health of our nation.

"As I testified recently at a hearing held by the Health Subcommittee of the House Energy and Commerce Committee, I also support legislation to expand SCHIP to cover pregnant women. However, because legislation has not moved and because of the importance of prenatal care, I felt it was important to take this action [of issuing regulations]."

Repeatedly, Secretary Thompson has expressed support for legislation over the past year. As to whether he now thinks the rule eliminates the need for legislation, it is important to note that HHS issued a waiver on September 27, 2002, to Colorado requested by Republican Governor Bill Owens to cover pregnant women through SCHIP. The Colorado waiver was issued on the same day the Secretary issued a press release on the rule to allow coverage to "unborn children" through SCHIP. As Secretary Thompson is quoted, "Approved this waiver means that thousands of uninsured women and their babies will be able to get health care coverage." This is the third waiver granted by Secretary Thompson to cover not just "unborn children" but pregnant women, as previous waivers were given to Rhode Island and New Jersey. Clearly, the Republic Governor of Colorado did not think the rule fully covered their desire to provide coverage to pregnant women.

HHS acknowledges in the regulation that the rule covering "unborn children" does not fully cover pregnant women and is in lieu of legislation being passed by Congress to provide care to pregnant women. The regulation also acknowledges that despite the rule that "there are still gaps" and that waivers are not a fully acceptable way to address them. As the rule reads:

"This regulation bridges a gap in eligibility between the Medicaid and the SCHIP programs that has now existed for five years. Members of the Congress have also recognized this gap and have introduced various pieces of legislation over the years to address this gap. The opportunity to expand vital health insurance coverage during a critical time is at hand.

"We welcome all of these suggestions for expanding health insurance coverage and indeed States and the Secretary have already used the flexibility in current regulations. However, there are still gaps. We also welcome support for the actions of the Secretary in granting waivers to States . . . But the Secretary's ability to intervene through one mechanism (a waiver) should not be the sole option for States and may in fact be an inferior option. Waivers are discretionary on the part of the Secretary and time limited while State plan amendments are permanent, and are subject to allotment neutrality."

The rule explains what gaps still exist. For example, the rule highlights what cannot be covered for women via care to "unborn children." If you only are covering the fetus, this eliminates important aspects of coverage for pregnant women during all the stages of a birth—pregnancy, delivery, and postpartum care. Among other things, pregnant women would not be covered during their pregnancy for cancer, medical emergencies, accidents, broken bones, or mental illness. Even life-saving surgery for a mother would appear to be denied coverage.

Further, during delivery, coverage for epidurals is a state option and is justified only if the health of the child is affected. On the other hand, anesthesia is covered for Caesarean sections. The rule would wrongly push women and providers toward performing C-sections to ensure coverage.

And finally, during the postpartum period, women would be denied all health coverage from the moment the child is born. Important care and treatment, including but not limited to the treatment of hemorrhage, infection, episiotomy repair, C-section repair, family planning counseling, treatment of complications after delivery (including, once again, life-saving surgery), and postpartum depression would not be covered.

Question. I'm also going to check with the states, because I also believe this is an expansion of Medicaid, which I know my state is struggling to pay. As a matter of fact, actually reducing payments in some cases in Medicaid because they just don't have the budget. And, our state health director . . . has told us don't increase any new expansions on Medicaid because we can't afford it . . . Pregnant women [are eligible for Medicaid] with incomes less than 185% of poverty . . . and I believe this legislation would take that up to 300%. So, it would make many more people eligible for Medicaid which would also increase the costs to the states, which some states can't afford it.

The legislation provides for an expansion of coverage for pregnant women, at a state option, through the State Children's Health Insurance Program (SCHIP).

As the Committee report (Senate Report 107-233) reads:

"The Committee bill allows states to cover additional pregnant women under SCHIP. The SCHIP expansion group includes pregnant women with family income above the state's Medicaid financial eligibility standard for pregnant women in effect on January 1, 2002, up to the income eligibility for SCHIP children in effect as of January 1, 2002 . . .

"Current federal law enables low-income pregnant women to receive coverage under SCHIP through age 18, but it does not provide such coverage to women ages 19 and above. While states have the ability to add SCHIP coverage for pregnant women over age 18 through Section 1115 waivers, states find this process to be both time-consuming and administratively burdensome. The Committee bill allows states to cover pregnant women through the simpler state plan amendment process. The committee bill also eliminates the disparity in coverage levels between pregnant women and infants that has been created through SCHIP, enabling both mothers and their newborn children to immediately receive health coverage under the program."

According to the Congressional Research Service (CRS), 38 states and the District of Columbia provide coverage up to 200% of poverty or less. States cannot exceed those levels of coverage through SCHIP beyond the levels of poverty covered for children.

Also, if a state cannot afford an expansion of coverage to additional pregnant women, they do not have to. It is a state option. However, it allows those states that choose to expand coverage to pregnant women to do so without having to seek a waiver, just as the regulation has done for "unborn children."

As a result, there is strong support for this legislation from the National Governors' Association. Their policy position (H.R.-15. "The State Children's Health Insurance Program (S-CHIP) Policy") expresses strong support for passage of such legislation. As it reads:

"The Governors have a long tradition of expanding coverage options for pregnant women through the Medicaid program. However, pregnant women in working families are not eligible for SCHIP coverage. The Governors call on Congress to create a state option that would allow states to provide health coverage to income-eligible pregnant

women under SCHIP. This small shift in federal policy would allow states to provide critical prenatal care and would increase the likelihood that children born to SCHIP mothers would have a healthy start."

States are partners with the federal government in Medicaid and SCHIP. They are asking for additional state flexibility in coverage options here that should be granted by the passage of S. 724. The "Mothers and Newborns Health Insurance Act of 2002."

Mr. BINGAMAN. Mr. President, again, at the appropriate time, once Senator NICKLES has arrived in the Chamber, I will rise once again to seek unanimous consent that we be allowed to bring up and pass S. 724, as passed out of the Finance Committee.

Mr. President, I am informed Senator NICKLES will not be able to come to the floor in the near future. Therefore, I will go ahead and make the unanimous consent request at this time.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 541, S. 724; that the committee substitute be agreed to, the bill be read a third time and passed, the title amendment be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. THOMAS. Mr. President, on behalf of several of our Members who want to talk, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BINGAMAN. Mr. President, I see my colleague from New Jersey is here to speak. He has been a strong supporter of this legislation from the time it was first introduced. I will yield the floor at this time so he may speak.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I, too, rise in support of the efforts about which Senator BINGAMAN was speaking. Senator BOND, Senator LINCOLN, and the Presiding Officer have also been supportive of working to expand the access to prenatal care for pregnant women. I thank all those involved for efforts to pass this legislation.

I have to say I am disappointed we are not able to get this unanimous consent, given the overwhelming support in the Finance Committee. There was unanimous passage there of all the elements Senator BINGAMAN just spoke about with regard to funding. I will speak to it a bit myself.

But this is something that, given our record as a nation, being 21st in the world with regard to deaths of children at birth, just is hard to understand—why we are not taking the steps to address this fact and give those States the flexibility to deal with it.

As I said, I am pleased the Finance Committee unanimously passed the legislation, S. 724, which includes, as the Senator from New Mexico mentioned, the major provisions of legislation we introduced about 18 months

ago called Start Healthy, Stay Healthy. Many of us have been supportive of that legislation.

The bipartisan bill, as it now stands, seeks to expand pregnancy-related care to low-income women who fall above Medicaid eligibility levels. Under this bill, pregnant women would be eligible for the full spectrum of prenatal and postpartum care, as recommended by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists.

Unfortunately, what many of us believe is noncontroversial legislation is being held up for reasons of which I am not completely certain. There were a number of questions raised last week by the Senator from Oklahoma which have been answered in detail in a letter about which the Senator from New Mexico spoke. But the main objection is that it somehow contradicts a rule published by the Bush administration to expand health insurance to unborn children but not to pregnant women.

Actually, many of us believe this legislation complements the administration's rule and will result in pregnant women receiving more comprehensive pre- and postnatal care, which will clearly result in healthier births and give newborns a better start in life.

Furthermore, S. 724, as amended, guarantees health coverage to children born to eligible women until age 1 regardless of income eligibility. The administration's rule would only guarantee that health care for 3 months of their lives. So we think it does an outstanding job of broadening the coverage to make sure that kids really do start healthy and that they will stay healthy as they go forward in their lives.

The administration has stated that the goal of its new rule is to increase a woman's access to prenatal care. I think all of us applaud that. I certainly do. Why, then, is the woman explicitly left out of that rule? For example, under the administration's rule, it is uncertain whether pregnant women will be offered treatment for ailments that may not be directly related to pregnancy.

For instance, under the administration's rule, a pregnant woman would not be eligible to receive care for cancer, diabetes, medical emergencies, accidents, broken bones, or mental illness. It is also unclear whether or not a woman would be provided certain types of care during delivery. In order to have an epidural covered, for instance, a doctor would have to certify that it was in the best interest of the fetus.

Finally, the rule provides for absolutely no postpregnancy care. Treatment of postpartum complications, including hemorrhaging, infection, and postpartum depression, would be inaccessible to the mother.

These things are hard to put in the context of what is the desire of, I think, most of us to see that there is a good continuum, a good start for our

children. I think there are some conflicts that are put in place by the regulations that would be very hard to enforce and could be endangering to both the child and certainly to the mother's health. I think they do not meet the commonsense test.

It contradicts also ACOG's standard of care, which views pregnancy-related care as including prenatal, labor and delivery, and postpartum care. Second, surely we can agree that neglecting the mother's health is not the best way to give a newborn a healthy start in life.

If the administration and Members of Congress are serious about providing meaningful health care to pregnant women and their children, I believe we should support passage of the bipartisan initiative, S. 724. This legislation gives the States the option to enroll low-income pregnant women into their CHIP programs, a proposal that HHS Secretary Thompson has endorsed verbally and in writing many times, which is indicated in the letter Senator BINGAMAN has forwarded to Senator Nickles.

This legislation will provide for all of the care related to the fetus outlined under the administration's rule, but it will also provide full access to prenatal and postpartum health care, other essential health care for pregnant women, and 1 year of continuous coverage for newborns.

Let me be clear, States will still have the option of expanding care to fetuses under the administration's rule. But by passing this legislation, we would also give the States the option of expanding care to pregnant women along the lines of what I talked about earlier.

My own State of New Jersey has already received a waiver from HHS, and a number of other States have; a number are applying. It is actually a very complicated and onerous process to get these waiver procedures in place. I think we ought to make it legislatively appropriate, statutorily appropriate, for all States, so they have the choice of moving in this direction if they so choose.

Every week in our country 8,500 children are born to mothers who lack access to prenatal care. This is one of those areas where insurance coverage can actually be provided and make a big difference, so we do not end up paying more for health care for children who are brought into the world in poor health conditions, who then end up costing society even more because they have had poor prenatal care. Every day we wait to pass this legislation, more children will be born with serious health problems because their mothers cannot afford health care.

I hope we can address this issue. There is strong bipartisan support. I think it is time to move. I very strongly support the efforts of all my colleagues who are pushing for S. 724 and hope we can put the politics aside and vote today to pass this important legislation.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. LINCOLN. Mr. President, I rise today to speak again on the importance of passing S. 724, the Mothers and Newborns Health Insurance Act, as soon as possible. It is beyond me why in the world we cannot move forward on such a practical piece of legislation. This bill will make a real difference in the health of thousands of low-income women and their babies across our great Nation, not to mention the money it is going to save this Nation, because we all know that for every \$1 we invest in prenatal care, we save anywhere from \$5 to \$6 down the road. It is not only compassionate and good policy, it is also good economics.

Last Wednesday, Senator BINGAMAN asked for unanimous consent to pass this bipartisan bill, but Senator NICKLES from Oklahoma objected. Since then, Senator BINGAMAN and I have sent Senator NICKLES a letter answering the questions he had about this particular legislation.

It is so important Members understand how critically important this piece of legislation is, and that these questions can be answered. With those questions answered, it is my hope that we can pass S. 724 today.

This bill, which we unanimously approved in the Finance Committee, gives States the option. They can simply take the option, if they choose, of covering pregnant women under the State's Children's Health Insurance program. Most importantly, the bill allows coverage for prenatal care, delivery, and postpartum care. These are all complete parts of delivering healthy children. It is not just one opportunity to care for a fetus that is being carried by a woman; it is, more importantly, the opportunity to bring that child into the world healthy. We all know to do that, we must look at the health of the mother in a prenatal situation. We have to look at the delivery, and we also have to look at the postpartum care, which is essential for women to care for and maintain healthy children.

I am so pleased we are joined on the floor by some of our colleagues who work so hard to improve the health of women and children: Senator CORZINE, Senators LANDRIEU and CLINTON are leaders in this area. I am glad they have all been here or will be here to speak. I understand Senator MIKULSKI, Senator FEINSTEIN, and Senator LUGAR have submitted statements for their support of S. 724.

Some of us talk a lot about the importance of process in the Senate. Sometimes it does not translate to our colleagues or friends and constituents out there in the greater part of our Nation. Some of us complain when bills

do not go through the regular process of committee markups and on to the Senate floor. When we are talking about such an important issue, people do understand, when the Senate does not act on something that is this critical to the well-being of their life, particularly to the health of their children.

This bill went through the classic Senate process, as is described in Government textbooks. As Senators BINGAMAN, BOND, and I discussed last week, S. 724 unanimously passed the Finance Committee and is now on the legislative calendar under general orders. Even better, it has strong bipartisan support. Both the majority leader and minority leader have cosponsored it. That is because the idea of ensuring a healthy start in life is a sound policy, it is good fiscal policy, and it is not a partisan issue. I have no earthly idea why we are trying to make it one. If we really care about life, the Senate needs to pass this commonsense bill.

I want to make an important point about the necessity of S. 724 in light of the administration's regulation that provides CHIP coverage to unborn fetuses. This regulation fails to cover the full range of medical services needed by a woman during and after pregnancy. Simply put, it flies in the face of the Guidelines for Prenatal Care Fourth Edition, established by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics, guidelines that are used by doctors all across our country.

Under the regulation, doctors will not be reimbursed for providing care they are ethically obligated to provide. In the modern practice of obstetrics, postpartum care is absolutely a critical part of the overall care and the treatment the women receive prenatally and during labor and delivery. Postpartum care is essential for any of us who have gone through pregnancies and who have been so blessed to have had good prenatal care, who have seen what it can do in the delivery room, by providing the ability to go through a healthy delivery, and then, when you come out of that delivery, to be blessed and fortunate enough to go home within 2 days with your children because you have had good care. It is so common sense.

It is so positive for everybody concerned: The taxpayers who may be paying the tax bill or the medical bills, for the individual who wants to get off to the right start, the mother who wants to get off to the right start, the child who needs to get off to a healthy start.

We have learned so much about early development in children and what it means later on in life in their ability to succeed and learn, how critical it is they not be in that neonatal unit, but that they can be born healthy, and they can all go home together to start that life off correctly.

We have an opportunity to make a difference in each and every newborn life. There is no excuse that we should

not move quickly. With rising medical malpractice rates, particularly for obstetricians and gynecologists, these doctors may simply decide to stop serving CHIP patients. This regulation may become another disincentive for doctors to participate in programs serving our low-income population.

Failing to pass S. 724 leaves doctors choosing between following clinical guidelines which we know, through research, is the most proper care women need; they have to choose between following these clinical guidelines they know and trust or getting paid. These decisions will be especially hard for doctors who serve high-risk women, given the fact postpartum care is even more critical for women who have pre-existing medical conditions such as diabetes or hypertension—any of these.

Under the President's order, these women wouldn't get care. They could only care for the unborn fetus they are carrying. It makes no sense whatsoever that the pregnant woman could not even get the care she needed, and the doctor, if giving it ethically, cannot even be reimbursed.

This bill does not overturn the administration's regulation. It simply complements it. It makes the regulation better. It clarifies that doctors will get reimbursed for the clinical care they provide, and it will ensure pregnant women get the full scope of medical care they need.

S. 724 is supported by 25 national organizations, including the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, and the March of Dimes. Each of these organizations has expressed serious concern with the administration's regulation, and believes this bill is better.

I ask unanimous consent that a complete list of the organizations be printed in the RECORD.

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

Organizations supporting S. 24:
 American Association of University Affiliated Programs;
 American Academy of Pediatrics;
 American College of Nurse Midwives;
 American College of Obstetricians & Gynecologists;
 American College of Osteopathic Pediatricians;
 American Hospital Association;
 American Medical Association;
 American Osteopathic Association;
 American Public Health Association;
 Association of Women's Health, Obstetric and Neonatal Nurses;
 Association of Maternal and Child Health Programs;
 Catholic Health Association;
 Council of Women's & Infants' Specialty Hospitals;
 Easter Seals;
 Family Voices;
 Greater New York Hospital Association;
 March of Dimes;
 National Association of Children's Hospitals;
 National Association of Public Hospitals & Health Systems;
 National Women's Health Network;

National Association of County & City Health Officials;
 Society for Maternal-Fetal Medicine;
 Spina Bifida Association of America;
 The Alan Guttmacher Institute;
 United Cerebral Palsy Associations.

Ms. LINCOLN. Mr. President, I thank my colleagues who have joined me. In the last few days of the session, let us prove to the American people we in the Senate do understand what goes on in their everyday lives, we do care, and we can act in ways that will actually make a difference in their lives; that we won't sit here and talk about process.

This bill has been through every piece of process there is. Let us come together in a partisan way and move forward at least this piece of legislation that will make a difference in not only a child's life, a woman's life, an entire family's life, a community's life, but in this Nation's success.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understand several of my colleagues have come to the floor to speak in favor of this piece of legislation Senator LINCOLN is championing so well and appropriately. I rise to take a moment to add my words of support for this very important measure.

I understand the Senator from Missouri will be following me, if possible.

Last year in Louisiana, there were about 67,000 children born. If you think about a medium-sized town, that is like a medium-sized town born every year.

The ACTING PRESIDENT pro tempore. The time of the majority has expired.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 2 minutes.

Mr. REID. Mr. President, that is fine, as long as the minority gets an extra 2 minutes.

Mr. BOND. Reserving the right to object, I did not hear that.

Mr. REID. I said as long as the minority gets an extra 2 minutes.

Mr. BOND. I appreciate that.

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

Ms. LANDRIEU. Mr. President, 67,000 babies were born in Louisiana last year. It would be most certainly in the interest not only of those particular children and those particular families but the community that reaches out, in the broader sense, to the people of our Nation to make sure those new babies, and their moms who are delivering them, are coming into the world in the healthiest way possible. Not only does that help us across the board in health issues, it helps us because then we are better able to educate those children because they have been born in a healthy manner, we are more able to reach out and prevent all sorts of illnesses and diseases and mental health problems, and save the taxpayers of this country billions of dollars.

So the Senator from Arkansas is so right. The rule proposed in the House falls short. Let us pass this bill that encompasses the health of children and their mothers and give them the prenatal care they need to get these children born healthy for their own benefit and for the benefit of the taxpayers in our Nation.

I thank the Senator from Missouri for his strong leadership on this issue as well.

I yield the floor.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank my colleagues for giving me the opportunity to rise today in support of the unanimous consent request to consider and pass S. 724, the Mothers and Newborns Health Insurance Act of 2001. I believe the bill is essential to the health care of children and pregnant women in America. Thus, I am proud to be an original sponsor of the legislation with Senator BREAUX and Senator COLLINS.

The goal of the legislation is quite simple: To make sure more pregnant women and more children are covered by health insurance so they have access to the health care services they need to be healthy.

This legislation would simply give the States the option and flexibility to cover low-income pregnant women in the State Children's Health Insurance program, which we call SCHIP, for the full range of necessary prenatal, delivery, and postpartum care.

Let me reiterate, this is a choice for the States, should they choose to exercise it. No State, under this bill, is required, or forced, to expand coverage to additional pregnant women. This bill merely provides States the option.

This bill will complement the administration's final rule that allows States to expand SCHIP coverage to an "unborn child" by covering additional vital health care services for the pregnant mother that the rule, unfortunately, does not cover.

The rule attempts to treat the unborn child without treating the mother. This approach is in direct conflict with the clinical guidelines set forth by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics, which state a pregnant woman and the "unborn child" must be treated together. It certainly makes common sense to a layperson, but there is a professional opinion that the two cannot be treated separately.

It is simply counterintuitive to deny coverage for disease management, medical emergencies, accidents, broken bones, mental illness, or surgeries for the mother during pregnancy. Failure to treat the mother in such circumstances will have a direct and profound effect on the health and development of her unborn child.

In addition, under the rule, during delivery, coverage for epidurals is a

State option and is justified only if the health of the child is affected. On the other hand, anaesthesia is covered for Caesarean sections. The rule would wrongly push women and providers toward performing more C-sections to ensure coverage for epidurals—a choice which is more expensive and, in most cases, a much harder road to recovery for the mother.

Finally, after delivery, women would be denied all health coverage from the moment the child is born. Important care and treatment, including the treatment of hemorrhage, infection, episiotomy repair, C-section repair, and the treatment of complications after delivery would not be covered.

This bill will work hand in hand with the administration's rule by giving States the flexibility and option to treat the mother and child together and provide the full range of necessary prenatal, delivery, and postpartum care—care which is essential to the health and well-being of both the mother and the baby.

No health care program that ignores this fact can fully address the issue of children's health care. This bill will eliminate the illogical disconnect between pregnant women and babies.

This bill has strong bipartisan support in both the Senate and the House, as well as the endorsement of the National Governors Association and 25 other national organizations, including the March of Dimes, American Academy of Pediatrics, American Public Health Association, National Association of Children's Hospitals, American College of Obstetricians and Gynecologists, and the Catholic Health Association.

In addition, Secretary Thompson, in the past, has voiced his strong support for this legislation.

In fact, in a January 31, 2002, press release on the administration's rule, Secretary Thompson congratulated Senators for "bipartisan leadership in supporting S. 724, a bill that would allow States to provide prenatal coverage for low-income women through the SCHIP program." He went on to say, "We support this legislative effort in Congress."

All women need prenatal care. Young or old, first baby or fifth, all mothers-to-be benefit from regular care during pregnancy.

Studies have shown that an uninsured pregnant woman is much less likely to get critical prenatal care that reduces the risk of health problems for both the woman and the child. Babies whose mothers receive no prenatal care or late prenatal care are at-risk for many health problems, including birth defects, premature births, and low birth-weight.

We know prenatal care improves birth outcomes and can save money. According to the National Center for Health Statistics, infants born to mothers who receive no prenatal care or late prenatal care are nearly twice as likely to be low birth weight.

Moreover, low birth weight and preterm births are one of the most expensive reasons for a hospital stay in the United States with hospital charges averaging \$50,000—an especially serious financial issue for families without health insurance.

A report by the IOM entitled *Health is a Family Matter* notes, "Infants of uninsured women are more likely to die than are those of insured women. In one region of West Virginia, the fetal death rate dropped from 35.4 to 7.0 per 1,000 live births after introduction of a prenatal care program for the uninsured."

In addition to ensuring better health outcomes, research and state experience suggests that covering pregnant women is a highly successful outreach mechanism for enrolling children.

I thank Senator BINGAMAN for his leadership in the Finance Committee on this issue. With his help, this bill passed the Finance Committee in the beginning of August by unanimous consent.

Madam President, studies have shown time and time again that babies born to mothers receiving late or no prenatal care are more likely to face complications—which results in hospitalization, expensive medical treatments and ultimately increased costs to public programs. We must close the gap in coverage between pregnant mothers and their children to improve the health of both and to address more fully the issue of children's healthcare.

This is crucial legislation, and urge my colleagues to join me in support of it so that we can pass this bill.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today to voice my support for immediate passage of the Mothers and Newborns Health Insurance Act of 2001, as reported by the Senate Finance Committee in July.

This important legislation would simply give States the option to provide health insurance coverage to pregnant women under the State Children's Health Insurance Program. Such coverage would include the full range of care, both during pregnancy and postpartum.

This means that a pregnant woman would have access to epidurals during the birthing process and any health-related services necessary postpartum. It also means that a pregnant woman who has other health conditions, such as diabetes or high blood pressure, would be able to receive treatment for such disorders. Even life saving surgery for a pregnant woman appears to be not covered under the propose rule.

Keeping the mother healthy is not only in her best interest, but clearly in the best interest of the child. Providing a mother with access to health care services could help ensure that her child will have the opportunity to be raised by a healthy mother who will hopefully live a long life.

Additionally, providing the mother with access to health care services during pregnancy could also help eliminate complications during childbirth

and postpartum. This could potentially cut down on health care costs.

Passage of this legislation is particularly important since last week the administration issued a final proposed rule that would give States the option to provide health insurance through SCHIP to a fetus. No mention is made of providing the same coverage to the woman carrying the fetus. Women are completely left out of the equation. It simply makes no sense to issue a regulation that provides for health insurance for a fetus but not the woman preparing to give birth. In my mind, it makes more sense to simply expand access to prenatal and postpartum care.

In a country as prosperous as the United States, it is disturbing that we still rank 26th in the world in maternal mortality. This could all be avoided if we only did a better job of ensuring that all pregnant women, regardless of their income or status, had access to the full-range of health care services throughout the continuum of their pregnancy.

Currently under SCHIP, only women under the age of 19 are covered for pregnancy-related services. However, what happens to a woman who turns 20 halfway through her pregnancy? A 20-year old woman would not be able to access the same services under current law but would certainly need access to prenatal and postpartum care to ensure a safe pregnancy and maximize the chances of giving birth to a healthy child. This legislation would eliminate this discrepancy.

States can currently apply for a waiver to provide coverage to pregnant women. Many States have applied for such a waiver. The waiver process is often burdensome and timely. Why not just give all States the option to provide such coverage?

HHS Secretary Thompson himself said on March 6, 2002, before the House Labor-HHS Appropriations Subcommittee: "And so, if you can pass the bill, we don't need the rule. Let's pass the legislation."

I echo Secretary Thompson's sentiment. In the remaining days of Congress, let's pass this commonsense legislation. It is a good investment. It will help protect our Nation's pregnant women by providing them with access to vital health care services, and will help ensure that our Nation's children are born to healthy mothers who have been given the foundation necessary to lead a long and healthy life.

CONCLUSION OF MORNING BUSINESS

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

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will re-

sume consideration of S.J. Res. 45, which the clerk will report.

The assistant legislative clerk read as follows:

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

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. 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. LIEBERMAN. 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. LIEBERMAN. I thank the Chair.

Madam President, in a short while, on behalf of a number of colleagues, particularly Senators WARNER, BAYH, MCCAIN, and myself—and I am happy to note the occupant of the Chair, the junior Senator from Louisiana is also a cosponsor with us—we are going to be offering a substitute to the pending business to authorize the use of United States Armed Forces against Iraq.

This is, obviously, a momentous decision. The debate has begun in this Chamber over the last few days. I have watched a lot of it with great interest. It has been carried on with the tone of seriousness and purpose the matter requires. This debate will continue in earnest over the next few days as we, each in our own way, facing our own conscience, considering our values, our sense of history, our understanding of the threat posed by Iraq under Saddam Hussein, will reach a conclusion.

Senators WARNER, BAYH, MCCAIN, and I have reached a conclusion in submitting the resolution. I say for the record this resolution is the result of an open and spirited process of discussion and negotiation between the President of the United States and Members of both parties in both Houses.

The result is a resolution that, in its preamble, states the case against Saddam, the case of the ambitions this brutal dictator has to gain hegemonic control over the Arab world and the oil there; the extraordinary acts of brutality he has committed himself and directed others to commit against his own Iraqi people; his invasions of his neighbors, Iran and Kuwait, which is evidence, prior to the gulf war, of the long-held belief that he has had which is fundamental to the Baath party, which he heads, of rising to dominate the region as a modern-day Saladin and all that it contains.

The resolution records the allied efforts in the gulf war which were triumphant, and the resolutions of the United Nations that followed thereafter as part of the promises Saddam Hussein made to end the gulf war, the most significant of which was to disarm and to allow United Nations inspectors in to guarantee the world that disarmament would occur.

I talked to someone who was in our Government at that time, and they said the presumption was disarmament would occur rapidly and that inspectors might be necessary just to make sure there was not, over time, an attempt to rearm. Of course, it is 11 years after the gulf war ended, and disarmament has never occurred. The United Nations resolutions have been violated repeatedly, and ultimately the inspectors were thrown out in 1998. All of this, and more, is recorded in the preamble section of the resolution we will offer.

Also recorded is the effort the Bush administration is making now to finally convince the United Nations to act, to prove its resolutions are worth more than the paper on which they are printed; that the United Nations Security Council will act to enforce its resolutions, to protect the world from the unique threat represented by Saddam Hussein, an ideology which calls on him to spread out and dominate his region, weapons of mass destruction he has used not once but repeatedly against the Kurdish people who are Iraqi citizens, and against the Iranians in war and his support of terrorism.

There are only seven nations in the world our own State Department lists as state sponsors of terrorism.

Iraq is one of those, and it has supported terrorist groups that have killed Americans. This is a unique circumstance. At different times I know our colleagues have asked: What about the other countries that are on the list of state sponsors of terrorism? What about other nations that have weapons of mass destruction? What about other nations that have aggressive ambitions? Well, there are such nations, but there is no one other nation that brings as much poison and evil intent together and, in that sense, so threatens the United States of America as Iraq.

This resolution, which again is the process of bipartisan and bicameral negotiation with the White House, is explicit. It has taken some clauses out of the original White House proposal and has added some others, but in its most operative sections it says this Congress of the United States authorizes the President to use the Armed Forces of the United States to defend the national security of the United States against the continuing threat posed by Iraq and enforce all relevant United Nations Security Council resolutions regarding Iraq.

There are those who ask: Why now? What is the urgency? My own response, as the President of the United States declared most recently, last night, is: Why not earlier? Why not over the course of the last decade, when Saddam Hussein, to our knowledge, continued to build up his weapons of mass destruction and the most dangerous and threatening means to deliver them on targets near and far, constantly ignoring and violating resolutions of the United Nations, growing more ominous a threat to his neighbors and to the world?

My answer, again, to, why now? is, why not earlier?

Others have said: There has been no provocation. Why are we not waiting for an attack to occur? Well, why, after the devastation of September 11, 2001, would we want to wait until an attack occurs by someone who is clearly arming and threatening us?

This is not, in the classic sense, an act of preemption to authorize the President to take military action against Iraq as a last resort if all else fails. In fact, the United States of America—and the United Nations, for that matter—have been in a continuing military conflict with Iraq since the gulf war began.

We have 7,500 American military personnel dispatched to the region, working alongside their British colleagues to enforce the no-fly zones, costing American taxpayers more than \$1 billion a year. This is not safe duty. This is not casual duty. These American Air Force personnel are being fired on repeatedly. More than 400 times this year alone, American and British aircraft have been fired on by Iraqi forces. So this is not an act of preemption. This is an act of response and prevention.

Others have said on this floor that the authorization we are giving the President of the United States is an abrogation of our constitutional responsibilities and is much too broad. I respectfully disagree. It seems to me the Constitution and the Framers have set up attention, attention that they must have understood, to give us, the Members of Congress, the authority to declare war, to essentially authorize war, but they gave one person, the President of the United States, the power to be Commander in Chief to carry out war. Five hundred and thirty-five Members of Congress cannot conduct a war. It is our responsibility to determine when and under what circumstances we will authorize the Commander in Chief to do that, but only the President, as Commander in Chief, can do that.

This resolution we will submit in a few moments strikes exactly the right balance. It gives the President a clear and a strong mandate, but it limits it. It limits it to a defense of the national security of the United States against the continuing threat posed by Iraq, and it authorizes the President to use military force, if necessary, to enforce all relevant United Nations Security Council resolutions regarding Iraq.

For those of us who are sponsoring this resolution, it is based on our conclusion that Iraq is a threat to the security of the American people, a clear and present danger that, if we do not stop Saddam now, we will look back on some terrible day, with a profound sense of remorse and guilt, and say why didn't we do it?

Based on those conclusions, all the evidence I have recited, and so much more that has been recited on this floor and will again be recited, this resolution says: Mr. President, we have

decided Iraq is a danger to the United States, we have decided that United Nations Security Council resolutions can no longer be ignored, and we give you the authority, as Commander in Chief, to take it from there.

In closing, with that authority we are giving the President come accountability and responsibility. There are some who have said this is a blank check. Of course if somebody forges a check, they are held accountable, but it is not as if this is a blank check, without accountability, on a bank account that has no limit.

With this resolution—if and when, as I hope, it passes overwhelmingly—we not only give the President the authority to act within the parameters of the resolution, we give him a tremendous and awesome responsibility. It is not a blank check. It is the most serious responsibility the Congress can give the President. As the President himself has made clear over the last several weeks on several occasions, he understands the weight of that responsibility. But he and we, the sponsors of this resolution, understand if we do not authorize him to take this action, the American people may suffer a far worse fate.

It is our intention to lay this resolution down soon. I look forward to the debate. My colleagues and I intend to be in the Chamber to answer questions of our colleagues about these issues.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. LIEBERMAN. I am happy to yield for a question.

Mr. MCCAIN. I appreciate the remarks of my friend, their tone, and particularly the content that really lays out the parameters of this debate. I ask my friend from Connecticut: Did the Senator have a chance to hear the President's address to the Nation last night?

Mr. LIEBERMAN. I did.

Mr. MCCAIN. Was it clear to the Senator that the President showed the American people that every option is being explored before a military option is exercised? I ask this question because I hear time and again from many Americans, who either are opposed to any military intervention or have not made up their minds, that they seem not to have confidence that the President is exercising every option. He is coming to Congress to get approval from both Houses of Congress. We have had significant debate, and we will have significant debate.

We are working at the Security Council level. We are making it absolutely clear that tomorrow Saddam Hussein, if he did away with his weapons of mass destruction, destroyed the laboratory and allowed complete and comprehensive inspections, would probably remove the threat he now faces. It is Saddam Hussein who has continued for the last 11 years.

My question to the Senator is, Do you think the President's speech last night went some distance in convincing the American people that neither the

President nor the Senator from Connecticut, nor I, nor the Senator from Virginia, nor the Senator from Indiana, choose the military option? We are sending young Americans into harm's way. As successful as this operation may be, we will still lose some brave young Americans' lives. That is the reality. That is why we avoid it at all costs.

As we conduct this debate, we need to talk about the fact that this is not the preferred option for the President of the United States or any Member of this body. This is the last option. We can make the case that it is obvious that Saddam Hussein continues this buildup of weapons of mass destruction, including nuclear weapons. But we are not the ones who are forcing this issue. The President of the United States in this resolution is not forcing the issue. It is Saddam Hussein who is forcing this issue.

We will, as we go through this debate and the conversations at the United Nations Security Council, make sure we have exhausted every possible option. This is a critical factor in getting the American people behind this resolution and behind the President of the United States and behind the men and women in the military.

Mr. LIEBERMAN. I thank the Senator from Arizona for his question. Of course, I agree with the Senator that the President of the United States has made it quite clear that he is asking us for this authority to dispatch our responsibility under the Constitution to give him the power to make war if necessary, but he hopes—and clearly, we hope—that will not be necessary.

I hope this is one of those cases where, as someone once said, the best way to achieve peace is to prepare for war. The best way to achieve compliance by Saddam Hussein with the promises he made at the end of the gulf war is to show that finally we are prepared to go to war once again to enforce those promises he made.

This Nation has been remarkably patient. The fact is, over the last decade or more we and the United Nations have tried just about every other conceivable way, short of war, to get the Iraqis under Saddam Hussein to keep the promises they made and to disarm. We have tried sanctions which have been so difficult because of the way Saddam Hussein has carried them out on the Iraqi people. We have tried inspections. We have tried the Oil for Food Program. We have tried limited military action. None of it has worked to convince this brutal dictator to observe the rule of law and to keep the policies he made.

In one sense, we might say this is the moment of truth for him, the challenge the President has given Saddam Hussein, and that this bipartisan resolution, which I hope and believe will achieve an overwhelming vote of bipartisan support by our colleagues, this resolution finally says to Saddam Hussein: Disarm. We do not want to go to

war against you. Disarm or face war. The danger you represent is so great. We can only hope and pray that message will be heard in Baghdad.

I thank my colleague for the question. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I reiterate what our distinguished colleague from Connecticut has said, what my longtime friend of over 30 years, Senator MCCAIN, just said.

This is the last option. What we are doing in the Senate today, tomorrow, and when that vote comes is to vote our conscience, 100 individuals, to do our very best to deter the use of force but to make it clear that our Constitution has given this President and every President who has preceded him, and every President who will come after, the authority to utilize all the assets of our Nation, principally the men and women of the Armed Forces, to secure our interests and protect our people.

I have been privileged to be a Member of this body nearly a quarter of a century now, and if the good Lord returns me in January, it will mark the 25th year. I cannot recall any moment when I have stood on the floor with a greater sense of humility and pride to be associated with three more courageous individuals than Senator LIEBERMAN, Senator MCCAIN, and Senator BAYH, as we, the four horsemen, work to direct and guide a resolution which the four of us put together with the assistance of the President, through his surrogates, and the leadership of the Senate on both sides of the aisle. It is our best effort to provide leadership to this body which we do so, the four of us, with a great sense of humility.

There is not a day in the life of those who serve in the Senate when politics is not raised. It has been raised with regard to this issue. When Senator MCCAIN and I approached Senator LIEBERMAN in the past few weeks about his interest, Senator LIEBERMAN stood up and said, I want to be counted from the very first.

I remember so well in 1990 and 1991 when I was privileged to work with Senator Dole, Senator MCCAIN, and many others, Senator Dole said: Let us find a partner for the 1991 resolution. This great Senator from Connecticut had just joined the Armed Services Committee. He was, if I may say, a freshman Senator. I said to our leadership on this side: I think there is our man. And the Senator proved to be just that man.

The resolution that the Senator and I and others drew up in 1991 provided the basis for one of the great debates in contemporary times in the Senate, 3 days and 3 nights, culminating in a historic bipartisan vote. By a mere margin of only five votes did the Senate pass and adopt that resolution which gave the President the support of the Senate to follow through with his constitutional responsibilities. That was George Bush, we call him "old 41,"

President at that time, the father of our President today.

I say to you, Senator, as the history of this institution is written, you will properly take your place in history. You showed courage then, courage now, and not politics.

Last night, we listened carefully to our President as he addressed the Nation to provide the leadership necessary with regard to this very serious issue of Saddam Hussein and eliminating his weapons of mass destruction. Speaking just for myself, but I think it is shared by other Senators, this President has shown remarkable courage. We would not be here today in this debate, we would not be watching the debate in the United Nations on a possible 17th resolution, we would not be seeing our country focusing on this issue, had it not been for George Bush, our President, having the foresight to see the essential need for the United States to lead at this time. Not tomorrow, not the next day, not the next month, not the next year, but now in the effort of the free world to rid Saddam Hussein of the weapons of mass destruction.

We owe a debt of gratitude to that President, who, in clear, forthright, and often soft tones of voice, last night addressed the Nation with the need for action now.

I thank our President. It is important, in my judgment, and, I think, that of the three of my cosponsors, that the Congress and the President speak with one voice on behalf of this Nation—one voice. It is my fervent hope this body will adopt this resolution, the House of Representatives will adopt the identical language which is before the House at this moment, and there be no air, no daylight, no distance perceived by anyone between the Congress and the President—arm in arm, leading the world towards a solution to this problem.

The President, time and time again, made tireless efforts, engaging heads of state and governments throughout the world to join. Now is the time.

We will be visited today by the Secretary of State, who has courageously worked on behalf of the President, with the nations at the United Nations, in framing a resolution which leaves no doubt in the mind of anyone that this Nation and other nations are together for an inspection regime. It will not be like the previous regimes but will have clear directions clearly showing Saddam Hussein now is the time for co-operation, not for thwarting the efforts of the team. Should this resolution be adopted and should they go in, and that is yet to be determined, clearly, the enforceability of their task is with the commitment of the member nations of the union.

More will be said following the four of us as we speak about that resolution. Right now it is being debated largely behind closed doors. But we know enough that our President and our Secretary of State have made it

eminently clear past efforts have failed, and if we are to undertake a 17th resolution, it must leave no doubt as to the outcome in terms of enforceability of carrying out that inspection.

The question is raised: Why now? Let's wait and see.

I say with no disrespect to those who raise it, but I say it for my own views, that is sort of: Give Saddam Hussein the benefit of the doubt. I do not find anywhere in the history of that dictator, those facts, that justify—whether it is the Senate, whether it is the House, whether it is the Congress, whether it is the President, whether it is any nation in the world—that this man is entitled to the benefit of the doubt that he will do the right thing now, tomorrow, or in the future. It is now we must act. For those who say take time and wait, then point out what is the cost of waiting; what is the cost of waiting if he were to finish his program. We do not know exactly what is established with this nuclear program.

We know the courage of the Israeli government, I believe it was in 1981, to go in and bomb that plant that was then clearly manufacturing components for nuclear weapons. We have other bits of information from the inspections that took place following the 1991 conflict that he clearly was endeavoring to build a nuclear weapon. More evidence is coming in he is continuing to acquire the raw material, the parts, and the other pieces that are essential to build a nuclear weapon. So there is no doubt he is propelling his nation forward to acquire it. What would be the status of the states in the Middle East, indeed our own Nation, or other parts of the world, if this man, given his past and his proclivity to use poison gas against his own people, to behead those in his own nation who have the courage to disagree with him—what is the cost of waiting?

I say most respectfully to those who want to wait and see and give him the benefit of the doubt, do explain what is the cost if we wait until he acquires not only a nuclear capability but further builds upon the stockpile of weapons of mass destruction in terms of biological and chemical weapons.

This is what the President said last night, very clearly. I would like to read it:

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

Congress will also be sending a message to the dictator in Iraq that his only . . . choice is full compliance, and the time remaining for that choice is limited.

I think that is the persuasive case of why not and not wait for the future.

The President went on to say:

Some have argued we should wait, and that's an option.

He acknowledged that is an option.

In my view, it's the riskiest of all options, because the longer we wait, the stronger and bolder Saddam Hussein will become. . . .

As Americans, we want peace. We work and sacrifice for peace. But there can be no peace if our security depends on the will and whims of a ruthless and aggressive dictator. I'm not willing to stake one American life on trusting Saddam Hussein.

The American people understand that. They understand that, and I think they will receive with gratitude the action of this body, as we will pass this resolution most assuredly in the days to come.

Last, I will talk about one aspect of the weapons of mass destruction program in response to those who say, What's new? The four of us follow intelligence very carefully because of our respective assignments. But I did not realize until it is now in open literature Saddam Hussein had progressed in his biological infrastructure to the point where he now has his plants on truck beds: One, two, three, four trucks—just like the ones you see every day on the highways of the United States—that can be brought together at, I suppose, any number of places to manufacture biological material. It can be containerized in small vials. Obviously it can be transported, given it is manufactured as trucks move about.

As our President said very carefully last night, that can be placed in the hands of terrorists, the international organizations of terror, and transported to the United States through our open borders of freedom. Those small vials can be released upon communities large and small, and wreak havoc and devastation.

We have seen that on 9/11, a year ago, we are no longer protected by these great oceans, by the friendly nations—to the north, Canada, and our friends to the south. We are a vulnerable Nation. Saddam Hussein has the capability either directly or indirectly to strike us.

Mr. LIEBERMAN. Will the Senator yield for a question?

Mr. WARNER. Last sentence, and then I will yield.

As the President said, that strike could come and we cannot trace the fingerprints.

We are still trying to study who brought the anthrax against the U.S. Senate, the post offices—I reiterate, without fingerprints.

I yield to my friend.

Mr. LIEBERMAN. I thank the Senator from Virginia. May I say first how grateful I am for his kind words towards this Senator. I return them in the fullness of sincerity. One of the great honors and pleasures of the last 14 years has been serving with you, but also getting to know you and considering you a friend. There is not a better person or gentleman or anyone more committed as a patriot to our country than the Senator from Virginia. I am honored once again to be working with him in this cause.

I appreciate what he has just said about the programs of weapons of mass

destruction Saddam Hussein has, and particularly these programs of chemical and biological weapons.

I know the Senator has spent some time considering, and I wonder if you might, to the extent you are able to, discuss matters in an open session as to some of the concerns that I know you and I share about the programs that Saddam Hussein's Iraq has now to develop not just ballistic missiles to carry biological and chemical weapons but unmanned aerial vehicles, some of which are quite small and potentially could threaten not only Saddam's neighbors there in the region but potentially could threaten us, the American people, here in the continental United States.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired. Under the order, it was 15 minutes.

Mr. WARNER. Madam President, I ask unanimous consent to extend my remarks for 5 minutes.

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

Mr. WARNER. I say to the Senator, you and I, on the Armed Services Committee—as a matter of fact, several years ago, when I was privileged to be chairman of that committee—initiated a program among all our U.S. services to move more in the direction of unmanned vehicles—aircraft, vehicles on the ground, and in every other way—recognizing the tremendous advantages to that.

The Chairman of the Joint Chiefs of Staff, General Myers, as well as others, recently has said that he is pursuing that program unrelentingly to encapsule in small, sometimes large, unmanned aircraft—just point them in a direction and away they go.

Now, just speaking from my own knowledge, not intelligence, I say to my good friend, there are 1,000 hobby shops in America where anyone—or you can go into catalogs—and you can buy model planes with a 6-foot wing span, and maybe it can carry only a small amount. But sometimes only a small amount of a weapon of mass destruction, if released over a community or otherwise disbursed, depending on the winds, can bring about incredible devastation.

I say to the Senator, you are so right about that particular set of facts. I tell you, America should be on alert. And we should show the support of this Congress behind our President at this time so that we can send that message to the United Nations that this 17th resolution, if in fact it comes into being, has to be the last, the final. Hopefully it will deter any use of force over and above what is necessary to enforce the Resolution No. 17. I will call it.

But again, if Saddam Hussein does not cooperate on No. 17, then it has to be made imminently clear to him that the member nations then have no other recourse but to resort to the use of force, hopefully collectively.

Mr. LIEBERMAN. I thank the Senator. Our colleague from Indiana is

waiting to speak, but I want to just very briefly say to you again what you know—and I hope to put some testimony into the RECORD—about the devastating biological weapons that Saddam possesses, some for which we do not have an effective cure or have an effective response.

I hesitate to even say this, but I think to show the seriousness of what we are about, I know there has been a lot of discussion: Does Saddam have nuclear weapons? How soon will he have them? Will it be 10 years or 1 year or 5 years?

But does the Senator agree with me that the biological weapons capacity Saddam has now, if delivered by an unmanned aerial vehicle, could do far more damage—I am talking about death to people—than the kind of primitive nuclear weapon he might have in a year at best, 5 years, 10 years?

In other words, the danger is here. It is clear and present, and it is now.

Mr. WARNER. Madam President, the Senator is so correct in his views. We know not what he might be able to build. Frankly, we do not know a great deal about what he has today by way of nuclear capacity. The best knowledge that is in the open is that he does not have a finished weapon, but we do not know whether it is 6 months, 6 years, or what time it may be.

But that might be a single weapon or maybe two, whereas the biological, in small containers, can be multiplied 100 times over in 100 different locations. Therefore, the tragic death and injury to Americans or others—as a matter of fact, we keep focusing on this Nation. There are other nations that stand at peril to this dictator.

I must conclude to stay within the allocation of time. I say to my friend, I look forward to our further debates on the floor. But I close by saying this vote which we will cast here has to be a vote of conscience, not influenced in any way by political considerations. And above all in our hearts and minds will be the men and women of the Armed Forces who will undoubtedly bear the burden if it is necessary to use force. May God bless them.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 4856

Mr. LIEBERMAN. Madam President, if I may seek the indulgence of my colleague from Indiana for just a moment, I am now prepared to send, on his behalf, on behalf of Senator WARNER and Senator MCCAIN, the occupant of the Chair, Senator LANDRIEU, and others, a resolution, an amendment in the nature of a substitute for S.J. Res. 45, which I ask the clerk to call up at this time, and ask that the clerk, for the RECORD, read the names of the initial cosponsors of the resolution.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [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, and Mr. LOTT, proposes an amendment numbered 4856.

Mr. LIEBERMAN. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for the Use of Military Force Against Iraq".

SEC. 2. 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. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) 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 nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supercedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on

matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105-338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93-148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102-1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102-1.

Mr. LIEBERMAN. I thank the Chair and yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Indiana.

Mr. BAYH. Thank you, Madam President. It is good to be with you today. I am reassured by your presence. And I am grateful for the support of the Senator from Louisiana for our resolution.

It is an honor and privilege for me to join today with my distinguished colleagues, Senator WARNER, Senator MCCAIN, and my good friend, Senator LIEBERMAN, in support of this resolution granting the President of the United States the authority to defend our country.

Madam President, I support this resolution not because I favor a resort to war but because I believe this resolution gives our country the best chance to maintain peace.

I support this resolution not because I favor America acting unilaterally, unless we must, but because I believe this resolution gives us the best opportunity to rally our allies and convince the United Nations to act with us, and in so doing give that international institution meaning for the resolutions that it adopts.

I favor this resolution because in a world where we have rogue regimes possessing weapons of mass death, and suicidal terrorists who are all too eager to use them against us, weapons of that nature in the hands of a regime such as Saddam Hussein's represents an unacceptable risk to the safety and well-being of the American people.

As much as I wish we could ignore this threat, it is my heartfelt conviction that in all conscience we cannot.

Finally, along with my colleagues, I support this resolution because I be-

lieve we must learn the terrible lessons from the tragedy of September 11, foremost among which is that we waited too long to address the gathering danger in Afghanistan. If we had acted sooner, perhaps—just perhaps—we could have saved 3,000 innocent lives: men, women, and children. We waited too long to act. Let us not make that mistake again.

Unfortunately, in dealing with Saddam Hussein and the regime of Iraq, we are dealing with a brutal dictator who understands one thing, and one thing only: either the threat of force or the use of force.

We have tried everything else. We have tried economic sanctions for years, to no avail. We have tried diplomacy for over a decade. It has availed us nothing. We do not have the covert means presently to deal with this tyrant. And so as my colleagues have indicated, there is nothing left to us to defend ourselves except an ultimatum to Saddam: Disarm or else.

For those who believe we can remove the weapons of mass destruction from this regime without the credible threat of the use of force, I regrettably must say they are engaged in wishful thinking. It is my heartfelt conviction that the best and only chance we have for a peaceful resolution to this problem, for him to give up these instruments of mass death, is to present him with a credible ultimatum that the survival of his regime depends upon doing so, that any other course of action will lead to his overthrow, and that alone will preserve the peace, the safety, and the security of our country.

I believe this course presents us with the best opportunity to rally our allies and convince the United Nations to act with us. We should make every effort—as Senator MCCAIN indicated in his colloquy with Senator LIEBERMAN and as the President indicated last night—to convince the United Nations and our allies of the justice of our cause. We are stronger when we act together, so we must seek a consensus for this course of action.

Unfortunately, the United Nations has a long history of equivocation when it comes to taking difficult steps to enforce even its own resolutions. Our allies, as much as we cherish their support, also have a mixed record in this regard. Need I remind the Senate that for too long we waited while genocide was perpetrated on the very doorstep of Europe in Bosnia and Kosovo? It was only when the United States of America demonstrated a willingness to take action to bring that lamentable chapter to a conclusion that the United Nations and our allies demonstrated the will to act with us.

It is only through strong leadership, leadership by the United States, that we will preserve the peace, rally our allies, and convince the United Nations to enforce its own resolutions. If these efforts avail us not, it is my heartfelt conviction that weapons of mass death in the hands of a brutal dictator such

as Saddam Hussein, combined with the presence of suicidal terrorist organizations that would all too eagerly use these instruments of mass destruction against us, represent an unacceptable risk for the safety and well-being of the American people.

I hope Saddam will do the right thing. I pray that he will do the right thing and give up these weapons of mass destruction. Regrettably, based upon the track record of his past behavior, I believe he probably will not.

Weapons of mass destruction represent an indispensable part of his power. Saddam Hussein is a megalomaniac who has attempted to project that power around the region. As we all know, he invaded Kuwait. He has invaded Iran. He has launched missiles at Saudi Arabia and Israel. He has killed hundreds of thousands, including tens of thousands of his fellow citizens.

I ask my colleagues to anticipate a world in which we do not act. What will Saddam do? Can there be much doubt that he will attempt to develop the ability to deter our future action by threatening us with the use of weapons of mass destruction? I believe there is not. If he cannot develop this deterrent on his own, I believe there is little doubt he will reach out to al-Qaida or Hezbollah or other international institutions of terrorism to develop a deterrent to threaten us, with unacceptable consequences, if in the future we decide to restrain his aggressive actions.

If there is only a 10-percent chance or a 15-percent chance that weapons of mass death will find their way from Iraq into the hands of suicidal terrorists, I believe this is a risk to the American people that we cannot afford to run.

The world changed forever on September 11. The principal lesson of that tragedy is that America waited too long to address the gathering danger in Afghanistan. We must not make that mistake again.

To those who say, what is the rush? why can't we wait? I respond by asking the question: How long must we wait? Until the missiles have been launched? Until smallpox, anthrax, or VX nerve agent has found its way into our country? Is that how long we should wait?

The consequences of error in this instance are much too great. The deaths next time might not be numbered in the threes of thousands but 30,000 or 300,000.

To respond to the question of my friend from Connecticut, in all likelihood Saddam Hussein possesses smallpox. We are not sure whether he has weaponized it yet. There is a 50/50 proposition. But if he has and if that would find its way into our country, which would not be too difficult to accomplish, the consequences would be catastrophic.

We conducted a simulated exercise of a smallpox attack—I believe it was called Dark Winter—simulating a smallpox outbreak put into a ventilation system in a mall in Oklahoma

City. The consequences were catastrophic: Tens of thousands of deaths, hundreds of thousands of illnesses; civil law broke down. These are the kinds of consequences that would be all too real were we to stay our hand.

I remind my colleagues that in a world of imperfect intelligence—and there will always be imperfect intelligence—if we wait, we run the very real risk of having waited too long. We have seen the kind of tragedy to which that can lead.

I ask all of us to consider, if this debate had been conducted 2 years ago and my colleagues and I had laid a resolution upon this desk that said, there is danger brewing in Afghanistan, it threatens the United States of America, we need to take it seriously, and we must act before it is too late, all of the arguments that are being made against the current resolution would also have been made at that time. As we now know, the arguments have all been mistaken. They are mistaken today as well.

To those who say the threat is not imminent, after 9/11, how long can we afford to wait? To those who say regime change is not an appropriate reason for acting, I say weapons of mass destruction and the regime of Saddam Hussein are one and indivisible. To remove weapons of mass destruction, we must remove that regime. To think anything else is to delude ourselves.

For those who believe the United Nations' approval is necessary for our action, I say it is preferential but we cannot afford to give that great body veto power on America's right to defend itself. To those who say we need allied support, I agree. But this is an argument of the chicken and the egg. It is only with American leadership and taking a strong hand in this instance that we will receive the kind of united allied support we seek.

To those who ask the question, What will we do after our victory? I say that is a good question, but can the regime in Iraq be worse? I think not. We could begin to rebuild that country in a way that would provide a positive example to the people of that region about the principles and the ideals upon which America stands.

Our eventual victory in the war against terror will be won as much by the values and the principles we embrace and advocate as by the force of our arms. This gives us an opportunity to put those principles and values into action.

To those who say we must exhaust all of our alternatives before acting, I simply say that we already have. In conclusion, let me summarize by saying this: I and my colleagues support this resolution not because we desire war but because it is our heartfelt conviction that this is the best and only path to preserve the peace. My colleagues and I support this resolution not because we favor the U.S. acting alone, but because we know that, by taking a strong stand, it gives us the

best opportunity to garner U.N. support and to rally our allies to our side.

We support this resolution because we believe that the lesson learned, very painfully and so tragically by our country on September 11 of last year, is that we wait in an era of mass terror at our peril. We were mistaken then; let us not be mistaken again. Let us act to protect our country and, in so doing, discharge our constitutional duty. It is my privilege and honor to do so in such esteemed company.

I yield the floor.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. BAYH. Yes.

Mr. MCCAIN. The Senator from Indiana indicated to me when we had discussions about this resolution, introduced by Senator LIEBERMAN, Senator WARNER, the Senator, and myself, about the fact that in his home State there is great concern about going to war. In fact, he mentioned to me that was the majority of calls and communications he had with the people of Indiana, which he was privileged to serve as Governor as well as a Senator. In other words, the Senator has a fairly good finger on the pulse of the people he represents. That skepticism was based on what concerns and what led the Senator from Indiana to conclude that it was important for him not only to support this resolution but play a role as a major sponsor of this legislation. I think it is important for the people of this Nation and our colleagues to understand that, since his State is part of the heartland of America, as is Arizona. Many people feel otherwise.

I am very interested in hearing what the Senator from Indiana has viewed as the factors leading him to play such a visible, as well as important, role in this resolution.

Mr. BAYH. I thank my colleague. Our State is known as the crossroads of America. With my colleagues' States, I believe we represent the common sense and wisdom of the American people.

On my visits home, and in communications from constituents, there has been an expression of concern about our present set of circumstances. I must say to my friend that it is a concern that I share.

I did not come easily to the conclusion that we have collectively reached. There is reluctance in my heart, as I know there is in the other Senators', to contemplate the use of force. But I reached the conclusion that we were simply left with no other credible alternative to protect the safety and well-being of the American people.

As you indicated in your colloquy with Senator LIEBERMAN, and as I indicated in my own remarks, and the President spoke to last evening, I hope beyond anything else that this does not come to war; that the use of force will not be necessary. But I also believe that the best chance to achieve that outcome is the credible threat of the use of force. Saddam Hussein responds

to nothing else. If he does not disarm voluntarily—as I hope he will, and we all pray he will—I have also concluded that his possession of weapons of mass death, and the real likelihood that he will develop the capability for using them against us to deter us from restraining him at some future point, or the risk of those weapons—nuclear, biological, chemical weapons—falling into the hands of suicidal terrorists represent too great a risk to our country.

As I tried to outline in my remarks, I believe the principal lesson—and I asked this question to the head of the CIA: What is the principal lesson we learned from 9/11?

He responded directly and said the principal lesson was that we waited too long to address the gathering threat in Afghanistan.

So I am convinced we should act sooner rather than later to defend our country because we have seen the terrible consequences that can result. For all those reasons, I have reached the conclusion that this resolution is necessary.

Mr. MCCAIN. Will the Senator yield for one further question?

Mr. BAYH. Yes.

Mr. MCCAIN. I have one additional question for the Senator from Indiana. He mentioned, as the Senator from Connecticut has and as the Senator from Virginia has, there is great concern about this issue amongst our constituents. Yet I have found in communications with the people of my State, both directly and from being on talk shows and in speeches and things such as that, that the reassurance given to them that we are taking every possible action by going to the Congress of the United States and having this debate on the resolution of approval, which represents the people of this country in both bodies, by going to the Security Council and getting a very important resolution through the Security Council—which has not been achieved yet, but I think is part of the very important part of the process we are going through—I find that people are far more comforted and feel much more supportive in a realization that this is the last option and not the first option.

Perhaps some months ago the impression was created that this was the first option the President wanted to pursue when, clearly, I think he has displayed, by what he is doing and by how he spoke last night, that that is not the case. Has the Senator had that feeling?

The PRESIDING OFFICER. The Senator from Indiana has used 15 minutes.

Mr. MCCAIN. I ask unanimous consent that the Senator from Indiana may respond to the question.

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

Mr. BAYH. Madam President, I would say three things to my colleague. First, I believe he is correct. I think there was an initial impression that our Government had a preference for

unilateral action, perhaps without exhausting every other alternative. I do not believe that to be true. We have begun to correct that. I should compliment my colleague from the State of Indiana, Senator LUGAR, who played an important role in convincing the administration to reach out and pursue other alternatives with the U.N. and our allies.

The Senator from Arizona has raised two very good points. When I go home, people say to me: We understand the danger and we wish it didn't have to come to war.

That is a reluctance that I share. My response would be, looking at the brutal nature of his regime, and Saddam Hussein's history, I believe the best chance to remove the weapons, without coming to war, is to present him with a credible ultimatum. That is what we are doing here.

People also say: Senator, we wish we were not in it alone, and that we had the U.N. with us and more allies with us.

As my colleague knows—and I think we share this belief—my strong conviction is that our best chance to gather that support is through strong American leadership. Only then will the U.N. and our allies rally to our side, when we show our own determination.

So the best chance for a peaceful outcome, the best chance for a united front with our allies and with the imprimatur of the U.N., I believe, is by giving a strong hand to the President to present Saddam Hussein with no alternative; and when I have a chance to relay that to the people of Indiana, they understand.

Nobody wants war, but they understand this is the best avenue to avoid that, while also ensuring the security of our country.

Mr. MCCAIN. Madam President, I thank the Senator from Indiana.

One of the reasons why I return to this particular aspect of this issue is, as the Senator from Virginia knows well, or better than I—and others do, too—we once embarked into a conflict that the American people were not well informed on and, over time, they did not support. I believe this debate is important. I respect and admire the views of those who disagree with this resolution, but we will not enter this conflict without it being fully understood by the American people, as to what is at stake and why we are doing it. That is why I continue to go back to this issue of whether our constituents will be satisfied; that if, as a last resort, we enter into a conflict, it will not be because they have not been informed.

Madam President:

The retention of weapons of mass destruction capabilities is self-evidently the core objective of the [Iraqi] regime, for it has sacrificed all other domestic and foreign policy goals to this singular aim.

So concludes a recent report by the International Institute for Strategic Studies.

I want to repeat that. The International Institute for Strategic Studies said:

The retention of weapons of mass destruction capabilities is self-evidently the core objective of the [Iraqi] regime, for it has sacrificed all other domestic and foreign policy goals to this singular aim.

The question facing all of us in this body is whether Saddam Hussein's aggressive weapons development in defiance of this gulf war cease-fire in the decade of U.N. Security Council resolutions can stand when the cost of inaction against this gathering threat could be intolerably high.

I am proud to join Senators LIEBERMAN, WARNER, and BAYH in laying down our amendment providing the President the necessary authority to defend the national security of the United States against the continuing threat posed by Iraq and enforce all relevant U.N. Security Council resolutions against Saddam Hussein's regime.

I welcome this debate. I am confident it will result in a resounding vote of support for the President as he moves to confront the threat we face in Iraq. I also believe it will be a powerful signal to the world that the American people are united in their determination to meet and to end this menace.

Our diplomacy at the United Nations will benefit from a strong and bipartisan congressional vote in favor of this resolution. Our enemies will understand that we are united in our resolve to confront the danger posed by a dictator whose possession of the worst weapons and systematic defiance of every norm the civilized world holds dear threaten all who value freedom and law.

Congress has already spoken on this matter. On August 14, 1998, President Clinton signed into law Senate Joint Resolution 54 which declared that "the Government of Iraq is 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.

Then, as now, Democrats and Republicans recognized the menace posed by Saddam Hussein's arsenal and his ambitions. Unfortunately, after 4 days of bombing Iraq in Operation Desert Fox in December 1998—4 days of bombing—the United States and the international community effectively walked away from the Iraq problem, freeing Iraq from a weapons inspection regime that, by that time, had become so compromised by Saddam Hussein's intransigence as to be completely ineffective.

Nothing has taken place over the past 4 years, even as a porous sanctions regime and illicit oil revenues have enriched the regime. Over this time, Saddam Hussein's threat to the world has grown without hindrance.

Regrettably, some of the very same permanent members of the Security Council whose vote for a new resolution on Iraq we are now courting actively conspired against rigorous weapons inspections in Iraq during the 1990s, for reasons that had more to do with their narrow commercial interests than with the world's interest in getting rid of the menace posed by Saddam Hussein's weapons of terror.

The threat is not new. Saddam Hussein has been in gross violation of the terms of the cease-fire that ended the Persian Gulf war since that war's end, as a host of United Nations Security Council resolutions passed since 1991 can attest. As *The Economist* has written:

He has treated inspections as a continuation of the Gulf War by other means.

After years of stymied efforts to enforce the inspections regime, the international community effectively sanctioned Saddam's impunity after it became clear he would never allow intrusive inspections, and once it became apparent to many Americans that the only way to end his defiance was to end his regime. The withering under U.N. Security Council auspices of the international inspections regime over the course of a decade, and Iraq's decision not to even consider renewed inspections only under the threat of force today, make clear that unvarnished faith in the ability of the U.N. Security Council or a new corps of inspectors to disarm Saddam's regime is misplaced.

Over the course of this debate, the Senate will consider amendments that would require Security Council authorization before the United States could act to enforce a decade of Security Council resolutions, and that would narrow the focus of American policy to Iraq's disarmament, rather than against the range of Saddam's offenses against his people and his neighbors and the continuing threat his regime itself poses to American national security.

These debates will be important. I believe the President's position will prevail. Congress cannot foresee the course of this conflict and should not unnecessarily constrain the options open to the President to defeat the threat we have identified in Saddam Hussein. Once Congress acts on a resolution, only the President will have to make the choices, with American forces likely deployed in the region to carry out his orders, that will end the threat Saddam Hussein's weapons and his ambitions pose to the world. Congress should give the President the authority he believes he needs to protect American national security against an often irrational dictator who has demonstrated a history of aggression outside his borders and a willingness to

use weapons of mass destruction against all enemies, foreign and domestic.

This is not just another Arab despot, not one of many tyrants who repress their people from within the confines of their countries. As New Yorker writer Jeffrey Goldberg, who recently traveled across northern Iraq, recently wrote in *Slate*:

There are, of course, many repugnant dictators in the world; a dozen or so in the Middle East alone. But Saddam Hussein is a figure of singular repugnance, and singular danger. To review: there is no dictator in power anywhere in the world who has, so far in his career, invaded two neighboring countries; fired ballistic missiles at the civilians of two other neighboring countries; tried to have assassinated an ex-president of the United States; harbored al Qaeda fugitives . . . ; attacked civilians with chemical weapons; attacked the soldiers of an enemy with chemical weapons; conducted biological weapons experiments on human subjects; committed genocide; and . . . [weaponized] aflatoxin, a tool of mass murder and nothing else. I do not know how any thinking person could believe that Saddam Hussein is a run-of-the-mill dictator. No one else comes close . . . to matching his extraordinary and variegated record of malevolence.

In light of Saddam Hussein's record of aggression, prohibited weapons deployment, and consistent rejection of every international obligation imposed on him, I believe the burden of proof in this debate must rest on those who believe inspections could actually achieve the disarmament of Iraq, rather than on those of us who are deeply skeptical that inspections alone could accomplish our common goal. History shows that we will most likely not disarm Iraq without changing the regime in Baghdad—a regime whose continued existence is predicated on possession of weapons of mass destruction. As arms control experts Gary Milhollin and Kelly Motz have noted:

Unless the Iraqi dictator should suddenly and totally reverse course on arms inspection and everything that goes with it, or be forced into early retirement—in other words, unless Saddam Hussein's Iraq ceases to be Saddam Hussein's Iraq—inspections will never work.

Similarly, given the Security Council's failure to enforce its own article 7 resolutions against Iraq, which are backed by the threat of force and have the sanctity of international law, I believe the burden of proof in this debate must rest on those who can defend the Council's record with regard to Iraq and can convince the rest of us that the Council's judgment, rather than that of our Commander in Chief, should be the final authority on a matter that so directly affects American security.

Important participants in this debate support the President's determination to use military force to bring about Iraq's disarmament but would constrain the President's authority to act against Iraq to uphold Security Council resolutions related to repression within Iraq, Iraq's support for terrorism, and other issues. This approach would limit the President's authority

to achieving only Iraq's disarmament and would explicitly oppose a comprehensive challenge to his tyrannical regime. I believe those who hold this view have an obligation to explain why they would constrain the President's authority to use military force in ways he believes would tie his hands and raise unacceptably high the threshold for ordering military action to defend the national security of the United States.

Others will argue that Saddam Hussein can be deterred—that he is a rational actor who understands that acting on his ambitions will threaten his regime. But deterrence has failed utterly in the past. I fail to see how waiting for some unspecified period of time, allowing Saddam's nuclear ambitions to grow unchecked, will ever result in a stable deterrence regime. Not only would deterrence condemn the Iraqi people to more unspeakable tyranny, it would condemn Saddam's neighbors to perpetual instability. And once Iraq's nuclear ambitions are realized, no serious person could expect the Iraqi threat to diminish. Again, the burden in this debate rests on those who believe American policy has actually been successful in containing the threat Saddam's regime poses to the world.

There is no greater responsibility we face as Members of this body than voting to place the country on a course that could send young Americans to war in her defense. All of us must weigh our consciences carefully. Although we may hold different views of how to respond to the threat posed by Saddam Hussein's Iraq, the very fact that we are holding this free debate, and that the fate of nations and peoples other than our own will be determined by the outcome of our actions, serves as a reminder that we are a great Nation, united in freedom's defense, and called once again to make the world safe for freedom's blessings to flourish. The quality of our greatness will determine the character of our response.

I want to again thank my colleagues for the introduction of this resolution. I think it will take place at some time within the next few minutes.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I am proud to follow my colleague from Arizona, who has been an outspoken Senator on the issue of our relationship to Iraq and to the current regime, constantly questioning, appropriately so, the role of Saddam Hussein and the risk he presents to our country.

Mr. WARNER. Madam President, if the Senator will yield, I ask for one minute to say to my good friend, Senator McCain, his leadership on this issue, in helping with the drafting of this resolution and working particularly with Senator Lieberman and Senator Bayh, has been invaluable.

I wanted to get into a colloquy with Senator McCain, but I was drawn away

from the floor for a moment. Maybe we will have that colloquy a little later.

Mr. CRAIG. Let me thank the Senator from Virginia for those comments, and certainly thank him for his leadership on this resolution. I also appreciate the leadership of the Senator from Arizona.

I am one of those who early on in August, and into early September, spoke with some degree of hesitation because I thought it was important what is happening today happen; that our country become fully engaged in this debate; and that the President make his case before the world and before the American people. That has happened.

As we know, for more than a decade Saddam Hussein has defied the international community, flagrantly ignoring and violating dozens of U.N. resolutions. Today, intelligence has produced beyond doubt that Saddam Hussein continues to acquire and produce chemical and biological weapons. It is also very apparent this dictator continues his quest to develop nuclear weapons.

Last night, our President made that most important speech to the Nation. Much of what was spoken last night was the reality of the risk. We should make no mistake, the acquiring of weapons of mass destruction by Saddam Hussein is a very clear, imminent, and present danger to the United States, our allies, and to the stability of the Middle East. To do nothing in response to this buildup of weapons and this threat would be irresponsible on the part of our Nation and this body. We cannot sit back and wait on an aggressive act of terrorism to occur and consequently be forced into a position where we must face our fellow Americans and explain a horrific act that could have been prevented. It would be imprudent and irresponsible as a Senator of the United States, who is sworn to protect the freedoms of this great Nation and to defend our fellow countrymen.

In this new century and in a post-9/11 era, it is clear we face a new threat. Unfortunately, this new threat requires a course of action previously not undertaken in order to deter this menace to our freedoms and to our peace. However, we must take this new course to defend our Nation and our allies responsibly and with assurance. Remember, this is a regime that ordered the use of chemical weapons against its own people; invaded two neighbors; committed genocide against more than 50,000 northern Iraqis; drove 2 million refugees into neighboring countries; launched ballistic missiles into different countries; destroyed over 4,000 villages in Iraq, and on a daily basis fires at U.S. and coalition aircraft patrolling the United Nations no-fly zones.

As a matter of fact, since the year 2000, Iraq has fired upon U.S. and British aircraft over 1,600 times. This year alone, Iraq has fired on the United States and Great Britain 406 times.

These acts are the tip of the iceberg of a long list of violations as Saddam Hussein attempts to provoke the United States and her allies. As a result, it is clear and evident we have a moral obligation to the international community to halt further threats and attacks by this dictator. Since September 11, 2001, many in Congress have asked the question: Why did the events of this day, September 11, 2001, occur? And more importantly, how could these tragedies have been prevented?

Let me say that again. Many Senators, and I am one of them, have asked how September 11 could have been prevented.

As the goal of congressional investigations into our intelligence communities is aimed at preventing these incidents in the future, so, too, is the opportunity before us to prevent attacks by a rogue regime. In the future, I am certain no Senator wants to be placed in the position where we will have to call an investigation and ask why a tragedy has occurred at the hands of Saddam Hussein, and why it was not prevented when we knew it could happen and we had the opportunity to do something about it.

In order to avoid an ugly predicament, the option of prevention is in place today. Today we must ask ourselves, In the future, do we want, once again, to pose the same question that has now haunted us for over a year? When the civilian population of our country becomes the target instead of our men and women in uniform, then an offensive role of foreign policy is demanded over what I believe is currently a defensive or a reactionary form of foreign policy.

Since World War II, the United States has been the leader of the international world. We have made decisions, taken calculated risks, and engaged ourselves where no other nation would. However, at the end of the day, we have always led and/or brought along our allies. Once again, it is now evident the time is here for the United States to lead. It is prudent for our allies to follow. I believe most of them know that.

Had we known the events of last year were going to occur, we would have made every effort to stop them, to save the loss of thousands of American lives. I am certain the people of this Nation and this body would have called for and demanded all types of preemptive actions to stop the atrocities instead of, as we did, helplessly watching them occur. We were locked in what I believe was a post-cold war mindset that, in part, denied the obvious and rested on the false premise it just simply could not happen in this country.

Like previous warning signs seen throughout history, we are again witnessing the ominous warnings that Saddam Hussein intends to threaten the Middle East region of the world and the United States. In light of this, I cannot sit back, in good conscience, and wait for Saddam Hussein to im-

prove his weapons of mass destruction before he occupies and threatens foreign countries, or worse, harms Americans and American interests and American friends.

As a free and democratic Nation, we have a responsibility that requires a thoughtful, open approach. As we embark on a new path to defend this Nation currently, we are, as the President did last night and, of course, a few weeks ago, addressing the United Nations, consulting with Congress and now working with and having had the resolution just presented to the Congress, forced or helped produce the debate in the Senate. It is evident by this process and by the steps taken, any decision we make will not be in haste. I am confident the manner in which our citizens will be informed will set a new precedent for future Congresses and for future administrations.

This body, this Nation, and this President are methodically weighing the options on the table and assessing the threats we face. We have to include we want and need international support. Fortunately, we currently have the support of some of our closest allies. I do not want to stray from working with the United Nations, of course. We will work with them, and we are. Right now, Colin Powell is pursuing a new resolution out of the Security Council. At the same time, I recognize in the end, in the defense of this Nation, it is the responsibility of this President and of this Congress to make sure that happens. It is critically important that in the end, if you abide by the concept written in the book, "The Law of Nations," then we have no recourse but to act ourselves, if we believe a failure to act would cost lives, put our freedoms at risk, and put our citizens at risk.

While Article 51 of the United Nations charter is not so clearly defined, we have seen in recent history preemptive action taken by nations that were upheld by the U.N. For example, in 1962, President Kennedy took preemptive measures during the Cuban missile crisis by swiftly imposing a naval quarantine on Cuba to halt the delivery of offensive weapons by the Soviet Union. In 1967, Israel launched preemptive attacks on several Arab States after Iraq, Saudi Arabia, Jordan, and Syria began moving troops to the Israeli border.

In 1991, the United States committed to liberate Kuwait. In 1991, the United States was then, as we are now, leading an effort. By the time the conflict in Iraq began, we had the support of the international community to carry out our objective.

I am confident, should we decide to use force, by the time the United States and her closest allies engage Iraq, we will again have the support of the international community.

It is called the responsibility of leadership. It is recognized as the role we play in the world today. I say this because the international community realizes the evidence is clear when it

comes to Saddam Hussein. In addition, Saddam Hussein will once again violate U.N. resolutions, further invalidating that body, and denying weapons inspectors access in a way that should be open and complete and without any form of restriction.

I do not take this vote lightly when it comes, as men and women across the State of Idaho and across the country are put in harm's way. For those who have decided to wear the uniform of our armed services, I want to assure the people of Idaho and the United States, any decision made regarding the use of force will be made with confidence, in consultation with Congress, and with the interests of the security of this great Nation; foremost in all of our minds.

I believe the justification for engagement has been made and the option to use force will be granted. I believe we must still have as an end game, an exit strategy, a recognition of the role we play in a post-Saddam-Hussein Iraq, if that is to occur, and I believe this President, along with quality people he has placed around him, will continue to consult with this Congress as those strategies are developed. I am confident we will pursue all means, as is evident today by the efforts of this administration. But in the end, there is the most important responsibility for the Senate of the United States to play. That is to do what we are doing here, to speak out on it, to allow the American people to know all the differences that occur as it comes to facing a most important issue like this.

I thank my colleague from Virginia for the leadership he has demonstrated. He recognizes the significance and the importance of this debate and the decision that will ultimately be made in the course of this week as we stand in support of the Commander in Chief and the President of the United States, in full consultation with the Congress, as we shape a foreign policy that is a policy of decades to come, in recognition that for the first time in this Nation's history, it is the citizen, not the soldier, who becomes the target of the new wars. With that, a new form of foreign policy, a new relationship, and a new dialog for this country has just begun.

I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that Senator BYRD be recognized for up to 15 minutes at 12:15 today.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Did the Senator wish to make a remark?

Mr. WARNER. I wanted to reply for 2 minutes.

Mr. BYRD. I yield, without losing my right to the floor, to the Senator from Virginia.

Mr. WARNER. I wish to thank our colleague and compliment him on a

very fine recitation of the facts relating to the vote we will soon take.

The Senator raised the important question of the preemptive issue. That has been an issue on the minds of a number of our colleagues. If he would allow me, I ask unanimous consent to have printed, following my remarks, a list of the times the Senator enumerated, the times the Presidents of the United States, going back as far as 1901, have initiated action preemptively to protect the security interests of this country. They have done it under the well-recognized international law or maxim of anticipatory self-defense.

With the advent of high-tech now, with so many other changed factors throughout our 215-year history of this Republic and this body of the Senate, there have to be changes. The Senator was right on point of the need this time to recognize those changes and to understand better this doctrine of taking preemptive action, if that is necessary to protect the security interests of this country.

I ask unanimous consent this be printed in the RECORD.

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

Questions: Has the United States ever conducted "preemptive" military operations before?

Yes: Panama (Colombia)—1901; Dominican Republic—1904, 1914, 1965; Honduras—1912; Nicaragua—1926; Lebanon—1958; Cuba (Naval Quarantine)—1962; Grenada—1983; Libya—1986; Panama (Just Cause)—1989; Somalia—1992; Sudan/Afghanistan—August 1998; Iraq (Desert Fox)—December 1998; and Kosovo—March 1999.

International law recognizes a concept of "anticipatory self-defense" if a country is imminently threatened.

And there are other examples—but the bottom line is that confronting or striking Iraq is not preemptive. We have been in conflict with Iraq for twelve years and they have never complied with original terms for ending conflict.

Mr. CRAIG. Madam President, I thank the Senator from Virginia.

I agree. This country, this Commander in Chief, and we as Senators cannot be denied the right to take preemptive action when clear evidence indicates that the citizens of our country are at risk.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I see the distinguished Senator from Connecticut wanted to speak. Does he wish to speak at this point?

Mr. LIEBERMAN. I thank the Senator from West Virginia. I wonder if the Senator—I know the Senator wishes to speak for more than 15 minutes—if he would allow me to speak for not more than 7 or 8 minutes now, without yielding his right to the floor thereafter.

Mr. BYRD. Madam President, I make that request.

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

Mr. LIEBERMAN. Madam President, as the debate continues, I want to ad-

dress myself to some of the history and also to some of the threat today. This is a most interesting book that somebody gave me, that is most timely. It came out very recently. I don't know the exact date. It is called "The Threatening Storm: The Case for Invading Iraq." It is written by Kenneth Pollack, who worked for the Central Intelligence Agency. In the period of 1990, he was one of only three who earlier in 1990 were advising their superiors, and then ultimately the President of the United States, that an Iraqi attack against Kuwait was imminent, it was going to happen. Over time, he worked for the National Security Council under President Clinton. He is now at the Saban Center, a think tank here in Washington associated with the Brookings Institution.

This is a most compelling piece of work. It speaks history here. It talks about the great history—the Senator from West Virginia is in the Chamber—the great classic history of Iraq. This, after all, is the place where the Biblical Garden of Eden grew, along beside the Tigris and the Euphrates. It is the place where Abraham, the father of the three great monotheistic faiths was when God called out to him and found his heart steadfast. Of course, in succeeding times it has had great periods of progress and leadership—unfortunately, not in recent times.

But as we deal with Saddam today—those of us, including myself, who favor the resolution we have offered as an amendment, a substitute today—we tend to recite phrases about what a brutal dictator Saddam is, and his ambitions. He has used weapons of mass destruction. I think in this debate from time to time we have to go back to the details.

There is a brief biography, in this book, of Saddam, of the radical upbringing he had, of the extent to which he fell under the so-called pan-Arabist influences, to create a power that would gain control over the entire Arab world. I want to read one quote from this book—again, "The Threatening Storm" by Kenneth Pollack:

Saddam considers himself a great man of history, someone marked to accomplish great deeds. In his vast personality cult he is constantly compared with great figures of Iraq's past.

Saddam believes himself destined to be the new leader of the Arabs, and he makes it apparent that this role will be a political-military role, meaning that he will achieve his position through some combination of conquest and acclaim. Addressing a unit of the Republican Guard, Saddam proclaimed that the honor of the Arab nation could not be achieved unless "Iraq's arm reached out [beyond Iraqi territory] to every point in the Arab homeland." He has worked assiduously to make Iraq strong so that it can dominate the region militarily, acquire new territorial prizes, and become the champion of the Arabs. Saddam has said often and loudly that his goal is to create a new Arab union of some kind, headed by a powerful Iraq, that will be a new superpower.

This is based on a thorough research of Saddam's history, of his statements,

of his actions. Why did he invade Iran in the 1980s? Why did he invade Kuwait in the early 1990s? It is all part of realizing this ambition. Why has he developed weapons of mass destruction and used them, as this book points out—not once. There was a terrible genocide at Halabja. But he used chemical weapons repeatedly, and indeed experimentally, against the Kurds. Hundreds of thousands of people were killed. Against the Iranians—hundreds of thousands of people killed.

I read somewhere today—elsewhere; I forget where it was—that Saddam is the first person since Hitler who has used chemicals for the purposes of mass death.

So this history is chilling. I do not manufacture it. It is there. It is why it is so critically important to bring this madman back within the constraints of the United Nations resolutions and the peace that he agreed to at the end of the gulf war.

Should Saddam be allowed to continue to develop these weapons of mass destruction and become the controlling hegemonic power he has long dreamed of becoming in the Arab world, Lord protect us. Lord protect the Arab world, when you think of the brutal dictatorship he has represented—no freedom, no opportunity for his people. And what about the rest of us, with Saddam in control of so much of the world's oil supply?

So this history is very current as we consider all the options we have tried over the decade since the gulf war to disarm this dangerous dictator, and why those of us who have sponsored this resolution believe that the moment has come, as the President has said, effectively to say to Saddam: Either disarm or we are going to be forced to go to war to disarm you. We don't want to do this. But you represent such a danger to your neighbors, among whom we have such strong allies whose support is so critical to us, whose energy supply is so critical to our economy and that of the rest of the world, that if you don't disarm, we are going to have to take military action to do that.

That is the history, the chilling history that affects the present and is why the four of us, and others now who have cosponsored this resolution, have done so—to prevent this man from achieving his evil ends.

There have been many thoughtful statements on the floor. Mr. STEVENS, the senior Senator from Alaska, spoke yesterday. Here is a proud, patriotic American, a veteran of World War II. He analogized this dictator we are facing to Hitler. Remember the lessons he was hearing in high school of the dangers represented by Hitler and the extent to which, if we didn't stop him then, we would have to stop him at a much higher price later on. I think the balance we have to strike here in deciding how to act is a similar balance. Do we act now, or do we act later, at much greater cost in blood, in treasure?

Mr. WARNER. Madam President, may I just add to my colleague's remarks—he referred to Senator STEVENS. He was in the Chamber a few moments ago talking with me. We shared those days because I was of that generation.

Saddam Hussein possesses, today, an arsenal of weapons far more dangerous to the whole world than Hitler ever possessed. That was brought out in the colloquy yesterday. I thank my colleague.

Mr. LIEBERMAN. I thank my friend. The PRESIDING OFFICER (Mrs. CLINTON). The Senator's time has expired.

Mr. LIEBERMAN. I thank my colleague from West Virginia for yielding me time. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Madam President, I thank and commend all those Senators who have been speaking in support of the resolution that will soon come before the Senate for a decision by the Senate. I think they have rendered a service. I commend Mr. LIEBERMAN. I commend Mr. WARNER. And I commend those others who are cosponsors of the resolution. I commend them on their high level of argumentation they have put forth. This is what the country needs. The country needs to hear more of this, and I have only the utmost admiration for those who feel as they do in support of this resolution.

The Senate is the anchor of the Republic, and it is here on this battlefield many of the country's great Senators have expounded their views and taken sides, one way or the other, on the great issues that have come before the Nation over this period of more than 200 years.

I have listened, as best I could, to the various Senators who, for the most part this morning, have spoken in support of the resolution, S.J. Res. 45, which will be at least soon attempted to be amended by S.J. Res. 46.

Madam President, I am not against just any and every resolution of this nature. I could very well be for a resolution. If this debate were to go on for a while, or perhaps to go until after the election, giving us time to debate it thoroughly, giving Senators time to amend it, modify it, to change it, it might very well be I, too, could support a resolution. After all, that is what we should strive for. We should strive for a national consensus.

If this country is going to engage in a military conflict in the near future, it should not be a slapdash resolution that in its makeup looks, for all intents and purposes, as though it were just thrown together, it was a cut-and-paste operation.

I would hope we could come to a conclusion, after ample debate, that we could join hands across the aisle, join hands between the two parties, join hands with the executive branch. I would hope we could do that. And I do

not think that is beyond the realm of possibility.

I think it would be possible to develop a resolution which might get a unanimous vote in this Senate, but it would take time. It cannot be this resolution which would be unanimous because it will not be unanimous.

My concerns about this resolution are, in the main, two—two concerns. Getting into further detail, I can express several concerns. But in the main, I would say my concerns are two in number.

One, this resolution authorizes the President to determine and authorizes the President to use military forces as he will, when he will, how he will, and wherever he will, as long as the thread is tied to Iraq, and beyond that—I do not have the resolution in front of me—as long as it is tied, by the thread, to “defend[ing] the national security of the United States against the continuing threat posed by Iraq; and (2) enforc[ing] all relevant United Nations Security Council Resolutions regarding Iraq.”

Madam President, I can talk in considerable detail and at considerable length with respect to the “whereas” clauses and with respect to the authorization section, section 3. Suffice it to say this is a blank check, this authorization paragraph is a blank check, given over to the Chief Executive, not just this one but Chief Executives who will succeed him. There is no sunset provision. There is no termination under this authorization. It can go on and on and on until Congress sees fit to terminate it.

So it is open-ended. It is a blank check. And it cedes the decisionmaking power of the Congress under the Constitution to declare war. It cedes that to a Chief Executive—for the moment, Mr. George W. Bush. Succeeding him, who knows? But it is open-ended.

If Congress is going to waive that part of the Constitution which gives power to the Congress to declare war—and I am not sure Congress can waive that—but if it is going to, why don't we at least have a sunset provision? Why don't we at least have a cutoff at which time the cession of that power is no longer existent? Is that asking too much?

No. 1, my opposition to this resolution in the main is because Congress is ceding—lock, stock, and barrel—its power to declare war, handing that over to a Chief Executive and, by its own terms, as much as to say, that President will determine that. He will use the military forces of these United States—that means the Marines, the Air Force, the Army, the Navy, all the military forces of this country—he shall use all of the military forces of this country in whatever ways he determines, wherever he determines, whenever he determines, and for as long as he determines. That is the way it is written—lock, stock, and barrel.

Congress might as well just close the doors, put a sign over the doors and

say: "Going fishing." Put a sign on the Statue of Liberty up here: "Out of business." That is exactly, that is precisely what we are about to do, if we vote for this resolution as it is currently written. If there is anybody who disagrees with me, they can try to show me that. But they cannot refute the words written in this resolution. All the "whereases" constitute nothing more than figleaves, beautifully dressed, beautifully colored, pretty figleaves, with sugar on them.

My second objection in the main is that Congress is being stampeded, pressured, adjured, importuned into acting on this blank check before Congress goes out for the election. Doesn't that make this somewhat suspect? Recall, it was only in late August, around August 23, I believe it was, I read in the newspaper where the President was concerned about the intensified talk that was going on with reference to his plans in respect to an attack on Iraq. Secretary Rumsfeld, in that same newspaper report, referred to it as a "frenzy." So even the President, 6 weeks ago, was seeking to allay the concerns of the people in Washington, people all over the country, with respect to any "plans" that he might have to attack Iraq. In other words, he was saying: Cool it.

Well, that was just 6 weeks ago. Then all of a sudden, the whole focus of attention in this country seems to be directed several thousand miles away from these shores to a country called Iraq, to which the distinguished Senator from Connecticut correctly alluded as that great land between the two great rivers, the old Biblical country of Mesopotamia.

So those are my two concerns. Here we are, with all of this pressure to act, act now. I am somewhat mystified by the rush pell-mell to embrace this resolution which, as I understand it, is pretty much the administration's handicraft, and the House may be about to vote on the same.

I wonder what has gotten into our Democratic leaders that they would embrace this kind of thing. They have a right to do that. Every Senator has a right to vote any way he wants, any way his good sense is directing him. But I have been mystified at the rush, at the frenetic activity on the part of leaders of the Congress, of the other body. They embraced this thing down there on the White House lawn.

We should take more time. The American people have questions that they want answered. I have had more than 9,000 telephone calls in the last 5 days that my office has been open, more than 9,000 coming from all over the country, virtually all urging the Senate to slow down, to ask questions, and to fully consider what we are about to do. I hope more people will call. They don't need to call me. They know what my position is. But I hope they will call the Members of Congress, Senate and House Members, Republicans and Democrats, call all the Members.

Urge them to stop, look, and listen, look at what we are about to do. We are about to put beyond the reach of Congress the decision to declare war.

I listened to the President's speech. I didn't hear anything new. I didn't hear anything that I hadn't already heard prior to this time. He demonized Saddam Hussein. That is quite all right with me. I think Saddam Hussein is lower than a snake's belly myself. I wouldn't shed any tear if anything happened to him. That is not the question. We have known these things.

I asked the CIA Director myself, within the last 2 or 3 weeks in my office and in room 407: You are not a policymaker, but you are the expert with respect to intelligence. What is there that you can tell me, what is there that you can tell Congress that is new that indicates we wait beyond this election at our peril? What is it that is new that we haven't known? I am talking to the Director of Central Intelligence.

I said: What is it that is new that we haven't known 2 months ago, 6 weeks ago, 3 months ago? They don't have anything.

I asked Secretary Rumsfeld. And he will say: Oh, I will tell you what is new, September 11 of last year.

Well, of course, that is over a year old. What is so new that it requires this Senate and the House of Representatives to vote before we go out for the election? Why so much interest in the election? That is not by my choice that the administration is pushing for a vote before the election. That is not my choice; that is their choice. And I am not sure but that this effort on their part might be turned against them in the election. I think if the American people are fully aware of what this administration is advocating, fully aware of what we are about to do, the people of this country will rise up. They will let their voices be heard.

They have questions. "What is this going to cost me?" they will say. Mr. John Q. Citizen will say: What is this going to cost me? What about my son? What about my daughter? What about my grandson? How many American lives are going to be lost if we invade Iraq? What is going to be the cost? What is going to happen to Iraq after its defeat? Who is going to run the government of Iraq then? Are we going to have American fighting men and women in Iraq for 2 months, 6 months, a year, 2 years, 5 years, 10 years? Answer these questions, Mr. Administration.

Tell me, also, what is going to happen to homeland security. Already the focus is being shifted away from homeland security. I can see it.

Mr. WARNER. Will the Senator yield?

Mr. BYRD. Not just yet.

Mr. WARNER. I understood the time was 15 minutes.

Mr. BYRD. I believe I have these 15 minutes now under a previous order.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I simply want to finish—

Mr. WARNER. Madam President, of course, we go into recess at 12:30.

Mr. BYRD. I do not yield at the moment. I will be happy to yield in a moment. The Senator has been on the floor all morning—he and his compatriots over here who are boosting this unfortunate resolution. So I want a few minutes now, and then I will be happy to yield.

Mr. WARNER. For one short question.

Mr. BYRD. Then what is the focus? What about homeland security? What might happen on the southern border, on the northern border of this country, in the ports of this country, at the airports of this country? What might happen? The American people today are concerned about the safety right here in this area, the safety of their own schoolchildren. They are concerned about these things that are going on all around us. What is going to happen to homeland security? I don't hear much about it over this last couple weeks or more. This attack on Iraq we have been talking about—the President says: If you do not do it, I will. If you don't do it, we will. Well, this concerns me.

What kind of a face are we going to present to the world with this kind of cowboy, macho attitude? What kind of face are we presenting to the world? Does the world still see us as a law-abiding Nation that lives by the rule of law? Is that what we recommend to other countries? Are we a country that loves liberty, freedom, justice, the rule of law, or is this going to make us look like a bully? I used to play a tune on my fiddle called "The Bully of the Town"—"I am looking for the bully of the town." Is that the kind of face Uncle Sam is going to present to the world? It sounds like it when the President says to the U.N.: If you don't do something, we will.

Madam President, I am simply saying we ought not have this vote before this election. This election is going to distract members from concentrating, from focusing on the question of war or peace. It is already doing it. It is already doing it.

So there are lots of questions the American people want answered. What about the economy? Is this going to affect the American economy? What about my job? What about my health insurance? What about us older folks? What about prescription drugs? You do not hear much about that now. Everything is tuned to Iraq. The American people are being led to believe something may happen tomorrow—and something may happen right here within our own shores. But they are being led to believe Saddam is such a threat we don't dare wait until after the election. Saddam doesn't present that kind of imminent threat to this country. He doesn't have these kinds of weapons

that he would level at this country before the election. Now, something could happen in our midst before the election. It can happen tonight. It can happen today. It has been happening in this area over the past several days, with a sniper taking six lives, and he shot eight persons.

People are concerned about issues here at home. We should not try to divert their attention to a threat. I don't say Saddam is not a threat. I say he is not the immediate threat the administration is trying to make him out to be at this point. We have some time. We ought to utilize it. We cannot let Saddam Hussein continue to have weapons, such as biological and chemical weapons. We cannot let him acquire weapons of mass destruction. But there is some time, and I think it is very important we get the United Nations involved here, and the President has made a good start in that direction. He made a fine statement when he spoke to the U.N. He put the burden on them. He laid it at their door. They have been recreant in their duty.

We should utilize the time we have to let the U.N. marshal its forces and try to get other countries to assist this country in carrying the burden. Eleven years ago, the cost of that war was \$61.1 billion, and other countries helped shoulder the expenses, with the exception of about \$7.5 billion. We ought to be seeking to get others' help.

We ought to let the inspectors go back in and have restrictions such that they will have a full and free opportunity to inspect wherever they want, wherever they think they should. So I am for all that. I am not one who says Saddam is not a threat; he is a threat, but he has been a threat for many years. I think it is a disservice to the American people to insist their elected representatives in the House and Senate showdown on this fateful decision before the election. Now, that is highly suspect. To those who are pushing it, I have to say it is suspect.

Why do they want this vote before the election? I am not the one who determines when the election will fall. We know it is going to take place on November 5. Where is the threat that is so imminent to this country we have to declare war here and now, before the election? It is a distraction. Our Senators and House Members need to be concentrating on the matter, debating it, debating other matters. There are many more matters that cry out for the attention of this country. Why should we not be giving attention to them and not be distracted in this vote by what may happen to me on November 5, if I vote this way or that way? That is not right. It is wrong. It is not doing right by the people of this country. They are entitled to better than that.

So I have two main concerns. One, we are ceding the constitutional authority to declare war, and it is open-ended, a blank check. Mr. President, here it is, you can have it. We will just go fishing.

You take it and we are out of it. We are out of business. We are out of business for the next year or 2 years or as long as this piece of paper—this blank check—is in effect. You have it. We are cheating the people back home when we vote for that kind of resolution.

Madam President, I have much more to say, but I told the Senator from Virginia I would be glad to yield. I do that now, without losing my right to the floor.

Mr. WARNER. Madam President, I simply say to my colleague, most respectfully, I feel this was not a cut-and-paste job. Senators LIEBERMAN, BAYH, MCCAIN, myself, and other Senators have contributed. Senator LOTT had an open-door policy to engage persons on this issue.

I draw your attention, most respectfully, to section 3, authorization for the use of force.

This is not a blank check. It restricts this authority clearly to Iraq, and if I might read it: Authorization. The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to, one, defend the national security of the United States against the continuing threat posed by Iraq; two, enforce all relevant United Nations security resolutions regarding Iraq.

That is a very clear mandate, and once those two criteria are met, this authority ceases.

Madam President, my understanding is that at the hour of 12:30 p.m., the Senate will stand in recess.

Mr. BYRD. Madam President, I ask unanimous consent that I may proceed for 10 minutes.

Mr. WARNER. Madam President, I most respectfully say to my colleague, I am under firm instructions on this side—so many Senators are gathering at the caucuses who otherwise would follow this important debate. I will be happy to resume with Senator BYRD—

Mr. REID. If my friend, the distinguished Senator from West Virginia, will yield, I have a unanimous consent request, about which I have spoken with the Senator from West Virginia, for Senators to speak this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, Madam President, can we possibly accommodate my colleague from West Virginia so he can finish this lineup, and I will be prepared to come to the floor with him, can I suggest, at the hour of 2 o'clock?

Mr. REID. The Senator wishes to speak at 2 o'clock.

Mr. BYRD. I would love to do that.

Mr. REID. If necessary, I will preside at 2 o'clock, but we have presidors starting at 2:15 p.m.

Madam President, I ask unanimous consent that the Senator from West Virginia be recognized for 10 minutes beginning at 5 after the hour.

Mr. BYRD. Madam President, reserving the right to object, I can finish in 10 minutes now.

Mr. REID. I understand that, but the other side has objected to that.

Mr. BYRD. After 2 o'clock, I might be constrained to talk longer.

Mr. WARNER. Madam President, given that opportunity, can we agree then the 10 minutes expires—I am about to join the Secretary of State, Mr. Colin Powell—at the hour of 12:42 or 12:43 p.m.? If that is correct, that will be fine.

Mr. REID. Reserving the right to object, Madam President, I ask unanimous consent that at 2:15 p.m., in addition to Senator BYRD speaking now for 10 minutes, Senator MIKULSKI speak; at 2:35 p.m., Senator GREGG; Senator JEFFORDS at 3 o'clock; there will be a Republican at 3:20 p.m.; Senator KENNEDY at 3:40 p.m.; a Republican at 4 o'clock; Senator CARPER at 4:20 p.m.; a Republican at 4:50 p.m.; Senator FEINGOLD at 5:30 p.m.; a Republican 6 o'clock; and one of the two, REID/REED, at 6:30 p.m.

Mr. WARNER. I have no objection.

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

Mr. BYRD. Madam President, for how long am I recognized now?

The PRESIDING OFFICER. Ten minutes.

Mr. BYRD. I thank the Chair.

I call the Senate's attention to an article in the Philadelphia Inquirer of October 6 entitled "Allied Support On Iraq Exaggerated, Officials Say":

President Bush and some of his top aides, including Defense Secretary Donald H. Rumsfeld, have exaggerated the degree of allied support for a war in Iraq, according to senior officials in the military and the Bush administration.

These officials, rankled by what they charge is a tendency by Rumsfeld and others to gloss over unpleasant realities, say few nations in Europe or the Middle East are ready to support an attack against Iraq unless the United Nations Security Council explicitly authorizes the use of force.

In the latest sign that international support for the administration's plans is soft, key ally Turkey said Friday that it would participate in a campaign against Iraq only if the world body blessed it.

"An operation not based on international law cannot be accepted," a Turkish presidential spokesman said after a meeting of top Turkish civilian, military and intelligence officials in Ankara.

The backing of Turkey, which borders Iraq's north, is vital because it hosts air bases at Incirlik and elsewhere that would be necessary to conduct a major air campaign against Iraq and protect the ethnic Kurdish population in northern Iraq from Iraqi leader Saddam Hussein's retaliation.

"Turkey is the key," a senior administration official said.

Turkey, which also has a large Kurdish population, is concerned that Iraq's Kurds would try to form their own mini-state and that a war with another Muslim country could aggravate tensions between Islamists and secularists in Turkey and damage the Turkish economy.

Turkey is not alone: No country near Iraq has agreed to serve as a launching pad for a U.S. strike without U.N. authorization, the senior official said. He and others spoke on condition of anonymity.

As they have tried to persuade Congress to give Bush broad war-making authority,

Rumsfeld and other officials have sought to create the impression that there is widespread international support for the Iraq endeavor. That, one top official said, "is at best premature and at worst deceptive."

Madam President, I ask unanimous consent that the total article from the Philadelphia Inquirer of October 6 be printed in the RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. BYRD. Madam President, I quote another article from the Philadelphia Inquirer, this one October 8, 2002, entitled: "Officials' Private Doubts On Iraq War":

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—squashes—dissenting views 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 echoes his views in interviews with the Inquirer Washington Bureau. No one who was interviewed disagreed.

How much time do I have left, Madam President?

The PRESIDING OFFICER. Four and a half minutes.

Mr. BYRD. I thank the Chair.

Continuing the article:

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 were 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 that 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.

I ask unanimous consent that the remainder of this article from the Philadelphia Inquirer, dated October 8, 2002, be printed in the RECORD at the end of my remarks.

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

(See exhibit 2.)

Mr. BYRD. The President indicated he would lead a coalition, and I hope he will. I hope he will continue to work until he gets a solid coalition together. But if, as the President claims, America will lead a coalition against Iraq, it certainly appears that we have much work to do. The first article I read from the Philadelphia Inquirer bears out a clear message: We have asked the United Nations to act and we should give the United Nations that opportunity.

Last night, the President of the United States asked Congress to fully consider the facts in this debate, but I believe that many of the facts are still unclear. We have many questions that demand answers, and we need the time to find those answers.

So I suggest we try to get the facts, and the representatives of the American people in Congress need the facts, the clear, unadulterated facts, before Congress votes on the resolution.

The questions I have are the same questions the American people have. A poll published last Sunday in the New York Times reports that a majority of Americans think that Congress is not asking enough questions about Iraq policy. By a 2-to-1 margin, those polled would prefer to see U.N. inspectors have more time to do their job. Sixty-five percent of those polled think it is better to wait for allies before any attack on Iraq—in other words, not go it alone.

Obviously, the American people are far from convinced that we must attack Iraq. I think as time goes on, if this matter is fully debated, we will find a reverse in the polls from what we have been seeing lately. We are going to find that the American people are not all that ready to invade Iraq all by themselves; not all that ready to put the U.N. aside and say we will go it alone—if you do not do it, we will—and not all that ready to send their boys and girls, their men and women, their loved ones, to war in a foreign land without leaving it up to Congress as to when war should be declared.

I yield the floor.

EXHIBIT 1

[From the Philadelphia Inquirer, Oct. 6, 2002]

ALLIED SUPPORT ON IRAQ EXAGGERATED, OFFICIALS SAY

(By Warren P. Strobel)

WASHINGTON.—President Bush and some of his top aides, including Defense Secretary Donald H. Rumsfeld, have exaggerated the degree of allied support for a war in Iraq, according to senior officials in the military and the Bush administration.

These officials, rankled by what they charge is a tendency by Rumsfeld and others to gloss over unpleasant realities, say few nations in Europe or the Middle East are ready to support an attack against Iraq unless the United Nations Security Council explicitly authorizes the use of force.

In the latest sign that international support for the administration's plans is soft, key ally Turkey said Friday that it would participate in a campaign against Iraq only if the world body blessed it.

"An operation not based on international law cannot be accepted," a Turkish presidential spokesman said after a meeting of top Turkish civilian, military and intelligence officials in Ankara.

The backing of Turkey, which borders Iraq's north, is vital because it hosts air bases at Incirlik and elsewhere that would be necessary to conduct a major air campaign against Iraq and protect the ethnic Kurdish population in northern Iraq from Iraqi leader Saddam Hussein's retaliation.

"Turkey is the key," a senior administration official said.

Turkey, which also has a large Kurdish population, is concerned that Iraq's Kurds would try to form their own mini-state and that a war with another Muslim country could aggravate tensions between Islamists and secularists in Turkey and damage the Turkish economy.

Turkey is not alone: No country near Iraq has agreed to serve as a launching pad for a U.S. strike without U.N. authorization, the senior official said. He and others spoke on condition of anonymity.

As they have tried to persuade Congress to give Bush broad war-making authority, Rumsfeld and other officials have sought to create the impression that there is widespread international support for the Iraq endeavor. That, one top official said, "is at best premature and at worst deceptive."

The defense secretary told a House of Representatives committee Sept. 18 that Bush aides "know for a fact" that the United States would not be fighting Iraq along if it failed to obtain a U.N. resolution. "There are any number of countries that have already announced their support," he said.

Bush said Thursday that if the United Nations and Iraq didn't eliminate Hussein's weapons of mass destruction, "the United States in deliberate fashion will lead a coalition to take away the world's worst weapons from one of the world's worst leaders."

Several officials said that while those statements were technically true, there was a coalition yet. Diplomats said privately that only staunch ally Britain and Bulgaria—a member of the U.N. Security Council that wants to join the U.S.-led NATO alliance—had said they were willing to act without United Nations cover.

Secretary of State Colin L. Powell has been working intensively to persuade other U.S. Security Council members to back a tough resolution that would force Iraq to accept strict new rules for inspections or face a U.S.-led invasion. He has run into stiff resistance, particularly from France and Russia, both of which hold veto power on the council.

Along with those countries, the United States presumably would need an OK to use

military bases in Persian Gulf countries such as Kuwait, Oman, Bahrain and Qatar. In Qatar the United States has been extending a runway to accommodate more combat planes, and some war planners hope to persuade Jordan to let U.S. and British special forces attack suspected missile bases and weapons facilities in western Iraq from its territory.

None of those countries has told Washington it will be forthcoming without U.N. support, the officials said.

One senior military officer called Rumsfeld's comments "misleading."

"Fine," "locked in," "positive," "concrete"; those words aren't being used over here," an other Pentagon officer said.

Some analysts said that if the confrontation with Iraq came to war, most countries would choose to join in rather than risk displeasing the United States or missing out on the spoils.

"You will have regimes which, if we force the issue, will support us," said Anthony Cordesman, a military expert at the Center for Strategic and International Studies, a conservative center for national-security studies. But those countries want diplomatic cover, he said.

Some allies also want assurances on other issues, Cordesman said.

Turkey, for example, wants debt relief for its teetering economy along with promises that there will be no independent Kurdish state in Iraq. Russia wants a free hand to pursue alleged terrorists in neighboring Georgia, Iraq to pay roughly \$8 billion in debt, and Washington to lift Cold War-era trade restrictions.

EXHIBIT 2

[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 Advisory Condoleezza Rich that Hussein and Osama bin Laden's al-Qaeda network were 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 that bin Laden rejected the offer because he did not want Hussein to control his group.

In fact, officials said, there is no ironclad 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.

Non 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 the unease with the way the 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, the 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 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 Energy 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 tak-

ing place in the country," he said. Rumsfeld apparently was referring to about 150 members of the militant Islamic group Ansae 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 the country, not Hussein.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, it is in the true spirit of this institution, which Senator BYRD knows so well, that we exchange viewpoints as we have done Friday, yesterday, and again today, and we will continue to do that. Hopefully, these facts which the Senator deems essential—and I also—will be brought to the attention of this body. I thank my colleague.

Mr. BYRD. And I thank my colleague.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. REED).

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ—Resumed

Ms. MIKULSKI. Mr. President, I rise to speak in support of the Levin amendment in terms of determining our action in Iraq.

As a graduate of West Point, the Presiding Officer knows how great a decision it is for the U.S. Congress to decide about war. Now this Senate is considering the gravest decision we will ever be called upon to make, which is to give the President unlimited authority to go to war, to make a decision to send American military men and women in harm's way. I say to my constituents, to the people of this country, and to the military, I take this responsibility very seriously.

I have listened to the President and his advisers make their case. I have consulted with experts and wise heads. I have participated in hearings and briefings as a Member of the Senate, and particularly as a member of the Intelligence Committee. I have listened very intently to my own constituents. I know that the decision we are about to make will affect the lives of America's sons and daughters, and the future of the United States of America.

But first, let me say a word about our troops. Each and every member of our military is part of the American family. Their service is a tremendous sacrifice and also a great risk. These are ordinary men and women, often called upon to act in a very extraordinary way, and they have never failed us. Whatever the Nation asks them to do,

I know they will do it with bravery, fortitude, and gallantry.

Therefore we, all Americans, owe them a debt of gratitude. But we owe them even more. The Congress owes it to them to choose the wisest, most prudent course in this matter. As Senators, we must keep in mind the men and women of our military.

That is why I support Senator LEVIN's resolution on Iraq. I support that because it meets my principles. Have all diplomatic and other non-military means been exhausted? The Levin resolution turns to the United Nations and its Security Council to make a decision in terms of the enforcement of its own resolutions. It calls for international legitimacy, international cooperation, international support, and, I might add, international resources. It urges the Security Council to fill President Bush's request to demand Iraqi disarmament and to authorize the use of a multinational military force if Iraq refuses to comply. If the U.N. refuses to act under the Levin amendment, Congress would then promptly consider whether America should act alone.

Senator LEVIN's is not the only resolution before the Senate. As I have looked at all of them, I asked questions. First, what really is Saddam Hussein's intent?

Second, does he have the means to accomplish this intent? Does he have weapons of mass destruction: chemical, biological, and nuclear?

Third, how grave and imminent is the threat? Is the Iraqi threat best met by a unilateral approach or a vigorous international response?

Finally, what are the consequences of our action? What will our military face in Iraq? What will be the impact on Iraq and the Middle East? What does this mean to the war on terrorism?

These are the kinds of questions I am asking myself so I can make a wise decision.

But make no mistake, I firmly believe that Saddam Hussein is duplicitous, deceptive, and dangerous. I despise him. Saddam is a brutal, totalitarian dictator and history shows us how dangerous Iraq is under his rule. He invaded Kuwait and used chemical weapons against his own people. I do believe he has developed chemical and biological weapons, and I also believe he is pursuing nuclear weapons, defying the will of the international community and also denying the agreement that he made at the end of the gulf war.

I also really do not believe Saddam is going to change. The question then is, what does this mean for the future? I think Iraq does have the grim and ghoulish means to carry out its evil plans. I think if we look at declassified CIA reports and the British white paper, we can see that Iraq does continue to develop and produce and stockpile chemical and biological weapons, and is trying to get the technology and materials to produce nu-

clear weapons. So these threats cannot and must not be ignored.

Therefore, what is the best way to proceed? My analysis further indicates that Saddam Hussein just doesn't threaten the United States or our assets or our people abroad. He threatens the entire region. He also threatens treasured allies. And because the threat is greater than ourselves, we must bring the international community with us, to share the responsibility and the burden of stopping these threats.

This is why I support the Levin amendment. It is our best chance to forge a vigorous international response, and to also have the backing of a multinational military response.

The Levin amendment requires four things. It urges the U.N. Security Council to promptly adopt a resolution demanding access to U.N. inspectors to destroy Iraq's missiles and weapons of mass destruction. We know that works. When the inspectors were in Iraq, they destroyed more weapons of mass destruction than we did during the gulf war.

The Levin amendment authorizes member states to use necessary and appropriate force if Iraq refuses to comply. I understand the use of force might be necessary. It also very clearly asserts and affirms the U.S. right to self-defense.

It authorizes the President to use armed force to fulfill the U.N. Security Council resolution, provided the President determines that diplomacy was tried and exhausted first. It also tells us not to adjourn so Congress can further consider action if the U.N. fails.

That is what we are looking at. The consequences of committing American troops to war in Iraq are very serious and they must be carefully reviewed.

The question is, will our American troops be welcomed with flags or will they be welcomed with land mines? Our troops could face an Iraqi military entrenched in cities instead of the open desert warfare of the gulf war. Iraq could use chemical and biological weapons right on our troops as we are engaged in battle. They could also do this against their own Iraqi civilians.

This is why I believe America should not face these threats alone. If we go in, we should not go in by ourselves. If the threat is so real, the world should take it seriously and then vote to be able to come with us.

Mr. ALLARD. Will the Senator yield?

Ms. MIKULSKI. When I finish, yes.

America cannot face this situation alone. The support and cooperation of allies would enable us to share the risks and the cost. We need international legitimacy, international support, and international manpower.

What happens when we win the war? Military victory is only the start of U.S. engagement in Iraq. Fostering a new regime could take decades. Most people don't realize that Iraq is an artificial construct, formed in 1920 by a League of Nations mandate after the

first World War. Iraq has no unifying history or culture or religion or language: Its population is deeply divided on ethnic and religious lines.

The end of Saddam Hussein could mean the start of a civil war. Fostering the creation of new government in Iraq will not be easy. There is no real opposition group ready to take over because Saddam's totalitarian regime does not tolerate opposition.

If Saddam is overthrown—we have to be prepared for what happens next. Will American troops become an army of occupation or will Iraq fall into chaos and civil war?

America cannot face this situation alone. The support and cooperation of allies would enable us to share the risks and the costs.

War on Iraq could also have unintended consequences for the Middle East. Some optimists see war in Iraq leading to democratization and peace in the Middle East. They predict the overthrow of undemocratic regimes in Iran, Saudi Arabia, Syria and other countries. But there is a real risk that attacking Iraq would unify Arab countries and the wider Muslim world against us. We are already seeing signs of cooperation between Sunni and Shi'ite extremists and terrorist groups.

A mandate from the United Nations would mean the international community against Saddam instead of the United States against Iraq. Other countries in the region would join our coalition, rather than obstructing or opposing us.

I also worry that unilateral action could undermine the war on terrorism. Some special forces are already being withdrawn from the efforts to hunt al-Qaida in Afghanistan. Intelligence resources would be re-directed to cover Iraq, reducing our focus on Afghanistan and Pakistan. Arab and Muslim states may reduce their intelligence cooperation against al-Qaida and other terrorist groups. The focus of our top military and civilian leaders could shift away from bin Laden and al-Qaida. There are other issues.

An international coalition helps address the impact of war in Iraq on the war on terrorism. By sharing the burden during and after a war, more of our troops and resources can pursue the war on terrorism by keeping together the global coalition against terrorist groups.

I want to conclude by thanking President Bush for engaging in intensive diplomacy at the U.N. I know the Bush administration is being aggressive at the U.N. and in the key states, including Russia, China, and France. I applaud the President for this.

President Bush also made it clear that the U.N. has a responsibility to address Iraq's threat to international peace and security. I absolutely agree with him on this. But also I agree we have to get the United Nations Security Council authorization to form an international coalition.

We cannot fail to act if action is necessary, but we must take the time to

see if we can minimize the danger and also build a coalition to share the risk. An international coalition would do that.

The Senate faces difficult decisions on how to address the Iraqi threat. I believe the Levin amendment is by far the strongest option. It endorses the President's speech to the United Nations, strengthening the U.S. position in multilateral diplomacy and authorizing the use of force only if authorized by the U.N. Security Council without ruling out the possibility that Congress will authorize the unilateral use of force if that decision becomes necessary. Most importantly, the Levin resolution presents the best hope for the United States to achieve international support and a multinational military coalition to address the Iraqi threat to peace and security.

Therefore, I look forward to voting for the Levin amendment. I urge my colleagues to join me in doing that because I believe the way to deal with this issue is international support and a multinational military coalition, should force be necessary.

Before I yield the floor, I turn to the Senator from Colorado, who had a question.

Mr. ALLARD. I say to the Senator from Maryland, I did have a question. I just finished a bipartisan press conference with the Secretary of State. He said the diplomats, our negotiators at the United Nations, felt they needed the strongest position possible in order to make their negotiations end in a successful way. I was struck by your comments and your support for the Levin amendment. I wonder if you could respond to his comments that we just had, about 12:30 or so.

Ms. MIKULSKI. I say to the Senator, I did not hear his comments at the press conference.

I applaud Secretary Powell. I think his is a vigorous effort to try to resolve the situation through diplomatic means, to send a message to Saddam that he should voluntarily disarm and let the inspectors in.

That might not work. But it is then up to the U.N., as the President said when he spoke to them, to take responsibility; to therefore authorize action to enforce their own resolutions so the United States of America is not doing this all by ourselves. It is not America versus Saddam. It should be the international community against Saddam because, I think you would agree, he is a despicable cad.

Mr. ALLARD. I would agree with that. But I think the point was being made, if we have a strong resolution, it would be less likely we would be out there by ourselves. If we had some weaker position, and we went in—

Ms. MIKULSKI. Going where, sir? Going to the U.N. or going back to Saddam? I am sorry, who is negotiating with whom? Are you talking about the U.N. negotiating with Saddam or Secretary Powell negotiating within the U.N.?

Mr. ALLARD. I am talking about Secretary Powell and our diplomats negotiating within the United Nations, negotiating with members of the Security Council. The feeling is we need to have a strong resolution in order to make those negotiations successful.

Ms. MIKULSKI. I see. I thought you were talking about sending a message to Saddam. No. I understand. I believe the Levin amendment is a pretty muscular amendment, saying back to the U.N., you passed those resolutions, you should really step up to those resolutions, and putting the pressure back on them; and also saying, we are not going to adjourn until we hear what you are going to do. And we will be ready to respond promptly.

So I think the Levin amendment is a fairly muscular amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I will now yield to the Senator from New Hampshire, a good friend, and somebody who does a great job. I yield to him 20 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Colorado. I appreciate his courtesy, and I appreciate his leadership on the most important resolution. His leadership has had an integral impact on how this resolution was designed, and he has been a leader on addressing what is obviously the major national security issue which we confront as a Nation today.

I—like many Americans, hopefully—have followed the debate in this Chamber. I have been interested in the tenor and tempo of the debate. I believe it has obviously been serious and substantive in its approach to how we address the question of this resolution, which will authorize the President to take such action as is necessary in order to protect our Nation relative to Iraq, and to work with the United Nations in that undertaking.

One of the things, however, I have also noted is there is almost a sophistry being presented here. For example, I heard one presentation, talking about whether or not we were pursuing preventive war versus preemptive war, in which there was almost a rather nice dissertation of what I would call political science 101 on the difference between preemptive war and preventive war, and whether or not we, as a Nation, had a right to pursue a preventive war versus a preemptive war.

I would simply point out we are at war. We are not initiating war. We are not in the process of striking an enemy by whom we have not been struck. Two Embassies in Africa were attacked. Hundreds of people died. An American ship in Yemen was attacked. Many sailors died. And, of course, on September 11, thousands of Americans died in America as a result of an attack.

We are at war. We did not ask for it. We did not initiate it, but we have no

choice but to respond to it. In responding to it, we must have our eyes open. We are a Nation which inherently believes in the better nature of people. We inevitably give people the benefit of the doubt. It is our culture, and it is one of our strengths. Regrettably, in this war, giving people the benefit of the doubt—people who have a track record of either hating us, attacking us, or confronting us militarily—may end up costing us even more lives.

I think we need to review the enemy's purpose. Let's begin with al-Qaida and bin Laden, and use his own words.

bin Laden, in an interview that was published in January 1999—it originally appeared in *Time*—made the following statement:

Hostility toward America is religious duty.

He went on to say, in February 1998:

The ruling to kill the Americans and their allies, civilians and military, is an individual duty of every Moslem, who can do it in any country in which it is possible to do it.

“Civilians and military.”

He went on to say:

We, with Allah's help, call on every Moslem, who believes in Allah and wishes to be rewarded, to comply with Allah's order to kill Americans and plunder their money.

And most recently, in a tape recently released just a week ago:

The youth of Islam are preparing something to strike fear in your hearts—

Referring to America—

and will target the vital sections of your economy until you renounce your injustice and hostility.

This is an enemy who has called to arms the people who believe in him and follow him for the purposes of killing Americans as defined by his own language: “civilian and military.” That is the enemy we confront in al-Qaida.

And what is the relationship to Iraq?

First off, we must look at the history of our relationship and of Iraq's relationship in the area of military activity. Saddam Hussein has attacked his neighbors, neighboring nations twice. He has mercilessly—mercilessly—suppressed his own people, especially the Kurdish minority within Iraq. He has invaded Iran and Kuwait.

He has also developed and used weapons of mass destruction. “Weapons of mass destruction” is a terribly anti-septic term. But what it means is, he is essentially willing to spread disease which will kill thousands—tens of thousands—of people in order to obtain his purpose. And he has done it. He has used biological weapons. He has used chemical weapons against the Iranians and against the Kurdish people in his own country, killing literally thousands of people.

Of course, we went to war with Iraq in the early 1990s. So our history with Iraq is significant, as we recognize they are governed by an outlaw and, as a result, have been a nation functioning outside of the civil discourse of organized nations.

But why is it important we confront them at this time and in this context?

It is important because of the weapons of mass destruction which they have. If this were the world prior to 1980, let us say, when weapons of mass destruction were not so readily available, or nations which had them were governed by governments which had at least some modicum of responsibility, then you might not look at a tyrant such as Hussein and say you needed to do anything: Let him, regrettably, do his harm to his neighbors and his nation. It is not affecting us.

The problem is, after September 11, we, as a country, cannot take such an isolationist view, for we know there is an enemy out there called al-Qaida that has stated, unequivocally, their purpose is to kill Americans and destroy our society and culture. And we have seen them take action to do that on September 11, and in Africa at our Embassies, and at the USS *Cole*.

We also know there is another nation out there, run by a tyrant, who is a murderous individual, who has weapons which are capable of exacting massive—massive—amounts of damage and loss of life, if used.

The threat, obviously, is that the two should be joined or that the tyrant should just unilaterally use these weapons. Why is that threat legitimate? It is legitimate because there is significant common sense which tells us that it may be joined.

There have been reports not by American news media or by American intelligence services but by Arab sources which have made it clear that there is a cross-fertilization between the Hussein government and al-Qaida. Reports appearing in a Karachi newspaper, the *Ummat*, on November 22 carried an article saying that Saddam Hussein has offered asylum to the top Taliban and al-Qaida leadership, including Osama bin Laden and Mullah Omar. In this regard, a delegation led by a senior official in the Iraqi Government, Taha Hussein, met with Mavlana Jalal ud-Din Haqqani—I hope I pronounced that correctly, but considering his purposes, I don't really care—in Qatar and conveyed Saddam Hussein's offer to him.

If the report is true, then it is at least the second time Saddam Hussein has offered bin Laden asylum. A report in the *Christian Science Monitor* cited Arab sources which it considered to be legitimate that, according to Hassan Mohammed, who claims to have worked for two decades for Iraq intelligence services, graduates of an Iraqi school were intimately involved in training both Assad al Hassan and al-Qaida cells, and the quote is:

My information is that the Iraqi Government was directly supporting al-Qaida with weapons and explosives.

There are more and more reports like this. It is also logical, logical because Osama bin Laden and his people have made it clear that those who consider us an enemy are their allies. Therefore, Iraq is a natural ally to them, and vice versa.

So the possibility that a weapon of mass destruction which has been developed—and we know they have been developed within Iraq, biological and chemical weapons—could fall into al-Qaida hands or people representing the same concepts of al-Qaida is distinct.

We also know that Iraq is moving forward with a nuclear program, that they wish to have a nuclear bomb, and that they may well have it, if they are able to get fissile material within a year; if not, within 3 or 4 years. They are much further down the road toward obtaining nuclear weapons than we even anticipated when we had the war with them in the early 1990s. That was terminated then but has been restarted.

So what are we to do about this? The U.N. has passed 16 resolutions, the basic purpose of which is to try to disarm Saddam Hussein and his government, specifically in the area of weapons of mass destruction. There is no civilized nation today that does not understand the threat that is represented by having a government headed by a tyrant such as Saddam Hussein having weapons of mass destruction.

So the U.N. has made a conscientious effort to address this with these 16 resolutions. Of course, Saddam Hussein has ignored those, lied about what he is doing, and he ejected the inspectors, which leads us to the point we are at today.

This resolution has as its fundamental purpose the disarmament of Saddam Hussein, taking away his weapons of mass destruction. If, as a corollary to that, a regime change occurred in Iraq, that would be for the betterment of the world, I suspect. But the vital purpose here is to terminate the capacity to have and to use weapons of mass destruction, either by Iraq or by a client of Iraq or by an ally of Iraq or by al-Qaida specifically.

It is a totally legitimate national security purpose that we should pursue. The President has outlined the need to accomplish this. What he has essentially said, and appropriately so, is that we will support the U.N. effort to accomplish this. But if the U.N. is unable to accomplish it, then our national security is so important, so overriding, that we should take action with our allies to accomplish this. That is the only reasonable approach when you confront a threat of this significance.

There are some in this body who have essentially said we should pursue what I call the good intentions approach. That is an American trait—that we do give people the benefit of the doubt. But the good intentions approach in this area—hoping that things will work out through a policy of containment—has not worked.

We know for a fact that Hussein and his people have ignored the 16 resolutions and that they are developing weapons of mass destruction, and they actually possess them. We know for a fact that they may well use them. To

wait and rely on good intentions would be an error of policy which might lead to the death of many Americans. We can't afford that risk. We must insist, as the President has said, on the disarmament of the Hussein regime; specifically, the disarmament of their weapons of mass destruction, in a manner which is absolutely confirmable, where we know without question that it has occurred and that those weapons have not been moved into other places of hiding or into other hands, which may cause greater harm.

What the resolution before us does is give the President the authority to accomplish those goals. To fail to give the President the authority to accomplish those goals would be, in my opinion, an act of gross negligence, a failure of our responsibility as a government to defend our people.

We are at war. We have been attacked. Americans have been killed. And if Mr. bin Laden and his people have their way, more will be killed.

If we are to defend ourselves, we must be assured that the most threatening weapons they can use will not be used against Americans. Therefore, we must take action relative to Iraq. This resolution empowers the President to accomplish that. That is why I intend to vote for it.

I yield the floor.

Mr. ALLARD. Mr. President, I congratulate the Senator from New Hampshire for a very fine statement. I notice that our colleague from North Carolina has arrived in the Chamber, and we have Senator JEFFORDS scheduled to speak at 3. I ask the Senator from North Carolina, does he need a minute or two to make a comment?

Mr. HELMS. I thank the Chair, but I cannot use the time now.

Mr. ALLARD. Mr. President, 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. Mr. President, I was speaking to the manager of the bill, Senator ALLARD. He is scheduled to speak after Senator JEFFORDS, who is not here. I ask unanimous consent that Senator ALLARD be recognized for 20 minutes and that Senator JEFFORDS follow him.

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

The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Senator from Nevada.

Mr. President, today, I rise in strong support of S.J. Res. 46, the bipartisan joint resolution to authorize the use of the U.S. Armed Forces against Iraq.

First, I want to praise the President for his leadership and for reaching out to all Members of this body. I am proud

to be an original cosponsor of S.J. Res. 46 with Senators LIEBERMAN, MCCAIN, WARNER, BAYH, DOMENICI, HELMS, HUTCHISON, LANDRIEU, and MILLER. These Senators are leaders of the Senate, and I am proud to be associated with them on this important matter.

Also, I want to commend the leadership of the other body for their leadership in brokering this agreement between the administration, the Senate, and the House.

I know this debate will be vigorous in nature and serious in tone, which is exactly how such a debate should take place. One of our most solemn duties as Senators is when we are called upon to cast a vote on whether to send our men and women in uniform into harm's way. Quite simply, this is one of the most serious votes any Member will make.

I remember, as a new Member of Congress in 1991, one of my first votes was whether to go to war in the Persian Gulf. Just like in 1991, voting on this resolution will be a tough vote. But that is why we are here—to take a stand, state what we believe, and make the tough votes. In the end, I hope this debate will show that the Senate, despite any disagreements, is united in its resolve against Saddam Hussein.

Mr. President, the United States has basically been at war with Iraq ever since the Persian Gulf conflict. In April 1991 and August 1992, the northern and the southern no-fly zones were established in order to enforce United Nations Resolution 688. Since then, U.S., British, and coalition aircraft patrolling these no-fly zones have been fired upon by Iraq more than 2,500 times and over 400 times this year alone. However, despite the daily threat in the no-fly zones, our pilots have only fired back in response 44 times.

Saddam Hussein has repeatedly defied sixteen United Nations resolutions which were designed to ensure that Iraq would no longer be a threat to international peace and security. Plus, the United Nations Security Council has issued 30 statements regarding Saddam Hussein's violations of these 16 resolutions. At this time, I ask unanimous consent that a list provided by the White House of the 16 United Nations Security Council Resolutions and a list of Council statements regarding the violations be printed in the RECORD.

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

U.N. SECURITY COUNCIL RESOLUTIONS AND COUNCIL STATEMENTS REGARDING VIOLATIONS
DEFIED UN SECURITY COUNCIL RESOLUTIONS BY
SADDAM HUSSEIN

UNSCR 678—November 29, 1990

Iraq must comply fully with UNSCR 660 (regarding Iraq's illegal invasion of Kuwait) "and all subsequent relevant resolutions."

Authorizes UN Member States "to use all necessary means to uphold and implement resolution 660 and all subsequent relevant resolutions and to restore international peace and security in the area."

UNSCR 686—March 2, 1991

Iraq must release prisoners detained during the Gulf War.

Iraq must return Kuwaiti property seized during the Gulf War.

Iraq must accept liability under international law for damages from its illegal invasion of Kuwait.

UNSCR 687—April 3, 1991

Iraq must "unconditionally accept" the destruction, removal or rendering harmless "under international supervision" of all "chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities."

Iraq must "unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-usable material" or any research, development or manufacturing facilities.

Iraq must "unconditionally accept" the destruction, removal or rendering harmless "under international supervision" of all "ballistic missiles with a range greater than 150 KM and related major parts and repair and production facilities."

Iraq must not "use, develop, construct or acquire" any weapons of mass destruction.

Iraq must reaffirm its obligations under the Nuclear Non-Proliferation Treaty.

Creates the United Nations Special Commission (UNSCOM) to verify the elimination of Iraq's chemical and biological weapons programs and mandated that the International Atomic Energy Agency (IAEA) verify elimination of Iraq's nuclear weapons program.

Iraq must declare fully its weapons of mass destruction programs.

Iraq must not commit or support terrorism, or allow terrorist organizations to operate in Iraq.

Iraq must cooperate in accounting for the missing and dead Kuwaitis and others.

Iraq must return Kuwaiti property seized during the Gulf War.

UNSCR 688—April 5, 1991

"Condemns" repression of Iraqi civilian population, "the consequences of which threaten international peace and security."

Iraq must immediately end repression of its civilian population.

Iraq must allow immediate access to international humanitarian organization to those in need of assistance.

UNSCR 707—August 15, 1991.

"Condemns" Iraq's "serious violation" of UNSCR 687.

"Further condemns" Iraq's noncompliance with IAEA and its obligations under the Nuclear Non-Proliferation Treaty.

Iraq must halt nuclear activities of all kinds until the Security Council deems Iraq in full compliance.

Iraq must make a full, final and complete disclosure of all aspects of its weapons of mass destruction and missile programs.

Iraq must allow UN and IAEA inspectors immediate, unconditional and unrestricted access.

Iraq must cease attempts to conceal or move weapons of mass destruction, and related materials and facilities.

Iraq must allow UN and IAEA inspectors to conduct inspection flights throughout Iraq.

Iraq must provide transportation, medical and logistical support for UN and IAEA inspectors.

UNSCR 715—October 11, 1991

Iraq must cooperate fully with UN and IAEA inspectors.

UNSCR 949—October 15, 1994

"Condemns" Iraq's recent military deployments toward Kuwait.

Iraq must not utilize its military or other forces in a hostile manner to threaten its neighbors or UN operations in Iraq.

Iraq must cooperate fully with UN weapons inspectors.

Iraq must not enhance its military capability in southern Iraq.

UNSCR 1051—March 27, 1996

Iraq must report shipments of dual-use items related to weapons of mass destruction to the UN and IAEA.

Iraq must cooperate fully with UN and IAEA inspectors and allow immediate, unconditional and unrestricted access.

UNSCR 1060—June 12, 1996

"Deplores" Iraq's refusal to allow access to UN inspectors and Iraq's "clear violations" of previous UN resolutions.

Iraq must cooperate fully with UN weapons inspectors and allow immediate, unconditional and unrestricted access.

UNSCR 1115—June 21, 1997

"Condemns repeated refusal of Iraqi authorities to allow access" to UN inspectors, which constitutes a "clear and flagrant violation" of UNSCR 687, 707, 715, and 1060.

Iraq must cooperate fully with UN weapons inspectors and allow immediate, unconditional and unrestricted access.

Iraq must give immediate, unconditional and unrestricted access to Iraqi officials whom UN inspectors want to interview.

UNSCR 1134—October 23, 1997

"Condemns repeated refusal of Iraqi authorities to allow access" to UN inspectors, which constitutes a "flagrant violation" of UNSCR 687, 707, 715, and 1060.

Iraq must cooperate fully with UN weapons inspectors and allow immediate, unconditional and unrestricted access.

Iraq must give immediate, unconditional and unrestricted access to Iraqi officials whom UN inspectors want to interview.

UNSCR 1137—November 12, 1997

"Condemns the continued violations by Iraq" of previous UN resolutions, including its "implicit threat to the safety of" aircraft operated by UN inspectors and its tampering with UN inspector monitoring equipment.

Reaffirms Iraq's responsibility to ensure the safety of UN inspectors.

Iraq must cooperate fully with UN weapons inspectors and allows immediate, unconditional and unrestricted access.

UNSCR 1154—March 2, 1998

Iraq must cooperate fully with UN and IAEA weapons inspectors and allow immediate, unconditional and unrestricted access, and notes that any violation would have the "severest consequences for Iraq."

UNSCR 1194—September 9, 1998

"Condemns the decision by Iraq of 5 August 1998 to suspend cooperation with" UN and IAEA inspectors, which constitutes "a totally unacceptable contravention" of its obligations under UNSCR 687, 707, 715, 1060, 1115, and 1154.

Iraq must cooperate fully with UN and IAEA weapons inspectors, and allow immediate, unconditional and unrestricted access.

UNSCR 1205—November 5, 1998

"Condemns the decision by Iraq of 31 October 1998 to cease cooperation" with UN inspectors as "a flagrant violation" of UNSCR 687 and other resolutions.

Iraq must provide "immediate, complete and unconditional cooperation" with UN and IAEA inspectors.

UNSCR 1284—December 17, 1999

Created the United Nations Monitoring, Verification and Inspections Commission (UNMOVIC) to replace previous weapon inspection team (UNSCOM).

Iraq must allow UNMOVIC "immediate, unconditional and unrestricted access" to Iraqi officials and facilities.

Iraq must fulfill its commitment to return Gulf War prisoners.

Calls on Iraq to distribute humanitarian goods and medical supplies to its people and address the needs of vulnerable Iraqis without discrimination.

ADDITIONAL UN SECURITY COUNCIL STATEMENTS

In addition to the legally binding UNSCRs, the UN Security Council has also issued at least 30 statements from the President of the UN Security Council regarding Saddam Hussein's continued violations of UNSCRs. The list of statements includes:

UN Security Council Presidential Statement, June 28, 1991.	
UN Security Council Presidential Statement, February 5, 1992.	
UN Security Council Presidential Statement, February 19, 1992.	
UN Security Council Presidential Statement, February 28, 1992.	
UN Security Council Presidential Statement, March 6, 1992.	
UN Security Council Presidential Statement, March 11, 1992.	
UN Security Council Presidential Statement, March 12, 1992.	
UN Security Council Presidential Statement, April 10, 1992.	
UN Security Council Presidential Statement, June 17, 1992.	
UN Security Council Presidential Statement, July 6, 1992.	
UN Security Council Presidential Statement, September 2, 1992.	
UN Security Council Presidential Statement, November 23, 1992.	
UN Security Council Presidential Statement, November 24, 1992.	
UN Security Council Presidential Statement, January 8, 1993.	
UN Security Council Presidential Statement, January 11, 1993.	
UN Security Council Presidential Statement, June 18, 1993.	
UN Security Council Presidential Statement, June 28, 1993.	
UN Security Council Presidential Statement, November 23, 1993.	
UN Security Council Presidential Statement, October 8, 1994.	
UN Security Council Presidential Statement, March 19, 1996.	
UN Security Council Presidential Statement, June 14, 1996.	
UN Security Council Presidential Statement, August 23, 1996.	
UN Security Council Presidential Statement, December 30, 1996.	
UN Security Council Presidential Statement, June 13, 1997.	
UN Security Council Presidential Statement, October 29, 1997.	
UN Security Council Presidential Statement, November 13, 1997.	
UN Security Council Presidential Statement, December 3, 1997.	
UN Security Council Presidential Statement, December 22, 1997.	
UN Security Council Presidential Statement, January 14, 1998.	

Source: White House.

Mr. ALLARD. After the Persian Gulf conflict, the international community levied economic sanctions and established the "Oil for Food" program. However, these sanctions have largely eroded due to the lack of resolve by the international community and the reality of Iraq's substantial illicit trade. Turkey and Jordan import Iraqi oil via truck routes, Iran escorts oil tankers through territorial waters, an Iraq-

Syrian pipeline is the largest export method of Iraqi oil, with an Iraq-Jordan pipeline scheduled to be operational in 2005.

The United States attempted to garner support for "Smart Sanctions" in early 2001, but this attempt met tepid reception by the international community. Russia, China, and France have negotiated substantial contracts with Iraq which would be executable upon lifting of U.N. sanctions. Under the Oil for Food program, food import levels exceed and oil revenue is comparable to pre-Gulf war levels. The program experiences periodic progressive adjustments in its export ceiling in response to growing international concern about the Iraqi humanitarian condition.

However, Saddam Hussein consistently circumvent's the economic sanctions and attempts to thwart the oil for food program. Saddam's regime has exported thousands of barrels of oil each day in violation of UN resolutions and he completely disregards the humanitarian well-being of his own people. By illegally exporting this oil, he has deprived the Iraqi people billions of dollars in food and medicine which would have been allowed under the program.

The living conditions of the Iraqi people are intolerable. Saddam Hussein has expanded his violence against women and children, withheld food and medicine from his own citizens, and violated the basic human rights of the Iraqi people.

Mr. President, some have blamed the oil for food program and the economic sanctions for these conditions. But let us be very clear, the reason for these intolerable conditions and why we are debating this topic today lay at the feet of Saddam Hussein and his regime. To quote Secretary of State Powell from a Foreign Relations Committee hearing on September 26, "Iraq stands guilty. It convicts itself by its actions."

The threat of Saddam Hussein is real and is growing. Iraq enjoys a sizable military advantage over all Gulf States except Iran. Iraq's 424,000 military personnel outnumber the combined personnel total of all U.S. Gulf allies. Iraq continues to pursue weapons of mass destruction, and is attempting to acquire a nuclear capability. According to recent reports, it is estimated that if Iraq were to obtain fissile material then Saddam Hussein could build a nuclear bomb within months. United Nations Special Commission has identified gaps in accounting for Iraq's current chemical stockpiles and capabilities and has not accounted for hundreds of tons of chemical precursors and 1000's of delivery warheads. UNSCOM also reported that Iraq has understated their declarations regarding the extent of its biological agents.

Again, I would like to quote Secretary Powell from the same hearing, when he stated:

We can have debates about the size and nature of the Iraqi stockpile. We can have de-

bates about how long it will take them to reach this level of readiness or that level of readiness with respect to these weapons. But no one can doubt two things: one, they are in violation of these resolutions—there's no debate about that; and secondly, they have not lost the interest to develop these weapons of mass destruction. Whether they are one day, five days, one year or seven years away from any particular weapons, whether their stockpile is small, medium or large, what has not been lost is the interest to have such weapons of mass destruction.

Secretary Powell also made it clear that we aren't alone in our concern regarding the threat of Saddam Hussein. Referencing Arab leaders and their thoughts regarding Saddam, Secretary Powell added, "There is no question in their minds that he's a threat to regional stability and peace. There is no question in their minds that he is a threat to the region and has demonstrated previously his willingness to use weapons of mass destruction. And there is no doubt in their minds that he continues to have the intent to develop these weapons of mass destructions."

So what now—what do we do? Do we hope that Saddam Hussein goes gently into the night or do we finally stand up to this dictator and let the world know that Saddam Hussein can no longer thumb his nose at the international community.

We only need to go back a few weeks to see Saddam's duplicity. On September 16, 4 days after the President's speech at the U.N., the Iraqi government announced it would unconditionally allow the return of U.N. inspectors. However on September 20, Iraq backpeddled on its previous announcement by stating that the definition of "unconditional access" means no "presidential sites" and 24 hours notice before any inspection."

My reaction to this new definition of "unconditional" by Iraq is best summed up in an October 3 Denver Post editorial when it stated, "Saddam, there you go again."

I ask unanimous consent that the entire article entitled "Saddam Must Open Palaces" be printed in the RECORD.

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

[From the Denver Post, Oct. 3, 2002]

SADDAM MUST OPEN PALACES

Saddam, there you go again. Pardon the paraphrasing of Ronald Reagan, but Saddam Hussein's offer to allow weapons inspectors back into his country under current United Nation rules—the same rules he has willfully and flagrantly violated for years—is pure smoke-and-mirrors diplomacy.

Under those rules, Saddam's palaces would be off limits to inspectors.

Any inspection of Iraq must be unfettered. Otherwise, what's the point?

It's simply Saddam trying to stay one step ahead of the United States, with catch-me-if-you-can stall tactics.

The Iraqi dictator has been spending billions since the Persian Gulf War building what the U.S. government believes to be dozens of mammoth desert palaces. Meanwhile, his people starve. (Saddam cleverly blames

U.N. sanctions for keeping food and medicine out of his country, yet somehow finds the marble and gold to build palaces.)

Who's he trying to fool?

Well, France, Russia and China for starters. Those three permanent, voting members of the U.N. Security Council have not yet backed the United States' push to require open weapons inspections, destruction of any weapons of mass destruction and the use of military force if Iraq doesn't comply.

President Bush was right in going to the United Nations to remind its members how Saddam has consistently and brazenly laughed off its rules.

It was a big step toward building a much-needed world consensus for striking Iraq. But if getting U.N. Security Council approval requires us to work under old rules, such as those where palaces are off limits, the world, and those three countries, must know the United States will act without them.

The U.N. can't fall for Saddam's old tricks.

Congress on Wednesday was moving forward with a strongly worded resolution that gives Bush authority to attack Iraq if diplomatic measures fail.

Bush, in turn, must certify to Congress before an attack, or within 48 hours, that diplomatic and other peaceful means alone aren't enough to protect Americans.

"We will not leave the future of peace and the security of America in the hands of this cruel and dangerous man," Bush said Wednesday from the White House Rose Garden.

As he spoke, he was flanked as usual by Republicans, but also by what seems to be a growing number of Democrats.

Perhaps it's the approaching election. Or perhaps, as we hope, it's the morning briefings with congressional leaders where Bush is privately detailing why he considers Iraq an imminent threat.

For whatever reason, one of his potential rivals in 2004 strongly foreshadowed Wednesday that soon both parties will be singing with "one voice," as Bush predicted last week.

Sen. Joe Lieberman, D-Conn., said the administration has exhausted all non-military means to disarm Saddam.

"They've not worked," he said. "The moment of truth has arrived for Saddam Hussein. This is his last chance."

We've heard that before. Let's hope this time it's true.

Mr. ALLARD. Mr. President, I wish to quote a few passages from the editorial:

Any inspection of Iraq must be unfettered. Otherwise, what's the point? It's simply Saddam trying to stay one step ahead of the United States, with catch-me-if-you-can stall tactics.

Later in the editorial it states:

President Bush was right in going to the United Nations to remind its members how Saddam has consistently and brazenly laughed off its rules. It was a big step toward building a much-needed world consensus for striking Iraq. But if getting U.S. Security Council approval requires us to work under old rules, such as those where palaces are off limits, the world, and those three countries (France, China, and Russia), must know the United States will act without them. The U.N. can't fall for Saddam's old tricks.

I hope the United Nations Security Council will devise a new tough resolution which will demand "unconditional and unfettered" access to all sites. I do not want to have to use force to disarm Saddam Hussein. However, I also will

not allow the United Nations or any permanent member of the Security Council with veto power, to control our national security policy. And that is why I support this resolution.

S.J. Res 46 does not advocate force, but it does not preclude it. It uses force as the last resort, the very last. The resolution basically states that the President is granted authority to use force if he determines that:

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq, and

(2) 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 nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

I believe Secretary Powell clarified the administration's position even further regarding the use of force during the September 26 hearing by stating, "Yes, he [the President] wants the authority to carry out those resolutions where he believes force is the appropriate way to get implementation of those resolutions. I think it unlikely the President would use force—if he [Saddam Hussein] complied with the weapons of mass destruction conditions, it seems very unlikely that anybody would be using force to comply with any of the other resolutions."

Much of this debate is about when to pass this resolution. Should we pass a resolution before the United Nations acts or should we wait until after the United Nations acts? I believe this Senate should act prior to the United Nations to show that we speak with one voice in the importance of disarming Saddam Hussein. I agree with Secretary Powell and former Secretary of State Albright when they both stated that the United States would be in a much better position to prevail in the United Nations if the administration had a congressionally approved resolution in their pocket.

Passing this resolution in no way precludes the United Nations from acting, nor should it lessen the resolve of this administration to gain such support, but I believe a vote on this resolution will show our resolve to the world that we want the United Nations to act. However, if the United Nations is determined to follow the same course it has over the last 10 years, then Saddam Hussein must understand that the United States will act alone. On August 20, 1998, President Clinton addressed the Nation and said, "The risks of inaction to America and the world would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact." I do not want us to use force, but I also cannot and

will not sit idly by and hope that Saddam Hussein does nothing while the U.N. talks, and talks, and talks.

I believe President Bush summed up our task at hand during his speech last night in Cincinnati when he stated:

We did not ask for this present challenge, but we accept it. Like other generations of Americans, we will meet the responsibility of defending human liberty against violence and aggression. By our resolve, we will give strength to others. By our courage, we will give hope to others. By our actions, we will secure the peace, and lead the world to a better day.

Mr. President, I end on a personal note about this Senate. As I look across the aisle and see the "Conscience and Historian of the Senate", the wonderful senior Senator from West Virginia—with whom I find it a honor to serve—and as I see Members of this Senate debate and disagree on this resolution, it is during these debates I am in awe of this great country and this great institution. Unlike so many other nations, we can debate war and peace and at the end of the day there is no fracture in the fiber of democracy that makes America great. It is this which we all wish for Iraq and for the Iraqi people. I look forward to the day when real democratic elections occur and when the voices of the Iraqi people, which have been silenced for too long, will be heard.

Mr. President, I yield to the Senator from Vermont who is speaking next.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank my good friend.

Mr. President, I have come to discuss, not unexpectedly, the situation in Iraq and what our country ought to do in response to that threat.

As has happened many times before when faced with a potential threat to our national security and to the security of our allies, we must carefully evaluate that threat, and decide how best to deal with it.

It is imperative we not make a rash decision that will have lasting consequences for generations to come.

I am very disturbed by President Bush's determination that the threat from Iraq is so severe and so immediate that we must rush to a military solution. I do not see it that way.

I have been briefed several times by Defense Secretary Rumsfeld, CIA Director Tenet, and other top administration officials. I have discussed this issue with the President. I have heard nothing—nothing—that convinces me that an immediate preemptive military strike is necessary or that it would further our interests in the long term.

Saddam Hussein's desire to acquire weapons of mass destruction is of grave concern. Based on the information that has been provided to me by this administration, I believe this threat is best dealt with in the context of the United Nations.

The U.N. must move aggressively to ensure unfettered inspections and bolster its efforts to stop the proliferation

of materials that can be used in the production of weapons of mass destruction.

I urge the U.N. Security Council to take immediate and strong action to deal with Iraq and its infractions. Should Iraq fail to comply with the United Nations resolutions, it is incumbent on the United States to aggressively work with member nations to develop a means to bring Iraq into compliance.

But at this time, I cannot in good conscience authorize any use of military force against Iraq other than in the context of a U.N. Security Council effort.

If we receive information that the threat is more imminent, or if the United Nations' effort fails, then the President should come back to Congress for consideration of the next step.

Providing the President with authorization at this time for unilateral U.S. military action would undercut U.N. Security Council efforts to disarm Iraq.

We must ensure that any action we take against Iraq does not come at the expense of the health and strength of our Nation, or the stability of the international order upon which our economic security depends.

I spoke at length on the Senate floor last week about pressing problems that will determine the future strength of our Nation:

Grossly inadequate funding for education, declining access to affordable health care, degradation of our environment, and erosion of pension security for many hard-working Americans.

Saddam Hussein is as bad a dictator as they come. His past actions speak volumes about his true intentions. But is the only solution to this dilemma a military solution? Experience tells us otherwise. Ten years of containment through enforcement of two no-fly zones and U.N. economic sanctions have prevented Saddam Hussein from rebuilding his military to any significant extent especially with respect to our security. His military strength remains significantly weaker than when he moved against Kuwait more than a decade ago.

There is much speculation about his weapons of mass destruction program, but no evidence that he has developed a nuclear capability, and less that he could deliver it. While there is talk of cooperation between Iraq and al-Qaida, and I don't doubt that there has been some cooperation, I have not seen any hard evidence of close cooperation. There is, however, a great deal of evidence of Saddam's paranoia and his distrust of all but his closest inner circle. He has wiped out any viable political opposition and tightly holds all the reins of control. Even if he were to develop a nuclear capability, which he does not have, I have a hard time believing that Saddam Hussein would turn these weapons over to any organization, particularly a terrorist organization, after he has paid so dearly to acquire them.

Our greatest problem, it seems to me, is that we have very little good intelligence on what is going on inside Iraq. We know that Saddam Hussein's intentions are bad, but we don't have a clear picture of what his capabilities actually are, or if a threat exists. Clearly, we need to get United Nations inspectors on the ground immediately. The inspectors must have unfettered access to all suspected sites in Iraq. This is proving to be a major challenge for the United Nations, but the United Nations is much more likely to succeed if the United States is squarely behind its efforts, and not standing off to the side, secretly hoping that it will fail.

We should give the United Nations the opportunity to step forward and deal with Iraq and its infractions. In my estimation, the United States stands to gain much more if we can work with the United Nations to deliver a multilateral approach to disarming Iraq, even providing military force, if necessary. If the United Nations fails to press for the disarmament of Iraq or is blocked in its efforts, then I would expect the President to come back to Congress for further discussion of the alternatives.

In view of this threat from Saddam Hussein, which I believe is missing, I urge the Congress not to adjourn sine die upon completion of its work this fall, but to be ready to return to session at any time prior to the New Year if further action against Saddam Hussein should become necessary.

We must also work with the United Nations to stop the flow of those materials needed for producing weapons of mass destruction. There is a great deal more that we could do to tighten international nonproliferation regimes. Rather than supporting and empowering international efforts to stop the flow of nuclear materials and force greater transparency in chemical and biological commercial production facilities, the Bush administration has undercut these efforts and refused to participate in attempts to strengthen existing nonproliferation regimes. For example, last fall, at the Biological Weapons Convention review conference, the Bush administration scuttled efforts by our closest allies, most notably Great Britain, to strengthen the international biological weapons inspection regime.

The administration has actively undermined efforts to monitor and verify the existing international moratorium on nuclear weapons testing.

Additionally, we should be putting more resources into the Nunn-Lugar program, which has had some success at preventing the export from the former Soviet Union of nuclear weapons materials and scientific know-how. Saddam Hussein is not the only deranged dictator who is willing to deprive his people in order to acquire weapons of mass destruction.

Just think of what progress we could make on nonproliferation if we were to put one fraction of the cost of a war

against Saddam Hussein into efforts to prevent the emergence of the next nuclear, chemical, or biological threat. Strong efforts at strengthening international nonproliferation regimes would truly enhance our Nation's future security.

In our preoccupation with Saddam Hussein, we must not lose sight of potential crises in several other areas of the world. The India-Pakistan nuclear confrontation and the standoff over Kashmir have demanded a great deal of American effort during the past year. We cannot rule out a re-emergence of this nuclear threat. The conflict between Israel and the Palestinians continues to claim lives and threaten the stability of the region. Without U.S. prodding and even direct involvement, there is little chance that a peace process could resume there. War with Iraq could have an inflammatory effect upon that situation, and potentially risk the security of Israel as well. A war with Iraq would diminish our focus on bringing stability to Afghanistan, risking a return of anarchy to an area we have just given American lives to stabilize. While Pakistan has stood with us this year, a lessening of U.S. attention to Afghanistan could significantly undercut our influence in Islamabad. And the larger war on terrorism, our top concern just a few months ago, would take a back seat to a protracted war with Iraq and a major reconstruction effort. Yes, we must worry about Saddam. But we must not do so in a manner that reduces our ability to deal with these other threats.

I fear that this administration is, perhaps unwittingly, heading us into a miserable cycle of waging wars that isolate our Nation internationally and stir up greater hatred of America. This cycle will generate more enemies, while undercutting our support from a broad coalition of allies—coalitions that have proven to be the hallmark of all successful peacemaking efforts in recent years.

We owe it to the American people not to rush into a war, but to work with the institutions that we fought so hard to develop for just this eventuality. If multilateral efforts fail, then the President should come back to Congress for consideration of the next course of action. I cannot support a resolution that puts this Nation on a path to war without first exhausting diplomatic efforts. Now is the time to put the international system to work for us, and consider unilateral military action only as a last resort.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. REID. Mr. President, we are running ahead of time with our scheduled speakers. I have not had an opportunity to speak to the manager of the bill, but I have spoken to the staff. Senator KENNEDY comes to speak automatically at 3:40. I ask unanimous consent that Senator CLELAND be recognized at 3:30 for 10 minutes.

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

The Senator from Colorado.

Mr. ALLARD. Mr. President, the Senator from Connecticut will speak for the next 10 minutes or so, and then we will be on schedule for our 3:30 speaker.

Mr. LIEBERMAN. Mr. President, as one of the four lead sponsors of the amendment in the nature of a substitute resolution, I appreciate very much the thoughtfulness of my colleagues in addressing the resolution we put forward, including those who have expressed reservations or objection to it. I will take a few moments to respond to a few of those, as time allows.

One of the concerns expressed was that our resolution essentially provides the President with a blank check and, at its worst, according to the critics, is in derogation of the Constitution of the United States.

Respectfully, I object to both of those descriptions. Let me take the first, which is the question of the Constitution. The Constitution says in article I, among the powers enumerated in section 8 that the Congress of the United States is to have, is the power to declare war. That is stated. Incidentally, in the same clause there are other powers: To grant letters of marque and reprisal and make rules concerning captures on land and water.

Though the Congress of the United States, for various reasons, has not formally declared war since December of 1941, that is the effect of the resolution before the Senate, to authorize the President to take military action to put American troops into combat, into war. That is the extent of the description in the Constitution.

The authority that would be given to the President under our resolution is entirely within that constitutional grant to the Congress, which is to give the President the authority to defend the national security of the United States—and again, no blank check here—against the continuing threat posed by Iraq. It is targeted to that particular point, based on the conclusions about Iraq's danger to the United States stated in the preamble or the whereas clauses. "And"—not "or"—and this authority is given not only to protect the security of the United States against the threat imposed by Iraq and to enforce all relevant United Nations Security Council resolutions regarding Iraq.

So one may disagree with the conclusions that those who are sponsoring this resolution have reached about the clear and present danger Iraq under Saddam Hussein represents to America's national security, but I respectfully do not think anyone can convincingly claim this resolution is in any sense unconstitutional. It is well within the authority granted to the Congress under article I of the Constitution. Nor is it, in any sense, a blank check. It is circumscribed by the terms I have just described, "and"—not

"or"—two grounds of authority. It is not a blank check. It is a check that can only be spent within the parameters set out in those two clauses.

I might add, the Congress also is given by the Constitution the power to appropriate funds. That is the ultimate power that Congress has, to make sure this is not a blank check either in terms of what the money can be spent for or how much money can be spent.

Questions have been raised about the urgency of this matter and the timing of the request by the President for this authority. I said earlier today and I will say briefly again that in the case of this Senator, I have believed now for more than a decade that we have been much too patient—in fact, have been in error at the end of the Persian Gulf war for not moving to remove Saddam Hussein from power when his military was in disarray. We knew what his goals were, what his record was. We knew by statements he made that he had the ambition to be the leader of the Arab world, the modern-day Saladin, to have Baghdad become the capital of the Arab world, of the Persian Gulf. That, of course, would be terrible for the Arab world, terrible for the world, and terrible particularly for the United States of America.

Over the last decade, for those who believe we are acting precipitously in passing and offering this resolution, we have tried everything else to get Saddam Hussein to keep the promise he made at the end of the gulf war. We have tried sanctions, embargoes, inspections, trade restrictions, the Oil for Food Program, even limited military action. None of them has worked.

I repeat briefly some of the history. In February of 1991 after the Iraqi military was vanquished in the Persian Gulf war, Saddam Hussein, effectively to preserve his leadership of that country, signed an agreement accepting all U.N. Security Council resolutions passed after his invasion of Kuwait as a condition for the termination of hostilities. That included Resolution No. 687 which required that Iraq's weapons of mass destruction be "destroyed, removed or rendered harmless." In that Resolution 687, it goes on to require that inspectors be allowed into Iraq.

Saddam Hussein systematically withheld information, used every available method of deception. I have an article from Time magazine of September, 1995, 7 years ago, which describes how much we knew about the deception that Saddam Hussein—the cheating and retreating, as the article said, that Saddam Hussein had gone through to frustrate the will of the United Nations and how much we have learned in admissions that were made as the United States mobilized forces to invade Kuwait: That the Iraqis had admitted they had begun filling 191 bombs and Scud missile warheads with deadly biological agents such as anthrax and botulism toxin, which were to be mounted on missiles, planes, and drone aircraft and dropped on enemy troops, fewer

than half of whom had received the appropriate germ warfare vaccinations.

One Iraq report, reading from the article in Time magazine 7 years ago, stated that shortly before invading Kuwait in August of 1990, Saddam ordered a crash program to have a nuclear weapon built by April of 1991.

Interestingly, a month before this article was printed in Time magazine, Baghdad rushed to give some documents to the U.N. to jump ahead of Saddam's son-in-law, Hussein Kamel al-Majid, who had defected. He had been a senior general in charge of the nuclear and biological weapons program. Hussein, according to the article, knew he could not keep him quiet, so he decided to try to make points with the U.N. by producing a flood of information. It was devastating in its content in terms of the deadly toxins of which he was developing an enormous inventory.

Of course, we know since the inspectors were ejected in 1998 and Saddam has now had, after his deception of the years that preceded, 4 years to build up his inventory which our intelligence and allied intelligence confirm has grown, remains, and is today more threatening and more powerful in terms of weapons of mass destruction, unconventional, than he had ever been before.

I want to go back to one final quote. On February 15 of 1991, as we had won a victory in the gulf war, Saddam said:

Every Iraqi child, woman, and old man knows how to take revenge. They will avenge the pure blood that has been shed, no matter how long it takes.

That is undoubtedly why Saddam tried to assassinate former President Bush in 1993. That is why our State Department continues to designate Iraq under Saddam as a state sponsor of terrorist groups that have killed Americans. That is why we cannot rest until he is disarmed, which is the purpose of this resolution—disarm or face military action.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized for 10 minutes.

Mr. CLELAND. Mr. President, I find it the height of irony in the midst of our discussion on potential war with Iraq and potential use of force and committing young Americans into harm's way—and I indicated my support yesterday for the bipartisan resolution that would authorize the use of force to go after weapons of mass destruction in Iraq—I find it ironic in the midst of this debate about whether to commit American forces to a national objective somewhere in the world, that in the Washington Post yesterday an article was entitled "New Pension Benefits Imperil Defense Bill. In Cost-Conscious Move, Bush Vows to Veto Entire Budget if Item Isn't Eliminated."

The message in the article is disturbing to me because the item referred to is something called concurrent receipt.

I might say currently under law there is an untenable situation where, if someone has served 20 years in the American military and additionally gets wounded in that service, they cannot draw their retirement which they have earned and their disability compensation which they are entitled to, concurrently. They cannot do that. So I find it ironic in the midst of the time when the President is calling upon us to authorize the use of force somewhere in the world, he is opposing the use of concurrent receipt or the ability of our troops, our servicemen and women who have served 20 years or more and get wounded in that effort, to draw those entitlements concurrently. He opposes that and has threatened to veto the almost \$400 billion defense authorization bill because of that one item. That is unconscionable.

This article says the President has threatened to veto the defense authorization bill for fiscal year 2003 in order to block the Defense Department from paying veterans and military retirees the very compensation they have earned.

I am puzzled. I am flabbergasted by the President's position and the veto threat. He goes on television one night and threatens war to accomplish our national objectives, and the next moment says he is going to veto the entire defense authorization bill which would help pay for that very war because he doesn't agree with the Senate's position here, where we stand foursquare behind those who have gone in the military, served more than 20 years, and gotten wounded.

I can't understand it. Surely, with all the benefits and quality-of-life provisions we have in our laws supporting our military families, and authorizing weapons systems, and passing, as we passed in this body, a defense authorization bill of \$393.4 billion—that the President has threatened to veto this package over a question that ought to be a nonstarter, a no-brainer, is very alarming. The fact is, if somebody serves in the American military 20 years or more and gets wounded in that service, what they are actually entitled to is not authorized.

I challenge anyone who opposes the repeal of the concurrent receipt: Just what are we talking about here? What is the cost to our military personnel who put their lives on the line? And what is the cost to our Nation when nobody else wants to do that because we are not giving them their just due? We have to address this issue and protect our military retirees and veterans. To ignore it is actually the height of hypocrisy, and dishonors the very men and women who serve in uniform.

How can we as a Nation, in good conscience, in a matter of hours, ask our military men and women to put their lives on the line in the future if they know this country will not take care of them?

That is idiotic. The defense authorization bill is in conference between

the House and the Senate. It is my hope we can find the right compromise that will make sure we take care of our veterans and retirees. I urge that the House and Senate adopt legislation that will address this issue, and I ask the President and the Secretary of Defense rethink their position and stand up for our veterans and military retirees who are unfairly affected by the current law. We need to change it.

This body stood foursquare behind them. As a matter of fact, one of my combat veterans in this great body here, fellow Vietnam veteran Senator JOHN KERRY from Massachusetts, he and I and others are sending a letter to the President of the United States, urging him to recant that position on threatening to veto the very defense authorization bill we will need to go to the very war he is trying to crank up.

I see this as the height of irony. At one moment we are threatening to put our young Americans into harm's way. At the other moment the President said he is going to veto the entire defense authorization bill because of one item. What is that one item we are paying at the request of this great body? Those who serve 20 years or more and get wounded, they get their just due.

I appreciate my colleague, Senator REID from Nevada, for pushing this issue and bringing it to national attention as the chairman of the Personnel Subcommittee in the Armed Services Committee. We feel very strongly in our committee and in the Armed Services Committee of this body on this issue.

I yield the floor.

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

Mr. CLELAND. I yield.

Mr. REID. I worked on this situation a long time. I appreciate the Senator from Georgia coming, lending your prestige. I underscore that, on this very important issue. As the Senator said, this is a simple issue, whether someone who has put in his time in the military, whether it is 10 or 20 or whatever years it is—20 or 30—whatever it is, and then, I say to my friend from Georgia, the distinguished Senator, then finds himself, because he has a disability—it could be 100 percent or whatever percent disability—he has to make a choice. He can't get both pensions, both of which are earned.

If there were ever an example of how a country owes this to these people, this is it. I say to my friend from Georgia, thank you very much. The Senator from Georgia, I know, as I do, goes to VFW halls and the other veterans' organizations, and we see there large numbers of World War II veterans. I am not happy to say this, but a thousand are dying every day. These men—and very few women, from World War II; as we went back, there were more women involved—deserve this. As in Korea. I have a friend the Senator from Georgia knows, who was my high school teacher, the Governor of the State of Ne-

vada, who lost a limb in Korea. He had to make a choice. He cannot do both. He spent time in the Air Force, in the Marines, in the Army and, under this goofy law he cannot draw both pensions if, in fact, he was entitled to them.

This is just senseless. So I appreciate very much the Senator from Georgia recognizing the importance of this and lending his prestige.

No one can come and speak on veterans' matters with more authority than the Senator from Georgia. I say to the Senator, not only have you received injuries, but you are also the person who ran the Department of Veterans Affairs. You have seen it from all sides. I appreciate very much your being here, helping on this legislation the conference committee must approve. It is simply just unfair if they do not.

Mr. BIDEN. Will the Senator yield for a question?

Mr. CLELAND. I do.

Mr. BIDEN. I apologize for not hearing the Senator's entire remarks. On what I heard at the end, I fully concur.

Mr. WARNER. Will the Senator use his microphone?

Mr. BIDEN. I beg your pardon.

Does the Senator actually believe the President would veto this? I mean, the President speaks so glowingly and lovingly—and I believe he means it—about our veterans and our responsibilities and our obligations. If you laid out to the American people what we are talking about here, they would understand this just does not make sense.

Most people—who are not veterans, who are not disabled, who do not participate in any way—I think assume the law is as you and Senator REID and myself and others are trying to change it.

I ask the Senator, A, do you really believe the President would veto this? And, B, what is the real reason for the veto? I mean, is there something I am missing here?

Mr. CLELAND. The Senator is right in his sense of being absolutely dumbfounded by this. I am absolutely perplexed. I would certainly hope the President of the United States, the Commander in Chief, would not veto a defense authorization bill worth \$394 billion, that this body passed, on a spurious issue that it costs money to pay those who fight our wars. It sure does, especially those who get wounded in our wars. It sure does. If we can find the money for war, certainly we can find the money to take care of those who fight our wars. It is just as simple as that to me.

So I thank the Senator from Delaware for his question.

Mr. WARNER. Mr. President, if I could, because I have been aligned with the distinguished Senator from Nevada, Senator LEVIN, and others on both sides of the aisle, together with our colleague from Georgia, about this concurrent receipt—this Senator knows of no time the President of the

United States has directly spoken to this issue. Thus far, only the individuals who are working in the budgetary matters at OMB have. As you mentioned yesterday, I say to the Senator from Nevada, Mr. Chu, who is a principal adviser to the Secretary of Defense, had made comments.

At this point in time I find no foundation to associate the President personally with this decision. Furthermore—and then I will yield right away—being an active member of the conference of the four principals between the House and the Senate, the targets are moving back and forth. There is the Senate version, there is the House version, and there is the amended Senate version. There is also one Senator MCCAIN and I have talked about, and that is, should we move forward on concurrent receipts, we would do it in the context of the Purple Heart winners and those who have injuries that are directly associated with having served in combat zones. That may not be to the liking of all of us, but all types of options are being explored.

I know at this time no basis of fact that the President is personally involved.

Mr. REID. Mr. President, I do not know what is the proper procedure at this time. The Senator from Georgia has the floor. But with the permission of the Chair and the Senator from Georgia, I would like to direct a question to my friend, the distinguished ranking member of the Armed Services Committee.

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

The Senator from Nevada.

Mr. REID. The Senator will recall yesterday, on the floor, I said, I do not think the President knows what the people are saying. I think if the President really knew what people were saying—we are robbing Peter to pay Paul on people who have injuries, people who are disabled because of their service in the military—I do not think the President would do that. I hope not. That is what I heard coming from the distinguished Senator from Delaware, that I do not think this is President Bush's personality; at least I hope not.

I say, though, to my friend, as I said yesterday, I really do believe a person who is injured in combat—and I cannot speak from experience, as can my friends, such as Senator KERRY, Senator INOUE, and Senator CLELAND, what combat is like. I do not really know. But I do know people who have disabilities in the military. No matter how they received those disabilities, I believe they are entitled to that disability payment. I think it may be an easy way out for some to just say: Well, if you are injured in combat, you are entitled to your disability pay, but if you are injured on the back lines by a tank running over you, or a truck hitting you, or falling off a truck doing work to take care of those people on the front lines, then you are not. But I say, whether that person is 3,000 miles

away or 30,000 miles away from the front lines, I think they are entitled to that compensation for disability just as well as someone else. That is a comment I make to my friend from Virginia prior to your making a decision in that conference.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I say to my good friend he is very correct and accurate, as always, in what he stated yesterday as not being associated to the President personally.

I say to the Senator, I associate myself with your goal of having broader concurrent receipts. But I am faced, as the ranking member of the committee, with the reality of the situation. We will have to ascertain exactly: Is there a line at which the executive branch will accept some version of concurrent receipts? And we just have to bring that back to our colleagues.

Because if we were to experience a veto—I am not suggesting in any way it has been communicated other than through the staff to this Senator—our bill would go down. Twelve months of work by the Armed Services Committee would go down. Many benefits, pay raises for the men and women of the Armed Forces, new weapons—it all goes down on this one issue.

I say to the Senator, I share with you—I find it very hard to think that could come about. But, nevertheless, all of us having been here many years, under several Presidents, know there are junctures in conferences when this does happen. It is our responsibility—and I assume it—to try and ascertain, is there some form? And then we bring it back to our colleagues. If there isn't, then I think we should all recognize the situation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could respond very quickly.

Senator BYRD has been here—and I say this with dignity and respect—and he has given us so many lectures on the Constitution. I have listened. I believe in the Constitution. We are a separate and equal branch of Government. The President cannot tell us what happens in conference. He can offer his opinion.

I say this, as I said yesterday, the President cannot sustain a veto on this matter. He cannot sustain a veto. I would put up before this body, any time, my veterans compared to the people who surround the President.

So I say to my friend from Virginia, a man of courage, integrity, and, as I said yesterday, a gentleman, hang in there. We are the third branch of Government. We deserve to be able to do what we have passed in this body. We cannot let the administration cow us on this because we are right. If he vetoes it, we will override the President.

Mr. BIDEN. Mr. President, I ask unanimous consent to speak 2 minutes on this point—just 2 minutes.

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

The Senator from Delaware.

Mr. BIDEN. Mr. President, I have been here 30 years. This is the most ridiculous thing I have ever heard. This is absolutely mind-boggling. This is brain dead. We have a roughly \$400 billion defense bill. We may be asked to go to war. And some bureaucratic functionary, somewhere in the bowels of OMB—if that is what is to be believed—is suggesting that we hold up this bill because they do not want to allow disabled veterans to have concurrent receipt of their disability and their military pension. That is brain dead.

And, Mr. President—you are not listening; but I hope your staff is listening—stop this. Stop this. Stop this. It makes no sense, Mr. Chairman, to yield to blackmail that they'll veto this bill when the Senate has overwhelmingly voted for concurrent receipt. If you yield to this, Mr. Chairman, I will be dumbfounded—dumbfounded. I know you've worked a whole year. I have worked a whole year, and up to 8 years, on legislation.

But I can't believe you'd even listen to somebody who would say this. Why wouldn't you pick up the phone and call up the President and say: Mr. President, is this the deal? Is this the deal? Tell me straight up, boss. What is the deal? Because if it is, it is outrageous.

So I suggest we just pick up the phone and call the President. You have a close relationship with him. Call him. Ask him. Ask him. I pray to God he would not even think of saying to you: No. I will veto a \$400 billion bill at the same time while nailing the veterans. Call him. Phone home.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, point of parliamentary inquiry: What is the business currently pending?

The PRESIDING OFFICER. The Lieberman amendment.

Mr. REID. Parliamentary inquiry, under the order now before the Senate, we are on the Lieberman amendment. It is my understanding the Senator from Massachusetts is entitled to the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor.

Mr. KENNEDY. I am glad to yield to the Senator from Florida.

AMENDMENT NO. 4857 TO AMENDMENT NO. 4856

Mr. GRAHAM. Mr. President, I thank the Senator.

My purpose is to offer an amendment to the Lieberman amendment which is in the nature of a substitute. I send the amendment to the desk.

Mr. WARNER. Could I inquire of the leader, before he departs the floor, regarding the order that is in now, we are dealing with matters relating to debate on Iraq; the nature of this substitute amendment is what?

Mr. GRAHAM. It will add an additional authority to the President relative to the use of force.

Mr. WARNER. This is an amendment to the matter that is pending before the Senate?

Mr. GRAHAM. It is an amendment to the matter pending before the Senate, yes.

Mr. WARNER. I see. Could I ask my colleague: We have been trying to work in a very cooperative way, Senator LOTT and Senator DASCHLE, Senator REID and myself, on the timing of these things. Has this matter been taken to the leadership?

Mr. GRAHAM. I have discussed it with Senator DASCHLE.

Mr. WARNER. And his views on it are?

Mr. GRAHAM. I do not know what his views are.

Mr. WARNER. I see. Could I ask the distinguished majority whip about the procedure at this point in time? I know on this side we have tried very hard to stay within the framework, although it is not clearly established, but the framework as to how this Iraq debate would go on and the timing of the introduction.

Mr. REID. I would say to my friend from Virginia, the Senator from Florida wants to offer the amendment and then leave the floor.

Mr. GRAHAM. I will not debate the amendment.

Mr. REID. He has a right sometime today to offer the amendment. The Senator from Connecticut is aware of his wishing to offer this. He has a right to offer it, but it is just a question of when he would do it.

Mr. WARNER. I don't dispute the rights. I am just trying to stay within the framework of the guidance being given by our respective leadership on the management of this matter.

Mr. REID. The reason he did it this way is so we would not interrupt the order in effect.

Mr. WARNER. Then the amendment would become the pending business, would it not?

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. WARNER. I asked the question as to whether or not it would become the pending business.

The PRESIDING OFFICER. The amendment will be reported, and it will become the pending business.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The clerk will report.

Mr. WARNER. Is that the desire then?

Mr. REID. I guess we should have mentioned it to you. I apologize we didn't do that. I think there was wide knowledge he was going to do this sometime today.

Mr. WARNER. I am asking then if I might just have time to consult with our leadership, recognizing the Senator has a right, so I could get such instructions as my leader may wish to contribute.

Mr. REID. 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. Mr. President, it is my understanding the clerk is going to report the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 4857 to amendment No. 4856.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide substitute language that includes an authorization for the use of the United States Armed Forces to defend the national security of the United States against the threat posed by certain foreign terrorist organizations)

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 "Authorization for the Use of Military Force Against Iraq and International Terrorists Resolution".

SEC. 2. 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. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq;

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq; and

(3) defend the national security of the United States against the threat posed by the following terrorist organizations:

(A) The Abu Nidal Organization.

(B) HAMAS.

(C) Hizballah.

(D) Palestine Islamic Jihad.

(E) Palestine Liberation Front.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in paragraph (1) or (2) of subsection (a) to use force, the President shall, prior to such exercise or as soon thereafter as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq, or (B) is not likely to lead to enforcement of all rel-

evant United Nations Security Council resolutions regarding Iraq; and

(2) 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 nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supercedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105-338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93-148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102-1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102-1.

Mr. REID. Senator GRAHAM will speak on this at a later time. The Senator from Virginia, the manager of the bill, will ask for 2 minutes now. Regarding the order in effect that was gotten earlier today, I ask unanimous consent that we eliminate the times when the Senators are to appear. It just hasn't worked. Somebody finishes 10 minutes early, or 5 minutes late, and it throws everything off kilter.

So I ask unanimous consent that following the statement of the Senator from Virginia, Senator WELLSTONE be recognized for 5 minutes, and Senator KENNEDY for 15 minutes; that we then have a Republican Senator for 20 minutes; Senator CARPER for 20 minutes; a Republican for 30 minutes; and then that we have Senator DODD for 30 minutes and a Republican for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I have just been handed the amendment of the distinguished Senator from Florida. I have looked it through. We will have a debate on it in due course. I must bring to the attention of the Senate that in the course of the drafting of the resolution by my good friend from Connecticut, myself, Senator MCCAIN, and

Senator BAYH, we took into consideration a lot of things and counseled with the administration.

The point I wish to make is that, at first glance, this amendment seems to restore, in some sense, the original words of S.J. Res. 45, which I read:

The President is authorized to use all means that he determines to be appropriate, including force, in order to enforce the United Nations Security Council resolution referenced above, to defend the national security interests of the United States against a threat posed by Iraq . . .

This is the key part:

. . . and restore international peace and security in the region.

My recollection is that, in the negotiation, the Democrat side of the aisle was strongly in opposition to that last phrase in S.J. Res. 45 and, therefore, Senator LIEBERMAN and I and others took it out when we drafted ours, S.J. Res. 46. I just make that observation, and I find it a bit perplexing. Nevertheless, I have had the opportunity to state my point.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Will the Senator yield for a moment?

Mr. WARNER. I yield the floor on this. Under the time agreement, our two colleagues are to speak. I suggest the Senator address the Chair as to his desire.

Mr. GRAHAM. Mr. President, it was our intention to maintain the amendment in all respects, other than adding the language that begins on page 2 at line 23 and runs through page 3 at line 4. That was our sole intent in offering the amendment in the form that we have done so. If there had been negotiations of which we were unaware that altered the underlying amendment, at the appropriate time it would be my intention to offer an amendment to make it conform to the proposal that adds what yourself and others have currently agreed to.

Mr. WARNER. At the appropriate time, we will address that. I thank my colleagues.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I rise to speak for a short time today about the Iraq resolution, and tomorrow I will have a chance to speak at greater length. I thank Senator KENNEDY for allowing me to precede him. I also tell my colleague from Georgia that his speech on the concurrent receipt was powerful and, having spent the whole day with veterans yesterday, is absolutely right. It is critically important that this defense appropriations bill go through with that provision.

Mr. President, I did not have a chance to hear the President speak last night, but I read the transcript. I think it is important that the President focus on obtaining international support. The military option should only be considered as the last option. I believe that people were glad to hear that

last night in Minnesota and in the country.

The problem is that the actual resolution before us goes in a different direction. What this resolution does is give the President the authority for a possible go-it-alone, unilateral military strike and ground war. I think this would be a mistake. We should not go it alone.

There is a critical distinction between going it alone and taking action in conjunction with our allies. Our focus should be going to the United Nations Security Council and asking for a resolution that makes it clear to Saddam Hussein that he must disarm. Saddam must give arms inspectors unfettered access. And, if he does not comply with this new UN resolution there will be consequences, including the use of appropriate military force. But we must do this together with our allies. We must bring the international community on board. This resolution allows for a preemptive, unilateral strike, which I believe would be a huge mistake.

When Secretaries Kissinger and Albright testified before the Foreign Relations Committee, I asked both of them about the consequences of going alone versus working with the international community. First I asked: Shouldn't the goal be disarmament, and shouldn't we make every effort to try to make disarmament happen before taking military action?

They both were in agreement. Secretary Kissinger said: Yes, we need to play this out.

No one trusts Saddam Hussein. Everybody knows he is a brutal dictator. That is not the point. The point is how to proceed; how to do this the right way. The focus should be on disarmament and getting the support of our allies in the international community.

I do not think we should be approving a preemptive, unilateral strike by the United States, going it alone, or only with Great Britain.

I asked the former secretaries what the differences would be. They spelled out hugely different consequences between our going it alone, if, in fact, military action was necessary, versus taking action with our allies.

The former secretaries made the following points. If we take unilateral military action Saddam Hussein will have a better chance of uniting the world community against us, rather than vice versa. Moreover, there could be grave consequences in the Near East and South Asia that could include energizing other radical elements and increasing support for al-Qaida. Would this not play into the hands of the radicals? This is a big question if we go it alone.

What about our men and women, our sons and daughters who would be put in harm's way? What would the consequences be on the ground for them if we go it alone versus with our allies?

What about this war against terror? As a father and grandfather of six chil-

dren I take al-Qaida very seriously. Unfortunately international terror is a part of the world in which we now live. Will we have the same international cooperation to fight international terror if we go it alone? In many parts of the world we need the cooperation, assets, and on-the-ground intelligence of our allies for the continued war on terror. I think going it alone, a preemptive military strike, perhaps a ground war, could very well undercut that effort.

Mr. President, I have one more point. I am not going to talk at length about my interaction with people in Minnesota over the last several days since I announced my opposition to the first resolution, but I will tell my colleagues this: Many people have come up to me, and I had great discussions with people in Minnesota. I cannot thank them enough.

I do not really know what the breakdown is in terms of X percentage this way or that way, but I will say that the people in Minnesota and our country are worried about this issue. They are worried about us going it alone. They are worried about what might happen to our sons and daughters in Iraq. They far prefer we work together with our allies. They far prefer we have international support and that the focus be on disarmament.

I believe that is the direction in which we should go. That is not what this resolution before us asks us to do. Therefore, I will vote no on this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend President Bush for taking his case against Iraq to the American people last evening, and I agree with the President that Saddam is a despicable tyrant who must be disarmed. As many of us had hoped, the President has now clearly given the Iraqi regime an opportunity to avoid war. The President himself says he has not yet decided war will be necessary. In this situation, it would be wrong for Congress to act now to authorize the President to go to war before the steps the President has outlined are exhausted.

The most solemn responsibility any Congress has is the responsibility given the Congress by the Constitution to declare war. We would violate that responsibility if we delegate that responsibility to the President in advance before the President himself has decided the time has come for war.

The President acknowledged last night there are major risks in going to war. I do not believe these risks have been adequately described to the American people.

General Wesley Clark, the former Supreme Allied Commander in Europe, told the Armed Services Committee on September 23 if you are talking to the mothers and the loved ones of those who die in that operation in Iraq, you

want to be sure using force and expending American blood and lives and treasure is the ultimate last resort, not because of the sense of impatience with the arcane ways of international institutions or frustrations from the domestic political process of allies.

As the Senate continues to debate the use of military force against Iraq, we must do all we can to assess the potential costs of such a war in blood and treasure. The American people deserve to know what a conflict in Iraq might be like. They deserve to know how many casualties there might be. They deserve to know the true preparedness of our troops to fight in a chemical or biological environment. If they are in the National Guard or Reserves, they deserve to know how a conflict in Iraq will affect them and whether they are likely to be called up for duty.

Many Reservists who were initially recalled for the war in Afghanistan have been either demobilized or extended for a second year. They are concerned about what the impact of war against Iraq will have on their families and on their jobs. Many employers, who are struggling in the current sagging economy, are also deeply concerned about the stability of their workforce. These patriotic Americans are willing to sacrifice, but they deserve to know all reasonable alternatives to war have been exhausted.

None of us can foresee the course of events that will unfold if we go to war. Before Congress acts, the administration has an obligation to explain to the Congress and the American people the potential consequences of war. As of now, it has not.

The President is asking Congress to delegate its constitutional power to declare war before he has decided we need to go to war, but he has not adequately explained what this war will look like. How many ground troops will be required? How many casualties can we expect to suffer? How well can we respond to the use of chemical or biological weapons against our troops? How will postwar occupation and reconstruction in Iraq be conducted? How will our ongoing military operation in Afghanistan be affected, and what will the impact be on the overall war against terrorism?

Today, our service men and women are helping to combat terrorism in Afghanistan, the Philippines, the Nation of Georgia, and elsewhere around the world.

Our purpose is clear; defend our country against the clear and compelling threat to our security posed by al-Qaida. I strongly support the President in the war against al-Qaida and the al-Qaida terrorists. I am proud of the achievement of our Armed Forces in the war against terrorism.

Some argue that America's vastly superior military force can easily defeat the Iraqi army, but many of us are concerned that the very strength and success of our Armed Forces in the gulf war and in Afghanistan will lull Amer-

ica into thinking if war with Iraq becomes necessary, it will be a bloodless war with few casualties.

The gulf war was fought in the desert a decade ago with an overwhelming superiority of forces in a strong coalition of the United States and other nations. They achieved one of the most decisive victories in the history of warfare. The experts I have consulted believe that a new war with Iraq will not be as easy, especially if we do not have the support of a coalition of nations.

Some defense analysts contend the Iraqi regular army is plagued with low morale and poor equipment and may well surrender at the first sight of American might. Other experts believe, however, that unlike the regular Iraqi army, up to 100,000 Republican Guard and special Republican Guard troops of Iraq will defend Baghdad and remain fiercely loyal to Saddam Hussein.

Michael O'Hanlon of the Brookings Institution believes the Iraqi Republican Guard forces could make a U.S. military attack very difficult. He estimates that our military casualties could be as high as 5,000. By comparison, in the gulf war, just under 400 U.S. service members lost their lives.

Many believe our Armed Forces may need to occupy Baghdad, which has over 5 million residents. Testifying before the Armed Services Committee on September 23, GEN Joseph Hoar, former commander in chief of the U.S. Central Command, discussed the potential horrors of urban warfare. He said in urban warfare you could run through battalions a day at a time. All of our advantages of command and control, technology and mobility are, in part, given up and you are working with corporals, sergeants, and young men fighting street to street. It looks like the last 15 minutes of the movie "Saving Private Ryan."

Despite the risks of urban warfare, the administration has avoided questions about how a military operation in Iraq may unfold. We have not been told how many ground troops we will need or, again, how many casualties we can expect. The Joint Chiefs should provide Congress with casualty estimates for a war in Iraq as they have done in advance of every past conflict. These estimates should consider Saddam's possible use of chemical or biological weapons against our troops.

Unlike the gulf war, many experts believe Saddam would resort to chemical and biological weapons against our troops in a desperate attempt to save his regime if he believes he and his regime are ultimately threatened.

In the September 19 hearing before the Senate Armed Services Committee, General Myers, the Chairman of the Joint Chiefs of Staff, cited a long list of improvements that have dramatically increased the combat effectiveness of our forces since the gulf war. He said our troops now have improved ability to protect themselves against chemical or biological attacks.

However, the General Accounting Office published a report on October 1

which clearly suggests that our forces are not adequately prepared for a chemical or biological attack. The report concluded that although the Defense Department has taken significant actions to provide such protection, serious problems persist. This is what the GAO report found: Chemical and biological defense training continues to be a problem; medical readiness of some units to conduct operations in a contaminated environment remains questionable; some units are critically short of required protective gear.

One Air Force wing has only 25 percent of the protective masks required and only 48 percent of required patient decontamination kits.

If Prime Minister Blair is correct in saying that Iraq has the capability to launch chemical or biological warheads in 45 minutes, what sense does it make to put our soldiers in the path of that danger without exhausting every reasonable means to disarm Iraq short of war?

We do not know whether the military will be able to adequately protect our service men and women from a chemical or biological attack, and this issue should be explained to the American people.

The Wall Street Journal reported last week that in addition to chemical and biological chemical deficiencies, there are other notable gaps in the Pentagon's planning. Civilians working at port facilities in the Persian Gulf region, where our forces will be unloading warfighting equipment, have not all received the proper protective gear or training for a chemical and biological attack.

The Secretary of Defense and the Chairman of the Joint Chiefs have not adequately answered such questions about the military operation in Iraq. They both say there will be risks to a conflict, but they have not adequately and fully discussed those risks with Congress and the American people.

The Bush administration has also repeatedly claimed that we can fight a war in Iraq without undermining the war against terrorism, but last year, on June 21, 2001, testifying before the Senate Armed Services Committee, Secretary Rumsfeld cited significant problems in military readiness. He said we have underfunded and overused our forces, and we are steadily falling below acceptable readiness standards. Yet last month, on September 19, when asked about military readiness in the Armed Services Committee hearing, Secretary Rumsfeld said recent defense budget increases, coupled with the recall of reservists and shifts in the assignment of existing personnel, have reduced the stress on our forces.

He did not explain how the budget increases, which only recently took effect, could have reversed the starkest estimate of readiness he provided to the Armed Services Committee last year. In fact, experts say that most of the growth in operations and maintenance spending over the past decade

have been for infrastructure-related programs, not military readiness.

General Myers, in his September 19 testimony, agreed that the U.S. military was stretched in some key areas. He said if our operations on the war on terror are expanded, we will be required to prioritize the deployment of unique units in high demand such as special operation forces and combat rescue forces. He also said our coalition partners may facilitate our combined operations by having similar units of forces. That, of course, assumes we will have a coalition in terms of a potential conflict.

Before the Senate Armed Services Committee 2 weeks ago, the Chairman of the Joint Chiefs admitted that because of the high demand placed on some of our forces that coalition partners are necessary to mitigate the risk of war in Iraq.

Two weeks ago, the Chairman of the Joint Chiefs admitted that because of the high demand on some of our forces that coalition partners are necessary. The way we are going to get the coalition forces is by going to the United Nations and gaining their support for the disarming of Saddam, and if action is necessary in the future.

War against Iraq may well undermine the ongoing war against al-Qaida and our continuing operation in Afghanistan by draining resources from our Armed Forces that are already stretched thin. In Afghanistan, U.S. forces continue to search villages, caves, and potential hideouts. The searches are now being conducted by the 82nd Airborne, not the elite special operation forces which are being recalled in preparation for a potential invasion of Iraq.

Many of us in the Senate are aware of these concerns with the Reserves and National Guard. We have heard them firsthand. Already, the Nation has mobilized and demobilized thousands of reservists and National Guardsmen to support the current war on terrorism. Massachusetts reservists and reservists from across the country are providing training, intelligence, and security support around the world.

Almost 1,500 National Guardsmen from Massachusetts alone are deployed to support the war on terror. Citizen soldiers are now serving in critical security positions throughout the United States and in Afghanistan. They have distinguished themselves for their patriotism and superior service. They have proven ready to meet the challenge of fighting the war on terrorism, despite outdated equipment and funding shortfalls.

The phenomenal performance of our forces in the war on terrorism attest to their resolve. But how long can we sustain this high level of operation? Approximately 11,000 of our reservists from across the Nation have been recalled for a second year to support the war on terror. This is the first time in decades that we have needed to take this measure to enhance our military

strength. Not even in the gulf war did we recall reservists for over a year. If we open a second front in Iraq, we may be forced to recall even more.

Additionally, due to critical shortages of special operations personnel, pilots, intelligence specialists, and security personnel, another 22,000 service members, a number about as high as the entire gulf war, have been involuntarily retained on active duty as part of the current war on terrorism. If we embark upon a premature or unilateral military campaign against Iraq or a campaign with only Great Britain as our ally, our forces will have to serve in even greater numbers for longer periods of time with graver risks.

There is no doubt that Saddam Hussein is a despicable tyrant. The international community must work together to disarm him. But the war against terrorism and our wider interests in the region and the world demand a course that relies on war only as a last resort after all reasonable alternatives have been fairly tried.

I have no doubt our forces will prevail in any conflict with Iraq. But Congress and the American people deserve to know the true risk of war with Iraq. The administration has the responsibility to state what the real costs of such a war may be. We need that information now, before—not after—Congress exercises its constitutional responsibility to declare war.

I yield the floor.

Mr. WARNER. If I could ask my colleague a question. It seems to me the risk is only magnified by the passage of time—whether it is weeks, months, or years—if we do not act.

I draw to my colleagues' attention what the President said in addressing the Nation last night:

Approving this resolution does not mean that military action is imminent or unavoidable.

I paraphrase that he has not sought by this a declaration of war. War is the last option. The decision has not been made.

Continuing, the President said:

The resolution will tell the United Nations and all nations that America speaks with one voice and is determined to make the demands of the civilized world mean something.

Congress will also be sending a message to the dictator of Iraq that his only choice is full compliance and the time remaining for that choice is limited.

I draw the Senator's attention to a document entitled "Joint Resolution" distributed by the chairman of the Senate Armed Services Committee and the chairman of the committee on which my distinguished colleague and I serve. While this document is not at the desk, it purports to be in the form of an amendment and is under some consideration. I presume that because that is what was distributed by my good friend and colleague, Senator LEVIN.

From page 4, I read the following:

Authorization for use of United States Armed Forces pursuant to a new United Nations Security Council resolution.

The question I ask for my colleague is in regard to section A:

Pursuant to a resolution of the United Nations Security Council described in section 22, 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 in destroying and rendering harmless weapons of mass destruction, [et cetera.]

I read that as putting in the hands of the United Nations a veto on the actions taken by this body, a veto on the President's ability to use, as he has been given by the Constitution, the Armed Forces of the United States to protect at any time he deems necessary the security of America.

Does the Senator support such a concept that the United Nations would have a veto at any time in this situation? The President has gone to the U.N. asking that they take action to enforce the 16 resolutions that have been ignored by Saddam Hussein, defied by Saddam Hussein, and they are now looking at a 17th, a framework for perhaps a new inspection regime, but this current draft of a proposed amendment implies that the U.N. has to act before our President can utilize the forces given to him by the Constitution of our country.

Mr. KENNEDY. The Senator has asked a number of questions in his comments. I will do my best to respond.

As the Senator has rightfully pointed out, the President has not decided on the course of war. If the President has not decided that we have an imminent threat from Saddam Hussein, we have a serious threat. It is a very important threat. For all the reasons that have been outlined on the floor during the course of this debate about Saddam Hussein, we understand that. But the President of the United States has not made a judgment that it is an imminent threat to the United States.

He has not made a judgment that he is prepared to go to war today. If that is so, which is what he stated last night, why in the world are we saying, in the Senate of the United States, we will give him this power when he has not made up his mind he wants to use it, without any limitation on time—no sunset of this? That is No. 1. So I am opposed.

Second, on the question of the Senator from Virginia, in referring to the Levin amendment, that conforms with the constitutional authorities I have discussed, that we have done in other periods. That does not happen to be my position. I believe in a two-step approach. I believe the Security Council should have a tough resolution with unfettered inspections and we ought to galvanize the international community. I personally believe the way we galvanize the international community is by demonstrating we believe the international community has the responsibility and obligation to take action.

I believe if we go ahead and take action as being proposed by the Senator

from Virginia, that will be unilateral, where the President says: I have not made up my mind whether there is a necessity for war. I am not even prepared to say we are in an imminent threat. If we had an imminent threat from Saddam Hussein, he obviously would have a responsibility to take action in order to protect the American people.

What we are saying to the Security Council is: We are just going to have something over here on the side in case you people up there are not going to be serious.

I would like to challenge the Security Council the way the President of the United States did. I commend President Bush for finally going to the Security Council, challenging the Security Council. That is the way to go. The Security Council takes every step, uses every opportunity, and finally comes back and says: There is no alternative, there is an imminent threat.

We should be at our desks at that time in making the judgment we will have to make about committing American forces—a two-step approach for those reasons.

I have difficulty in accepting the concept that we are going to effectively give to the President of the United States the authority when he has stated, as the good Senator stated, he has not made up his own mind.

Lastly, part of the trouble we have been in over the period—and I have great respect for my colleague, and he knows he is my friend and colleague—the debate has been about the resolutions, but not about the war. We are debating the resolutions. My good friend from Florida is talking about changing the resolutions. We ought to be talking about what the implication is going to be in terms of the conflict and the war. The American people ought to understand that more clearly. That is an issue where the administration has failed the American people.

What are the best estimates?

What should we expect are going to be needed in terms of the forces?

What is the best judgment in terms of how Saddam Hussein will react?

What will be the enormous impact it will have in our battle against terror around the world?

What will it do in terms of inflaming the Muslim world if the United States has a go-alone policy, which this resolution will permit?

Will it be effectively a breeding area for al-Qaida terrorists?

We ought to be debating those issues. We do not do that. We have been debating the technicalities of these resolutions.

I know the Senator has—as I have—listened to many debates, not only on the technicalities but the broad issues of war and peace as well. But it is my regret that we are going to be faced with a cloture motion here to try to insist on a vote on this in another 2 days when we have just barely talked about the issues of war and peace and haven't

had that kind of informed debate and haven't had that kind of information that is available to us. That is part of my deep concern about where we are on the floor of the Senate now.

Mr. WARNER. Mr. President, I thank my colleague for his kind remarks. Indeed, we have worked together many times. We work together.

I strongly differ. I think our President has clearly said—first before the United Nations and as late as last night—that there is imminent danger to our Nation from Saddam Hussein and his possession of weapons of mass destruction. We clearly have a difference on that.

I strongly believe that this resolution, if it is to be brought before the Senate, will place a veto power in the hands of the United Nations. I cannot be a part of that. I will certainly oppose it as strongly as I know how.

Mr. KENNEDY. Would the Senator be willing to change the words? I don't have it here. Would he be willing to change the words to include “an imminent threat” from the language that is included in the resolution which talks about a grave threat or continuing threat?

Mr. WARNER. Mr. President, I will say at this point in time, Senator LIEBERMAN and I, and Senators MCCAIN and BAYH drafted this resolution after listening to the suggestions of many Senators on both sides of the aisle. At this point in time, if any Senator has talked about changes, then the format by the Senator from Florida I expect should be followed by way of a formalization of the amendment. But at this point in time, we have other colleagues who are anxious to speak.

I will give three quotes from President Bush's speech to the Nation last night about the imminent threat posed by these weapons of mass destruction:

In 1995, after several years of deceit by the Iraqi regime, the head of Iraq's military industries defected. It was then that the regime was forced to admit that it had produced more than 30,000 liters of anthrax and other deadly biological agents. The inspectors, however, concluded that Iraq had likely produced two to four times that amount. This is a massive stockpile of biological weapons that has never been accounted for, and is capable of killing millions . . .

Alliances with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints . . .

We've also discovered through intelligence that Iraq has a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical and biological weapons across broad areas. We are concerned that Iraq is exploring ways of using UAVs for missions targeting the United States.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I have listened with a great deal of interest to this presentation. I think there are a couple of clear points one can make in response, and then I will comment.

We have been dealing with Saddam Hussein with our men and women in

uniform for 12 years. We have been occupying positions in the Middle East. We have been flying over the regions that Saddam has. We are flying the no-fly zones in the north and south of Iraq. We had weapons inspectors in there for the 12 years, until they were kicked out 4 or 5 years ago. After Saddam was kicked out of Kuwait, after there was a United Nations agreement, and after basically he agreed to an armistice, and after inspectors, he said: I will take out all weapons of mass destruction, and I will turn them over to the international community. And he has not done that. We know that. He has failed to do that.

We have had economic sanctions against Iraq for a period of years now. They have not worked. There is such a sieve in the region that he is able to get oil out and goods in without any problem.

We have worked with the United Nations. We had some 16 resolutions that passed through the United Nations. It is as if some of the debate on the floor is that we are just now starting to try to deal with Saddam Hussein, when I think you have to look back over the past 12 years. We have been dealing with this dictator and this despot for 12 years in every way conceivable.

I think the conclusion most people have is that 12 years ago we should have gone into Baghdad and removed him at that time. That is the real conclusion people come to. Yet, for reasons of the Congress or the international community—whoever you want to say in that point of time—there was no agreement to kick him out.

Since that time, it has not changed. He is the same guy who has these weapons of mass destruction. It has just gotten worse in that period of 12 years.

I would analogize it to having cancer. If you have cancer, you have a couple of options: You can deal with it. You can go in and have surgery to remove the big areas that are spreading. You can try to contain it for a period of time through different therapies. Or you can ignore it and just say: It does not affect me today. I am fine today.

Saddam Hussein has chemical weapons. He has biological weapons. He is working on nuclear weapons. He has missile capacity to deliver all of these.

That is the cancer that exists. We can say we feel fine today; we are fine. What if he decides to launch any one of those? What if he does it not at military targets but at civilian targets, at one of our allies, or even at us? Are we fine then? I can just see us having a commission after that period of time asking: Why didn't we catch these terrorists? We were working on Iraqi soil before they attacked the United States. We should have gone in there. Did we not know enough? Were we not sufficiently concerned about it in a similar way that we are having hearings now about why we didn't do things prior to September 11? Did we see the

clues and the situation building up prior to the Twin Towers and the Pentagon being hit? Did we not see this coming?

Let us apply that same standard to Saddam Hussein and the nexus he provides between the weapons of mass destruction and terrorists. They are clearly there. I just articulated the weapons of mass destruction that he has. He is also working on such things as smallpox. We think he may be trying to do something with that. He is working on all sorts of things. Yes. Weapons of mass destruction.

What about the terrorist connection that is there? Abu Nidal's organization was headquartered there for a period of time. He just died, or he was killed recently, for whatever reason. Al-Qaida leadership is in Iraq. Hussein has worked closely with a number of terrorist organizations in and on his soil. They are there. You have the mix of these two sitting side by side—a toxic mix that the United States cannot countenance.

I respect a number of people who think this isn't the way we do things. Democracies have real difficulty declaring war. That is a very good thing. This is just something we don't like. We want somebody to come and hit at us first, before we go on to war. You can look through the history of the United States and the acts where we were hit and then we responded. That is the way we are most comfortable in dealing with these tough, difficult issues about whether you go to war with a foreign nation. It is good that we wrestle with that and with this situation.

It is like in the old television show "Gunsmoke." At the end of the "Gunsmoke" episode every week, it ended the same way: Matt Dillon walks out on the main street of Dodge City. The bad guy walks out on the street on the other end. They stare at each other for a little while. The bad guy has a chance to walk off, if he wants to. He also gets to draw first. He draws first. Then Matt Dillon draws. The bad guy goes down. There is a sense of fair play and honor about that. There is a set of rules. The bad guy gets to shoot first, but you are going down in the process. If you are going to do that; you have a chance to walk away. If you decide not to, that is your choice.

That is the way we like to do things, because there is a sense of, Do we really want to bother somebody else to this degree? Is this the right thing to do?

Saddam Hussein doesn't operate that way. The terrorists today don't operate with those same sorts of rules of decorum in operation, and the rules of boxing, if you will.

These are people who don't go out on Main Street with Matt Dillon. They sneak around behind buildings and try to get at innocent people and women and children. They don't go straight at our military. They attack people in civilian positions. Their object is to disrupt. It is not to protect a nation state.

It is not to confront the military. It is to kill as many civilians as they can.

Can we afford, in that type of atmosphere and that new way of operating, to have terrorists force us to sit back and say: OK? Are we going to wait until somehow they attack us, or try to get botulism in our food supply, or try to get anthrax into a broad area of the United States, or one of our allies, or try to make a weapon with smallpox, and then we will go at them?

The cost of doing that is to spread a cancer; the deaths of many people. This is not something we can countenance. It is not something—when my primary duty and the primary duty of the elected Members of this body is to provide for the national defense—that we can countenance. It is not something we can do.

I want to read from some testimony Henry Kissinger gave 2 weeks ago before the Senate Foreign Relations Committee.

I ask unanimous consent that his entire testimony be printed in the RECORD after my comments.

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

(See exhibit 1.)

Mr. BROWNBACK. Mr. President, former Secretary Kissinger is probably one of the best minds, if not the best mind, in foreign policy in the world. He dealt with the cold war. He was directly involved in that, and he has been a very astute student. And now he is a student of what takes place today in the war on terrorism that we have. Listen to just a couple paragraphs of what he says about these weapons of mass destruction in the hands of a country that also works with and provides support and housing for terrorists. He says this:

If these capabilities remain intact—

That is, weapons of mass destruction—

they will become an instrument—actual and symbolic—for the destabilization of a volatile region.

There he is speaking of the entire Middle East.

And if Saddam Hussein's regime survives both the Gulf War and the anti-terrorism campaign, this fact alone will compound the existing terrorist menace.

He points out in this statement that he thinks going at Iraq will have a very positive impact on terrorism, and if we do not go at Iraq, our war against terrorism will just devolve into an intelligence operation, and that would be the likely continued status of it.

He handles another argument. I will read another quote from Secretary Kissinger:

It is argued that dealing with weapons of mass destruction in Iraq weakens the war against terrorism. The opposite is more likely to be true. Eliminating such weapons in Iraq is an important aspect of the second phase of the anti-terrorism campaign. It demonstrates American determination to get at the root causes and some of the ultimate capabilities of what is, in essence, a crusade against free values.

That is what Secretary Kissinger goes on to say in this presentation. He argues that this is an essential part of the war against terrorism, if we are to effectively deal with this terrorist threat and the problem that we have. And not to overrepeat this, but I do not think one can overrepeat it. It is a little bit like a doctor's prescription dealing with your health where you are, and here are the possible problems you have.

Here is what we know that Saddam Hussein has.

Gaps identified by UNSCOM in Iraqi accounting and current production capabilities strongly suggest that Iraq maintains stockpiles of chemical agents, probably VX, sarin, cyclosarin, and mustard.

UNSCOM reported to the U.N. Security Council in April 1995 that Iraq had concealed its biological weapons program and had failed to account for 3 tons of growth material for biological agents.

In 2001, an Iraqi defector reported visiting some 20 secret facilities in Iraq for chemical, biological, and nuclear weapons.

Saddam continues to pursue nuclear weapons, and has used chemical weapons against his own people, as well as his neighbors.

I do not think I need to remind people about what he has done in his region. He has attacked Iran, invaded Kuwait, and he has launched missiles at Saudi Arabia and Israel. That is why we will have had, and have today, strong allies in the region opposed to Saddam Hussein continuing.

I want to look at the positive, the upside of dealing with Saddam Hussein. We have a lot of difficulty, a lot of potential problems to deal with, but what happens if you get Saddam Hussein out of power?

I think there are significant, positive steps moving forward in that region.

It is interesting to note that from 1920 until the late 1950s, Iraq had a constitutional monarchy, a bihouse parliament that had authority over budgets and ministers. They have a history of some democracy. It was not the level of democracy we have, but they have that in their historical background.

Ten percent of the world's oil supplies are located in Iraq. They have an educated urban population. They will embrace and encourage and move forward with democracy on a rapid basis. Now, it is not going to be completely free of any hitches, but I think the potential in developing an active, vibrant, working democracy in Iraq is significantly greater and higher than what we are seeing in the situation in Afghanistan, which is moving forward but with a lot of difficulty. They do not have the natural resources to build. They do not have a historical basis of democracy with which to work. They have a number of warlords in the area, which does not exist in Iraq.

There is reason to believe that the upside potential with Iraq, and the

spread of democracy and human rights and religious freedoms and pluralism will be significant in Iraq. And that will spread throughout that region. These are a set of values, of human values, for which the United States stands and has stood for years, and we have been very positive in this. Yet we have not pushed this set of values generally in that region of the world, in the Islamic region of the world.

There is something like 49 countries and 2 democracies in that region of the world. And a number of people wonder why there is the push for human rights, democracy, and religious freedom everywhere else and not there. And we have kind of hemmed and hawed and "well, I don't know," and we have allies there, and we are dependent on the oil, and we don't want to upset things in the region.

The truth is, we need to stand for the things there that we stand for everywhere else. And if we do that, and push that in Iraq, it is going to be a flower that will bloom there in the desert. It is going to show the way to a number of countries. It is going to involve the people. And the people are going to be able to grow and possess that beauty of liberty that they seek and know and want. We will be able to help put it forward and move it into action in that region.

These are very difficult times for us. There are difficult times in the region. But I think the question clearly before us is whether we should move forward. I think the answer is definitely yes, that we should move forward.

This is a time for us to be very humble and wise about what we need to do and definite about how we move forward. We do not make this choice lightly, nor without the understanding that with this action comes difficult consequences to some of our finest citizens in the Armed Forces and potentially of terrorist attacks to our allies and to us.

We would do well to remember the words of Psalm 140:

Grant not, God, the desires of the wicked one; do not grant his conspiracy fruition. . . . As for the head of my besiegers, let the mischief of their own lips bury them.

Once again, we have come to deal with a very difficult situation where we are called upon to stand up to the threats of evil and tyranny—something we have had to do many times in the history of this wonderful Nation. As daunting as this is, it is not a responsibility we can shirk. Saddam has made the case against himself. He has buried himself with his own lips and his own actions. We cannot ignore this. And we should not put off for another year, or a few, a difficult matter that will only get worse. If we do not take this action now, we are unlikely to any time in the near future. Now is the time for us to act.

I support the bipartisan resolution authorizing the President to use force in Iraq. I hope all the American public is praying for us, and praying about

this for wisdom, for protection, for limited loss of life, and for the right thing to be done.

This is a tough moment. It is a different stage for us. It is a ways and means of handling something we have not done in the past where we go in and try to take care of a situation before it kills many people. We need those prayers for wisdom and wise action.

I urge my colleagues to support this resolution, this bipartisan resolution authorizing the President to use force in Iraq.

I yield the floor.

EXHIBIT 1

STATEMENT OF THE HONORABLE HENRY A. KISSINGER BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, SEPTEMBER 26, 2002

Mr. Chairman, Congress is considering one of the most consequential expressions of its views since the end of the Cold War: what action the United States should take to deal with the threat posed by illegal stockpiles of weapons of mass destruction in Iraq and their potential growth. President Bush has reaffirmed America's commitment to a cooperative world order by asking the United Nations to rectify Iraq's defiance of a large number of U.N. resolutions mandating the destruction of these stockpiles as well as Iraq's flagrant breach of its pledge to do so as a condition for the suspension of the Gulf War in 1991. But were the world community, by fudging its response, to opt for the risk of a greater threat in the future, can American and a coalition of the like-minded acquiesce in stockpiles of weapons of mass destruction in Iraq? Thus the Committee will need to consider not only the risk of action but also the consequences of inaction.

The Iraqi stockpiles of weapons of mass destruction will be growing in an international environment in which their danger merges with the threat of terrorism. For on September 11, 2001, the world entered a new period in which private, non-state organizations undertook to threaten national and international security by stealth attacks. The controversy about preemption is a symptom of the impact of this transformation. At bottom, it is a debate between the traditional notion of sovereignty of the nation-state prevalent since the Treaty of Westphalia in 1648 and the adaptation required by both modern technology and the nature of the terrorist threat.

Osama bin Laden's base was on the territory of a national state, though his was not a national cause. Highly disciplined operatives are scattered around the globe, some on the soil of America's closest allies and even within America itself. They enjoy financial and organizational support from a number of states—most frequently from private individuals ostensibly not under the control of their governments. Bases for terrorists have been established in several countries, usually in areas where the governments can plausibly deny controls are actually not in control, such as in Yemen, Somalia, or perhaps Indonesia and Iran.

Having no territory to defend, the terrorists are not subject to the deterrent threats of the Cold War; having as their aim the destruction of social cohesion, they are not interested in the conciliating procedures and compromises of traditional diplomacy.

Unlike the previous centuries, when the movement of armies foreshadowed threat, modern technology in the service of terror gives no warning, and its perpetrators vanish with the act of commission. And since these attacks are capable of inflicting catastrophic damage, traditional notions of sovereignty

have to be modified with respect to countries that harbor terrorist headquarters or terrorist training centers. The problem of preemption is inherent in the nature of the terrorist challenge.

The accumulation of weapons of mass destruction in Iraq in violation of U.N. resolutions cannot be separated from the post-Afghanistan phase of the war against terrorism. Iraq is located in the midst of a region that has been the hotbed of the special type of global terrorist activity from which the attack on the United States was organized. And the consequences of weapons of mass destruction have many similarities to those of terrorism. They can be used without warning; their impact is catastrophic. In some circumstances, their origin can be uncertain. If the world is not to turn into a doomsday machine, a way must be found to prevent proliferation—especially to rogue states whose governments have no restraint on the exercise of their power.

Cold War principles of deterrence are almost impossible to implement when there is a multiplicity of states, some of them harboring terrorists in position to wreak havoc. The Cold War world reflected a certain uniformity in the assessment of risk between the nuclear sides. But when many states threaten each other for incongruent purposes, who is to do the deterring, and in the face of what provocation? This is especially true when that which must be deterred is not simply the use of weapons of mass destruction but the threat of them.

Suicide bombing has shown that the calculations of jihad fighters are not those of the Cold War leaders. The concern that war with Iraq could unleash Iraqi weapons of mass destruction on Israel and Saudi Arabia is a demonstration of how even existing stockpiles of weapons turn into instruments of blackmail and self-deterrence. Procrastination is bound to magnify such possibilities.

The existence and, even more, the growth of stockpiles of weapons of mass destruction in Iraq poses a threat to international peace and stability. The issue is not primarily whether Iraq was involved in the terrorist attack on the United States. The challenge of Iraq is essentially geopolitical and psychological. Its policy is implacably hostile to the United States, to neighboring countries, and to established rules that govern relations among nations. It possesses growing stockpiles of biological and chemical weapons, which Saddam Hussein has used in the war against Iran and on his own population. Iraq is working again to develop a nuclear capability. Saddam Hussein breached his commitment to the United Nations by preventing the operation of the international inspection system he had accepted on his territory as part of the armistice agreement ending the Gulf War. There is no possibility of a direct negotiation between Washington and Baghdad and no basis for trusting Iraq's promises to the international community. By what reasoning can the world community—or America—acquiesce in this state of affairs?

If these capabilities remain intact, they will become an instrument—actual and symbolic—for the destabilization of a volatile region. And if Saddam Hussein's regime survives both the Gulf War and the anti-terrorism campaign, this fact alone will compound the existing terrorist menace.

By its defiance of the U.N. Security Council resolutions requiring it to give up weapons of mass destruction, Iraq has in effect asserted the determination to possess weapons whose very existence compounds the terrorist threat immeasurably. Global terrorism cannot flourish except with the support of states that either sympathize or acquiesce in its actions. To the extent that

these countries observe the flouting of U.N. resolutions, the weakening of international norms, and the defiance of America, they feel less restrained in acquiescing in or ignoring terrorist activities. For the nations of the world to accept the existence of growing stockpiles of weapons of mass destruction where the new form of terrorism has been spawned is to undermine restraint with respect not only to weapons proliferation but to the psychological impulse toward terrorism altogether.

The campaign in Afghanistan was an important first step. But if it remains the principal move in the war against terrorism, it runs the risk of petering out into an intelligence operation while the rest of the region gradually slides back to the pre-9/11 pattern, with radicals encouraged by the demonstration of the world's hesitation and moderates demoralized by the continuation of an unimpaired Iraq as an aggressive regional power. In short, the continuation of illegal proliferation, the global dangers which it involves, the rejection or infeasibility of a viable inspection system, and the growth of terrorism require action, preferably global, but as an ultimate resort of America's, together with those countries prepared to support it.

It is argued that dealing with weapons of mass destruction in Iraq weakens the war against terrorism. The opposite is more likely to be true. Eliminating such weapons in Iraq is an important aspect of the second phase of the anti-terrorism campaign. It demonstrates American determination to get at the root causes and some of the ultimate capabilities of what is, in essence, a crusade against free values. Enforcing U.N. resolutions in Iraq does not compete with the capabilities needed to pursue the second phase of the anti-terrorism campaign. In all likelihood, such action will strengthen it by additional deployments to the region.

Nor should it weaken the cooperation of other countries in the anti-terror campaign. Assisting in this effort is not a favor other countries do for the United States but ultimately for themselves. And what exactly will they decline to support without risking their entire relationship to the United States? The fight against terrorism will take many years. To wait for its end before acting is to guarantee that stockpiles of weapons of mass destruction multiply.

At the same time, while reserving the option to act in concert with only the nations it can convince, the United States is wise to appeal to cooperative action of the world community. As the most powerful nation in the world, the United States has a special unilateral capacity and, indeed, obligation to lead in implementing its convictions. But it also has a special obligation to justify its actions by principles that transcend the assertions of preponderant power. It cannot be in either the American national interest or the world's interest to develop principles that grant every nation an unfettered right of preemption against its own definition of threats to its security. The case for enforcement of established resolutions should be the opening move in a serious effort of consultation to develop fundamental principles that other nations can consider in the general interest.

The United Nations is therefore challenged to come with a control system that eliminates existing weapons of mass destruction in Iraq—together with procedures to prevent their being rebuilt, the control system must go far beyond the inspection system negated by Saddam Hussein's evasions and violations. It must prevent any possibility for local authorities to harass informants or to impede free access to the inspectors. It should be backed by standby authority and perhaps a standby force to remove any obsta-

cle to transparency. Moreover, any system of inspection must be measured against the decline in vigilance that accompanied the previously flawed system's operation. Nor can it be achieved at the price of lifting sanctions while Sad Dam Hussein stays in office. For that would provide the Iraqi regime with the means of rearmament as a reward for ending its violations. Indeed, the rigorous measures required to implement the U.N.'s own resolutions are almost surely incompatible with Hussein's continuation in power.

In the end, enforcement of U.N. resolutions should be coupled with a program of reconstruction for Iraq. Because of the precedent-setting nature of this war, its outcome will determine the way U.S. actions will ultimately be viewed. And we may find more nations willing to cooperate in reconstruction than in enforcement, if only because no country wants to see an exclusive position for America in a region so central to international political and economic stability.

Reconstruction will require dealing with how to preserve the unity and ensure the territorial integrity of a country that is an essential component of any Gulf equilibrium. A federal system to enable the Shiite, Sunni, and Kurdish ethnic groups of Iraq to live together without domination by one of them is surely appropriate. But any serious planning would have to consider the means to prevent autonomy from turning to independence, which, in the case of the Kurds, would put Turkish support for the military phase at risk. And all this would have to take place in the context of a government capable of resisting pressures from the remnants of the old regime or from neighboring countries determined to destabilize the emerging system.

The United States has put forward a reasoned definition of the dangers: the possession of weapons of mass destruction by governments that have demonstrated their willingness to use them, have professed hostility toward America or its allies, and are not restrained by domestic institutions. Can the world community reject that definition of the danger?

However the issue of weapons of mass destruction in Iraq is resolved, the longer-range goal must be to devise a system for dealing with new attempts by additional countries to acquire weapons of mass destruction or biological and chemical weapons. We are only at the beginning of the threat of global proliferation. The nations of the world must face the impossibility of letting such a process run unchecked. The United States would contribute much to a new international order if it invited the rest of world, and especially the major nuclear powers, to cooperate in creating a system to deal with this challenge to humanity on a more institutional basis.

Congress has an opportunity to vindicate a system of international order. I urge you to give the President the authority to enforce the appropriate U.N. resolutions together with the world community if at all possible, in concert with like-minded nations if necessary.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We have had excellent cooperation in the management of this very important matter. Senators have been forthcoming. I note that the Presiding Officer is now scheduled to speak. Is there a means by which we could accommodate him? I would be happy to sit in the Chair. But I also observe the presence of another Senator who immediately follows the distinguished Senator. We could perhaps flip.

If I might suggest that.

The PRESIDING OFFICER. The Chair is prepared to recognize the Senator from Montana.

Mr. WARNER. We will recognize the Senator from Montana then.

Mr. President, while we are waiting for the Senator from Montana to address the Senate, I want to thank our colleague, Senator BROWNBACK, for an excellent statement. I was privileged to follow it, and it is an important contribution to this debate.

I thank my colleague.

Mr. BROWNBACK. Thank you.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my good friend from Virginia.

I thank my good friend from Delaware, whose kindness and generosity is as good as the size of his State is small, in allowing me to speak now. And I understand the Presiding Officer may get some relief in a little bit and will be able to make his statement.

As we get into a debate such as this, every time we spend a lot of time going over and saying about the same thing. We know who Mr. Hussein is.

I congratulate the President for an excellent speech on Monday night. Not only did it complement his words before the United Nations, some would construe the speech as a statement of war. I think that is not the case. I had an opportunity to hear our Secretary of State, General Powell, put it very well when he said it was "a statement of what we intend to do."

We know and we have seen this man operate who claims the Presidency of Iraq, going way back to the time he attacked Iran, then his actions against a neighbor, Kuwait. And since then, Saddam Hussein has deceived the world for over a decade.

He has violated 16 U.N. resolutions without consequence. He has stockpiled weapons of mass destruction and has a clear intention of obtaining nuclear weapons. His brutal regime has used these weapons on his own people. On one occasion this dictator used sarin, VX, and mustard gas agents to kill 5,000 innocent civilians in a single day.

He has abused the U.N.-established Oil-for-Food Program, weaponizing his oil to finance his fanaticism. All this time he has bankrupted his own country. Saddam has amassed black market revenues of \$6.6 billion since 1996. I tell the American people this is not an Oil-for-Food Program. It is oil for terror.

Peace in our time, how long have we been kicking that phrase around? And it is still with us. It is in peril again and will be so long as Saddam Hussein is in power with the most destructive weapons in history in his hands.

Evidence of Saddam Hussein's complicity in and sponsorship of international terrorism is ample. He praised the September 11 attacks, calling them "God's punishment" in his government-controlled press. Al-Qaida terrorists are known to be hiding and harbored in Iraq. He continues to play

host to networks and has ordered acts of terror on foreign soil. And the worst of all worlds, though, is that he paid Palestinian families of Palestinian suicide bombers \$25,000 as a reward for mass murder.

We know he violated U.N. sanctions and resolutions for inspections in that country, and now we are going back to the U.N. again for another resolution. There is one pitfall that we do not want to fall in again. By allowing new weapons inspections with conditions makes a mockery of our capacity for trust. He will exploit every opportunity to conceal and lie about what he has and where he has it—not only from us here in this country, but from the rest of the world. And the rest of the world should be outraged. What else is new?

He has a known record. Rather than playing the role of appeasers with a terrorist regime, the world community must vigorously pursue enforcement and compliance of those United Nations Security Council cannot enforce its own authority and prove itself relevant and effective, then President Bush has no choice but to take whatever action he deems necessary to protect America from avowed enemies.

I understand fully the seriousness of committing our military, our men and women, in harm's way. I also understand the seriousness of the situation, not only just for Americans but for those freedom-loving and those freedom-desiring nations and societies around the world. I see a threat that overrides my fears and most of my concerns. We must act to depose a brutal regime and religious extremist who hates our freedoms and would do us harm.

I know America's intent is never to dominate other nations but to liberate them. We have a strong historical track record there. Our intent today with Iraq should be no different—to bring liberty and democracy to the Iraqi people who suffer arbitrary imprisonment, execution, torture, starvation, gang rape, and mutilation at the hands of this tyrant.

It is a changed world. It is a different time. Let me tell you that September 11 did not make it this way. September 11 gave us a horrible and graphic picture of the dangers of a changed and smaller world. No longer can we look the other way when the bully on the other side of the world pushes us and others around.

By today's standards, Saddam Hussein has been the bully on the block, right here at home. No longer can the international community simply do nothing.

How can we idly stand by and allow this monster to hide behind the veil of sovereign nation status? My conscience cannot allow it. There are no national boundaries when it comes to ferreting out and ending human injustice and suffering. We do have a responsibility to our fellow man. We always have. We

also have an absolute right to defend ourselves.

Monsters are not going to be given a free hand to inflict unending suffering and death upon their own people and others, nor shall they be allowed to export terrorism or provide solace for terrorists. As Americans, we have a moral and ethical obligation to assure that each global member conducts themselves in an acceptable manner. Depending upon the magnitude of the offense, the remedy is different.

Saddam Hussein's oppressive regime has committed such severe atrocities that the world community can no longer stand idly by and do nothing. We cannot turn a blind eye.

A new world requires a new philosophy regarding defense. This new philosophy has been evolving for over a decade, ever since the end of the cold war. Deterrence and containment no longer suffice.

In this new age, this smaller world, we can no longer look the other way because a conflict is on the other side of the world. It is just like a conflict in our own neighborhood. There is no other side of the world anymore. It is just down the street.

So not only do we have a right, but a duty to protect ourselves and freedom-loving people around the world. The world community needs to be involved in making sure our partners in the world community treat their citizens and other nations fairly and with respect. If nations fail to do this and rise to a certain level of threat, just like kids at home, these nations must be dealt with. This is an evolving sense of conscience, and mine cannot sit back and wait until there is another strike.

Three-thousand people died on September 11, 2001. I do not want to see the tragic loss of American life again because of our inaction. It cannot happen to me, my children, or their children, or any innocent life.

So what do we do with a leader who has so blatantly violated 16 U.N. resolutions over the last decade, has invaded neighboring countries, and has tortured and killed his own people? Do we sit idly by and watch? That has never been the American way. America has never stood paralyzed by inaction when its citizens are threatened. Does Saddam pose a threat to this country's livelihood and to the American people? I believe he does.

September 11 also taught us another lesson—how fragile our freedoms are, especially when you inject fear. Also, we found out how fragile our economy was. He clearly has growing and increasingly sophisticated biological and chemical weapons capabilities, which strikes fear into the heart of every citizen on this planet. He has used them in the past and has the intent to use them again. He also actively continues his efforts to acquire nuclear weapons.

To those who still do not see the link between Iraq and the terrorist attacks on America and American interests, I say look again. The absence of an obvi-

ous link does not mean that one link does not exist. To those of us who study and learn from history, there should be no question what we need and should do. Hussein is a monster and a threat to the United States as we know it. Congress must speak with one united voice. The Nation must speak with a united voice. The world community must speak with one united voice. Those who resist speaking with a strong, united voice have a very short memory. The security of this country is the responsibility of each and every one of us who live here. If this great Nation wants to stand by and pacify, I tell you we will get hit again.

We have heard lots of speeches and seemingly a lot of logic that would say this is a wrong thing to do. I can remember when another President by the name of Theodore Roosevelt said, "Speak softly, but carry a big stick." With Saddam Hussein, we have tried to speak softly and, so far, it has not worked. He has not responded to any U.N. resolution, sanctions, or even oil for food. So people like Saddam Hussein and Osama bin Laden, who hate Americans, hate our system, hate what free people have built here, will find a soft spot somewhere else at a later time—another vulnerability—and they will seize upon this opportunity to attack us once again.

That is what a blind eye creates. So I will vote for this resolution. I would even like to see it stronger because I think it strengthens the hands of our Secretary of State as he maneuvers his way through developing a new resolution in the world community called the United Nations. It also sends a very strong message to the rest of the world that all of us have a responsibility when a cancer falls upon the face of our planet. I will vote for this one and even a stronger one if I could get it.

Once again, speak softly, but carry a big stick.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I hold the Senate seat of the late Wayne Morse. Senator Morse lost his job in 1968, and many have attributed his loss to his outspoken opposition to the Vietnam war. Wayne Morse's election loss makes his words from that era no less true today.

In a 1966 debate on the role of the Senate with respect to the great issues of war and peace, Senator Wayne Morse said:

This is what the United States Senate is for. It is what the Founding Fathers created the Senate to do—take the long-range view of actions prompted in national councils that may be warped by some strong passion or momentary interest.

It is the long-term interest of our country, Madam President, that Wayne Morse so presciently focused on in 1966 that leads me to outline the following conclusion that I have made with respect to the Iraq resolution.

Saddam Hussein is the bad actor here and the United States of America is the good actor. I believe the authorization of a unilateral preemptive military attack based on the information now available will cause much of the world, unfortunately, to lose sight of this reality. This perception in a region racked by poverty and already marked by a deep mistrust in American foreign policy could foster decades, possibly even centuries of undeserved hatred of our great Nation that will threaten our children and our grandchildren.

Protecting our children and grandchildren after a unilateral preemptive attack on Iraq will require a staggering financial commitment from our National Government. Given the pressing financial needs here at home for public safety, for education, for health, where are the funds going to come from after our Nation wins such an engagement with Iraq?

Protecting our children and grandchildren after a unilateral preemptive attack on Iraq will require an American policy of energy independence—especially independence from Middle East oil. We are a long way from there, and on some issues, such as saving energy and the crucial transportation sector, it seems that now we have been going backward.

Protecting our children and grandchildren after a unilateral preemptive attack on Iraq will require a plan for rebuilding confidence among many of the countries that stood with us during the Gulf War conflict, but do not stand with us today. Many of those countries do not believe diplomatic and other steps have been fully exhausted. If our Government cannot convince them of that, it is certainly going to be tough to restore faith after a unilateral, preemptive attack.

For many weeks now, I have waited and listened patiently. I feel, for the administration to make its case for the resolution. I serve on the Senate Intelligence Committee. I followed this issue very closely, and I believe neither partisan politics nor the pressures of an anxious public should be factored into a decision of this magnitude.

Instead, I see my duty as an elected representative of the great State of Oregon to listen, to inquire dispassionately, and make the decision I believe to be in the best interest of Oregon and this great country, and leave the judgment to history and the voters as to whether I made that judgment in the right way.

In approaching the decision about whether to vote to authorize the military option this measure calls for, I laid out some criteria on which to base my decision.

My criteria were: If our security agencies were to provide me with compelling evidence of a significant threat to our domestic security if Hussein's Iraq is not defeated militarily, I would be willing to grant authority for the use of force. But I am unwilling to give my approval for a first-strike, unilat-

eral attack until and unless there is assurance under the resolution that before such an attack, the administration exhausted all other reasonable means to accomplish our goals.

Second, I am convinced it is essential to have a workable plan to contain the situation if Iraq attacks Israel and Israel enters the conflict.

And third, I am concerned there has to be a showing such an attack will not make our Nation less safe by setting us back in the war on terrorism.

The President has made a compelling case—I believe a sincere one—regarding the danger posed by Iraq under the rule of Saddam Hussein, but his argument—and I say respectfully—does not meet the criteria I have laid out.

First, I am not convinced, regarding a clear and present threat, Saddam Hussein currently imposes a clear and present threat to the domestic security of the Nation. While my service on the Senate Intelligence Committee has left me convinced of Iraq's support of terrorism, suspicious of its ties to al-Qaida, I have seen no evidence, acts, or involvement in the planning or execution of the vicious attacks of 9/11.

While Iraq has aided terrorism for many years, there are any number of regimes who have aided terrorism, including some with far more direct links to Osama bin Laden's network of terror. In this regard, I note the first conclusion in the Central Intelligence Agency's declassified letter to Chairman Bob Graham of Florida dated October 7 of this year which states that at present, Iraq does not appear to be planning or sponsoring terrorism aimed at the United States.

Yet, had the administration met this threshold test, in my view, it has still not met the rest of what I consider to be prudent criteria. While the President has stated his desire to seek alternative means to accomplish his goals before beginning a military strike, to grant the President the authority to conduct a first-strike war before first witnessing the exhaustion of those efforts is to abdicate the obligations of this body in its most sacred role. The Founding Fathers surely envisaged a more challenging inquiry when granting the Congress the responsibility of authorizing armed conflict.

On my second point, while I am not privy to the administration's war plans, I am of the belief the administration is satisfactorily preparing for a potential enlargement of the conflict with Israel or other allies. I am concerned this issue has not been adequately addressed.

I do believe the administration needs to outline in further detail how they would address issues with respect to the enlargement of the conflict, and I want to make clear I do not believe that point has been addressed clearly and fully to date. The possibility this conflict would be enlarged with an attack on Iraq to one that involves Israel is one I think needs to be laid out and laid out clearly.

Finally, and perhaps most importantly for my purposes, I reached the conclusion that pursuit of a first-strike war, absent any credible sign Saddam Hussein is preparing to wage war against our Nation or other nations, will leave this Nation less secure than before. I believe we have to look at greater length at these key questions, and I do not believe that has been done to date.

It is the sacred duty of the Senate to focus and act upon the long-term interests of our beloved Nation. Saddam Hussein is an extremely dangerous and extremely despicable man. Time and again, he has demonstrated that to his enemies, as well as his own people. He lives in a part of the world where there is no shortage of dangerous and despicable men who pose a threat to the security of the United States. In my service on the Senate Intelligence Committee, I have not seen satisfactory evidence he is any more despicable than the threat presented by Hamas, Hezbollah, and Iran.

In summary, those are the central questions. Making sure we have exhausted all of the diplomatic opportunities before one considers a first strike, making sure we are ready to deal with the region after a first strike and one that, in my judgment, we are clearly going to win, the unanswered questions of what happens when there is an attack on Iraq and the possibility of enlarging the conflict to Israel—these questions have not been addressed, and they have not been addressed fully.

There is no question in my mind Saddam Hussein represents a very real threat to this country and to the world, but I do not want to, in the days ahead, compound the problems we already face with Hussein in the region by authorizing a unilateral, preemptive military strike at this time, and that is why I will oppose the resolution.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, while I disagree with the thesis of our distinguished colleague, the Senator from Oregon, I do respect his views on it. I wonder if I might engage him in a brief colloquy.

This doctrine of preemptive attack unilaterally, clearly the Senator knows the President is diligently working with the United Nations, with the Secretary of State—the Secretary of State visited here with a group of us at midday today and held a press conference, and he indicated progress is being made. For the moment, we have to accord the administration at least clear support for trying hard to gain a coalition of nations and a new resolution in the Security Council which hopefully will be much stronger than anything we have seen before, and could act as a deterrent to the use of hostilities for a period of time, and hopefully, who knows, the regime may have a change of heart and cooperate.

Cooperation is a keystone to any successful inspection regime. But back to the preemptive—and I have shared this with others—in my research, the United States, under a number of Presidents, has directed military action in the following: Panama in 1901; Dominican Republic in 1904, 1914, 1965; Honduras, 1912; Nicaragua, 1926; Lebanon, 1958; Cuba, the naval quarantine, 1962, President Kennedy—clearly that was a preemptive threat and action by our President—Grenada, 1983; Libya, 1986; Panama, that was just cause in 1989; Somalia in 1992; Sudan, Afghanistan, August of 1998. You recall the bombing raids we did at that time. Iraq, that was Desert Fox in December of 1998, and I remember well as ranking member going over and talking with then-Secretary of Defense Cohen, a valued friend and colleague in the Senate of many years. And Kosovo in March of 1999.

Now, they fit the description of the preemptive type strikes my esteemed colleague from the great State of Oregon has enumerated. They were done under the concept, which is tried and true in international law, recognizing “the anticipatory self-defense if a country is imminently threatened.”

I think the Senator pointed out he feels President Bush has indicated this country is imminently threatened. So there are some examples. I do not think this contemplated action by the President—he says he has made no decision to use force, but then again I point out we have been in a state of hostility with Iraq for some time. I point out our airplanes, our brave pilots, together with Great Britain, have been engaged in enforcing a resolution of the United Nations.

Here are two nations flying missions, clearly trying to enforce the resolutions. We are fortunate even though they have been shot upon many times by ground fire directed at the aircraft, some 60 times in September of this year alone—our military has been engaged in this conflict with Iraq for 12 years. So I think it is a continuation of the conflict to which we refer in this resolution.

I ask my good friend if he has any views with regard to my points.

Mr. WYDEN. I thank my distinguished colleague for the chance to further discuss this. My colleague makes a good point that clearly last night in the President's speech, and further today, he made it clear he was interested in trying to mobilize world opinion, and I think all of that is extremely constructive.

At the same time, the letter to Senator GRAHAM that now has been declassified—I sit on the Senate Intelligence Committee—makes it clear the CIA does not believe, as of October 7 of this year, the threat is imminent. That is why I think we have now reached the point where we are debating whether there is a continuing threat, which clearly Saddam Hussein is, or whether there is an imminent threat. It was the

imminent threat I really set out as one of the thresholds I thought was relevant for supporting this resolution.

As the Senator could hear from my speech, A, I do not doubt the President's sincerity; B, I thought what he said last night was clearly a step in the right direction, and he elaborated on that further today.

On this matter with respect to the nature of the threat, for me what has been dispositive has been the now-declassified letter from the CIA where the CIA did not believe, as of October 7, the threat was imminent. I thank my distinguished colleague because he makes a number of good points, and always does.

Mr. WARNER. Could the Senator direct himself to the point made by the Senator from Virginia, that our aircraft have been fired upon in enforcing resolutions 60 times in the month of September of this year alone? The total firings by ground-to-air missiles on our aircraft—fortunately, they have not hit or brought down an airplane as yet—is that not engaging in combat, in war?

Mr. WYDEN. Will the Senator yield further?

Mr. WARNER. Yes.

Mr. WYDEN. The Senator again makes a legitimate point, but what we are talking about now, it seems to me—and this is what the CIA is talking about in their letter of October 7—is an imminent threat to the American people. It is very clear that conflict is a hostile one. It is one that must be countered. It is being countered today. I do not take a backseat to any Member of the Senate in terms of supporting our troops, our military, in terms of countering that conflict. But the question for the Senate then becomes whether a conflict like that should translate into support in this body for a resolution that would authorize a unilateral preemptive strike.

In spite of all of the attacks which the distinguished Senator from Virginia has mentioned—and they are very serious ones—as of October 7 of this year, the CIA did not believe there was an imminent threat to our country. I assume in making that judgment before the Intelligence Committee, if they had felt the attacks the Senator was talking about are dispositive, they would not have written that letter.

Mr. WARNER. Madam President, I guess I am missing something, but drawing on my own modest experience in the military, where I for a period was communications officer in the 1st Marine Airwing, living with aviators who were being shot at every day, to me they are American citizens. I think Americans are being shot at as that fire is trying to interdict their aircraft. They may not be home in the United States—perhaps they would like to be—but they are out there pursuant to orders of the Commander in Chief. It is not just President Bush. It was President Clinton. To me, that is hostility. To me, Americans are involved. Great

Britain likewise is flying with their brave pilots. Somehow I am missing it.

Mr. WYDEN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. WYDEN. Again, I want our people who are in harm's way, as the Senator has outlined, to be able to counter that very hostile attack. They are doing so today under existing law and it is an effort I support. In spite of those attacks, the Central Intelligence Agency stated at present Iraq does not appear to be planning or sponsoring terrorism aimed at the United States which, after 9/11, was the stated concern that was vital to our national security.

Mr. WARNER. Madam President, was the Senator among the group that was being briefed in S-407 this afternoon from 2:00 to 3:00?

Mr. WYDEN. I was not, but I will tell the Senator I have probably sat in more briefings, as a Member of the Senate Intelligence Committee, on this point than just about any Member of this body. I have kept fully abreast of this issue.

Mr. WARNER. I would ask unanimous consent that the letter to which Senator WYDEN referred be printed in the RECORD. Is that possible?

Mr. WYDEN. It is declassified.

Mr. WARNER. I beg your pardon?

Mr. WYDEN. It is declassified.

Mr. WARNER. The Senator has been speaking to it and reading excerpts from it. I am unfamiliar with the letter.

I am not familiar—I heard the Senator addressing a letter from the CIA. I was under the assumption it was a declassified document. Is it a classified document?

Mr. WYDEN. It is a declassified document.

Mr. WARNER. The Senator has been referring to a classified document, is that it?

Mr. WYDEN. Throughout this afternoon, I have been speaking from a declassified document.

Mr. WARNER. I apologize to the Senator.

Mr. WYDEN. I have mentioned on several occasions it was declassified. I take my responsibilities as a Member of this committee very seriously.

Mr. WARNER. I am not challenging the Senator. I was not able to hear him as he spoke. I tender an apology. Since the Senator referred to the letter, and if it is declassified, perhaps it should be a part of the RECORD so those who are following this debate can read the letter in its entirety.

Mr. WYDEN. It would be possible to do that and have that made a part of the RECORD. I appreciate the Senator's thoughtfulness. We all have strong views on this. The Senator from Virginia is an expert on national security and military affairs. That happens to be an area where I believe reasonable people may differ. I look forward to working closely with my colleague.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I compliment the Senator from Virginia.

While I was in Florida this weekend, I had a number of people say they had been listening to the debate in which the Senator from Virginia and the Senator from West Virginia had both engaged. They found the quality of the debate to be excellent, and they were looking forward to the continuation of the debate.

On grave matters of war and peace, as the Senate is considering this resolution, I add my comments. They are addressed to perhaps one of the gravest things we discuss in a constitutional body such as this. That is, authorizing the sending of Americans into harm's way—moms and dads, sons and daughters, brothers and sisters—into combat. We must determine whether the situation in Iraq threatens the United States sufficiently enough to send Americans into harm's way, and put American lives at risk.

I have spoken with many citizens across Florida. I understand the concerns and the reservations many of them have.

We must use force only as a last resort. That is what this resolution is about; it is authorizing the use of force.

I remain convinced that the Saddam Hussein regime in Iraq poses a clear and increasing danger to the national security interests of the United States. We must disarm its arsenal of chemical and biological weapons. We must halt the development of nuclear weapons. Ultimately, one way or another, those weapons of mass destruction have to be taken out. If it means taking out Saddam Hussein along with them, then so be it. Our hope is that this threat can be dismantled by means less than the use of force, and discussions in the United Nations toward that goal are underway now. But if those efforts in the U.N. are not successful, we cannot sit and do nothing as the danger grows.

On a regular basis, Saddam's troops fire on the United States and British aircraft seeking to enforce the no-fly zones created to protect the Kurds in the north and the Shi'ites in the south. These no-fly zones exist to keep Saddam contained and to prevent him from acquiring technologies aimed at further enhancing his military capability.

At the conclusion of the Persian Gulf war in 1991, U.N. Security Council Resolution 687 set forth the conditions for peace. The cease-fire conditions required Iraq to disarm all weapons of mass destruction, fully declare and disclose all weapons of mass destruction, and not seek to further acquire weapons of mass destruction. That was in 1991—11 years ago.

Those terms have been clearly violated by Saddam Hussein. When a country willfully violates cease-fire terms which end war, a state of conflict continues to exist. The regular hostilities endured by coalition pilots

in the no-fly zones make that state of conflict even more acute.

Saddam Hussein seeks regional hegemony. He seeks control of the oil supply of the Middle East. That is his end game. He wants to control all of those vast reserves so that he can have his fingers in a stranglehold around the industrialized world of planet Earth. He associates with known enemies of the United States. He has paid compensation to suicide bombers aimed at undermining the peace process in the Middle East. And Saddam seeks at every turn to flout international law and the will of the United Nations. His aggressiveness and thirst for war and blood are evident by his own actions and brutality, past and present, against his own people and against his neighbors.

It is time now to complete the job that was left undone in 1991 when we failed to completely disarm and remove Saddam. The longer he remains in power, the longer he delays, obfuscates, and lies—all the while he strengthens his arsenal. Weapons of mass destruction must be removed from Saddam Hussein, and the Iraqi people need to be liberated from his brutal grip. This is not a fight we can enter alone. We must pursue this cause with as much international support as is possible. The revised resolution makes this clear.

Yesterday, I had the privilege of speaking to several hundred at Central Command Headquarters at MacDill Air Force Base along with the Commander in Chief, GEN Tommy Franks. I brought words of a grateful nation to those men and women in uniform, and to all of our coalition partners who are part of this effort in going after the terrorists. That international support is critical to our successful prosecution of the war against terrorism, and that international cooperation is critical as we now approach military hostilities in Iraq.

Our European allies are starting to come around. It is very important that our Arab friends in the region do come around. The United States needs the world community to support us in eliminating these threats of weapons of mass destruction. As we consider engaging in a military conflict, we need this international support so as not to hurt our efforts in the war against terrorists in 30-some countries, nor hinder our efforts to try to strike a peace accord in the Middle East.

Madam President, the President has asked the Congress to authorize the use of American troops in Iraq for these purposes. He presented his case to the American people last night.

As it exists now, the Lieberman resolution clearly has been improved enormously from the draft resolution sent to us several weeks ago by the White House which, in essence, was nothing more than a blank check. Now it requires that the President must certify that diplomatic and other peaceful means will not adequately protect the

national security interests of the United States, or that diplomatic and other peaceful means will not lead to the enforcement of the United Nations Security Council resolutions on Iraq. The President must certify those conditions.

It also has language regarding the United States' responsibility in planning for a post-Saddam Hussein Iraq—an Iraq that the United States, after Saddam Hussein, had best not abandon, as we did after the Soviets got licked in Afghanistan and tucked their tail between their legs and left—and we left also. That created a vacuum in Afghanistan and allowed the terrorists to fill that vacuum. In the post-Saddam Hussein Iraq, we don't want that same thing to occur. The United States must be there for the long run to give military, diplomatic, and economic security assistance to ensure that the Free World's interests are clearly protected in an Iraq after Saddam Hussein.

It was good that President Bush addressed the United Nations on September 12, and sought broad-based support from the international community. Secretary Powell will and must continue efforts at getting strong language—strong language—in a United Nations Security Council resolution that clearly spells out the actions Iraq is required to take and the consequences if it fails to do so. Such a resolution would strengthen the U.S. position and help us gain support from our Arab friends in the region. We must keep the focus on Saddam Hussein and the resolutions regarding weapons of mass destruction that he has ignored.

The Lieberman resolution also requires the President to report regularly to the Congress on ongoing operations in Iraq and the administration's plans, specifically, as I mentioned, for the post-Saddam Hussein Iraq and ensuing reconstruction. All of the additions that have been included in the Lieberman resolution have clearly improved upon the blank check that was sent here early on as a draft from the White House.

Having detailed plans in place will be crucial to ensuring that after Saddam Hussein, Iraq does not disintegrate into a permanent source of instability in the Middle East which would pose a serious threat to U.S. national security interests.

The current resolution also is improved from earlier drafts because it also makes reference to Navy CAPT Scott Speicher of Jacksonville, FL, the American pilot still missing since the first night of the gulf war when he was shot down over Iraq. Through a series of mistakes, the United States walked away from a downed pilot.

We have kept at this, over and over, in the Armed Services Committee and the Foreign Relations Committee, and have been talking to world leaders asking them to task their intelligence apparatus for word on Captain Speicher.

He is still considered Missing In Action. He was first declared Killed In Action. The Department of Defense changed that to Missing In Action. The Department of Defense is reportedly considering a change in status even from Missing In Action.

He is the only American among the thousands who are still unaccounted for at the hands of Saddam Hussein—thousands, I might say, going back to the Iran-Iraq war.

I appreciate the fact that the majority leader worked to ensure that the request of Senator PAT ROBERTS and myself to make reference to Captain Speicher was honored. It is honored in this resolution. It is my hope that our upcoming efforts and actions in Iraq will make progress towards resolving the fate of Captain Speicher.

You can just imagine what it is like for that family back in Jacksonville—a family with children that has not heard the fate of their father for the last 11 years.

This resolution, in my view, asserts the role of Congress granted by the Constitution and the War Powers Act. We have heard hours of testimony from senior administration officials and outside experts representing many different views on the subject. I have sat through hours of testimony in the two committees I have the privilege of serving on—the Foreign Relations Committee and the Armed Services Committee—that have delved in detail into this subject in preparation for our coming to this floor in this debate.

We have heard those hours of testimony in both classified and unclassified form. My office, as well as all of our offices, has received thousands of calls, letters, and e-mails. I have heard those voices. I share those concerns.

The threat posed by Iraq grows with each passing day. Since September 11 of a year ago, we can't wait to protect ourselves against the threats of weapons of mass destruction and regimes hostile to the United States with their links to terrorism. We must not leave ourselves exposed to an attack, which, after it comes, we will wish we had acted to prevent.

That is why I come to this floor to announce my support of the Lieberman-Warner-McCain-Bayh resolution authorizing the President to use force in Iraq. It is the right thing to do, and it is in the vital national security interests of the United States.

I thank the Chair for allowing me this time. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I wish to speak on this resolution.

First, I compliment my friend and colleague, the Senator from Florida, Mr. NELSON, for his speech and for his tenacity in trying to remind everyone about the condition of Naval Aviator Speicher. I think that keeps pressure on our Government, other governments, and the Iraqi Government to disclose his whereabouts and his sta-

tus. Whether he is alive remains to be seen.

I appreciate my colleague from Florida for continuing to press that issue. I join with him. I know the President of the United States is also pushing that issue. I appreciate his effort as well.

Mr. WARNER. Madam President, will the Senator yield? I just wish to express my profound appreciation for the support of the Senator from Florida for the Lieberman-Warner-McCain-Bayh resolution. He is a valued member of the committees here in the Senate. Certainly he has worked hard on our committee. I listened carefully as he stated the case. He stated it clearly. I join with my colleague from Oklahoma in commending him for the fight on behalf of that brave airman, Captain Speicher.

Mr. NELSON of Florida. Will the Senator from Oklahoma yield for one comment so I can respond to the distinguished Senator from Virginia?

Mr. NICKLES. Certainly.

Mr. NELSON of Florida. I thank the Senator from Virginia, Mr. WARNER. He told us how he and Senator Nunn were leading our Armed Services Committee 11 years ago as the Nation was preparing for the gulf war and how important it was in Senator WARNER's mind that the RECORD be laid out so a record would be there as to why the Congress should vote to give the President the authority to unleash the military might in Kuwait and going after Iraq.

I thank Senator WARNER and Senator LEVIN, the chairman, for how they have laid that predicate, and Senator BIDEN and Senator HELMS, and, in his absence, Senator LUGAR, in the Foreign Relations Committee. They laid that predicate with lengthy hearings, and provided access to classified information we have had in those two committees, which helped me to draw the conclusions I have drawn in support of this resolution.

So I particularly thank the great Senator from the Commonwealth of Virginia for his leadership.

Mr. WARNER. Madam President, I thank my colleague. I share the same sentiments towards the distinguished Senator from Florida.

Madam President, in 1990–1991, Chairman Sam Nunn and I, as ranking member, had nine hearings. It is interesting, in the first hearing we had Secretary of Defense Cheney and Chairman of the Joint Chiefs of Staff Colin Powell. Isn't that interesting? And then in the ninth hearing were the same two witnesses, Cheney and Powell. And today, of course, I shared briefly a press conference with now-Secretary of State Powell and had lunch with now-Vice President CHENEY. So that same team is together that was together under the first George Bush, "Old 41," as we say.

So I thank the Senator for that.

We did lay before the Senate a record. We have put a record before the Senate of hearings in the two committees to which you have referred. I had

hoped we would have had more hearings in our committee, but for reasons best known to our chairman, apparently, that was not possible. I very much wanted to have all four of the military chiefs. They don't want to sit this thing out. They are heavily involved. I was hopeful we could have had them, and then also the CINC, General Franks, who has the leading responsibility in the area of operation. But, unfortunately, no matter how hard we tried, it did not come to pass. My chairman, I respect whatever his views are on that.

Senator KENNEDY raised the question, why we did not have more facts. I just say that there were some of us who wanted to go on and have some additional hearings, but it was not possible.

I thank the Senator.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the colloquy.

Just for the information of my friend from Florida, I was also here in 1991, and, unfortunately, Senator Nunn did not support the resolution in 1991. There was a partisan divide, for whatever reason. One, the resolution passed with bipartisan support. I tell my friend and colleague that. But at that point in time, the Democrat leader at the time, Senator Mitchell, was opposed to the resolution. Many Democrats opposed it, although several Democrats did support it.

It passed, if my memory serves me correctly, 52 to 47. It was one of the first votes we had in early January of 1991. And it was one of the most important votes that this Senator has cast. I believe, probably this Thursday, the Senate likewise will be casting one of the most important votes we will cast.

I appreciate the support of my friend and colleague from Florida for this resolution.

Mr. President, I ask unanimous consent to be added as a cosponsor of the joint resolution.

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

Mr. NICKLES. Mr. President, I likewise would like to compliment my colleague, Senator WARNER, because he has been leading the debate, certainly on this side of the aisle, but, frankly, on both sides of the aisle. Senator WARNER has carried the debate on this side almost all of Friday, almost all of Monday, a great deal of today, and I am sure tomorrow and Thursday.

He has also been joined by Senator LIEBERMAN as a principal sponsor, as well as Senator MCCAIN, Senator BAYH, and others. I compliment them.

I heard some people debating this resolution as if they had not read it. Senate Joint Resolution 46 is well written. It is supported by the administration. There was a lot of time spent in putting this resolution together. Sometimes we legislate without reading. Sometimes we talk to people without listening.

I encourage my colleagues to read the resolution. I hope it will get a unanimous vote.

I looked at the resolutions we have passed in the last many years dealing with Iraq. Going back to the resolution we passed in 1991, I remember that resolution very plainly. A few days before that resolution passed, I was in Israel. Saddam Hussein was making statements like: If war broke out, Israel would burn. It would be consumed with fire. He was making all kinds of statements against the United States, against Israel, against any potential ally.

As the previous administration, President Bush 1, was putting together an international coalition, Saddam Hussein was threatening anybody in that coalition. Congress debated, for months. You might remember that Kuwait was invaded in August of 1990. President Bush made a very strong statement. He said: This invasion will not stand. And he made that statement: You are going to be removed from Kuwait, one way or another. Frankly, he made that strong statement, and he backed it up. He sent 550,000 United States troops to Saudi Arabia and Kuwait to build the military force and, in the next 6 months, built an international coalition that was unprecedented, unbelievably strong and powerful, with a number of countries, Arab and other countries, neighbors and from across the world, to stand up to Saddam Hussein's invasion of Kuwait and to kick him out of Kuwait.

That war was fought. It was very successful. And then President Bush stopped the war at that point because we achieved the U.N. resolution objectives, kicking Saddam Hussein out of Kuwait.

Then there were several resolutions that were passed, to which Saddam Hussein and the Iraqi Government agreed, that called for their disarmament and inspections. They agreed to these resolutions. We also passed resolutions that said we would use military force, if necessary, to compel compliance. And the United Nations, subsequent to that, beginning in 1991, all the way through 1998, passed 16 resolutions telling Saddam Hussein and the Iraqi Government: You must comply with these resolutions.

We went to war, developed an international coalition to force him out of Kuwait and to force him to disarm, and he agreed. Unfortunately, he did not live up to his agreement. He lied. He did not comply. He was defiant in his noncompliance.

As a result, he continued to build weapons of mass destruction. And the United Nations passed resolutions saying: You must comply, and, if necessary, we will use force. I could put in all these resolutions.

Mr. President, I ask unanimous consent to have printed in the RECORD the resolution that passed Congress, the Iraqi Breach Of International Obliga-

tions, because it is about a four-page summary, a short summary, but it is a resolution we passed on July 31, 1998, Public Law 105-235, and talks about the Iraqi breach of international obligations.

I will not read it all, but basically the Iraqi Government totally failed to comply with the U.N. resolutions. The essence of the resolve—and I will read it—

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged 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.

That is the key phrase. This is what passed Congress in 1998. That was our unified statement that we made in 1998, that resolved we will "bring Iraq into compliance with its international obligations," and we will use "appropriate action," i.e., military action, if necessary, to get him to comply.

That resolution passed the Senate unanimously—unanimously—with no opposition.

It had very strong support. I am looking at some of the statements made. I will just read part of one made by President Clinton on February 17, 1998 regarding Iraqi noncompliance. He made this speech to the Joint Chiefs of Staff and the Pentagon dealing with Iraq. It is very relevant today, as it was in 1998. This is President Clinton:

Now, let's imagine the future. What if he fails to comply, and we fail to act, or we take some ambiguous third route which gives him yet more opportunities to develop this program of weapons of mass destruction and continue to press for the release of the sanctions and continue to ignore the solemn commitments that he made?

Well, he will conclude that the international community has lost its will. He will then conclude that he can go right on and do more and rebuild an arsenal of devastating destruction.

And some day, some way, I guarantee you, he'll use the arsenal. And I think every one of you who's really worked on this for any length of time believes that, too.

President Clinton continued:

If we fail to respond today, Saddam and all those who would follow in his footsteps will be emboldened tomorrow by the knowledge that they can act with impunity, even in the face of a clear message from the United Nations Security Council and clear evidence of a weapons of mass destruction program.

I mention this. This was from President Bill Clinton, a very strong statement. I read that statement. I am kind of proud of him and I think he was exactly right. Though his rhetoric was pretty strong, his actions, unfortunately, were not. He said, we are going to compel compliance. The Congress passed a resolution saying, we will do what is necessary to compel compliance. But we didn't follow up.

I will read to you a statement made by Senator DASCHLE on the floor, the Democrat leader at the time. This was made on February 12, 1998:

... Iraq shall not be permitted to develop and deploy an arsenal of frightening chemical and biological weapons under any circumstances.

Skipping a couple paragraphs:

The United States continues to exhaust all diplomatic efforts to reverse the Iraqi threat. But absent immediate Iraqi compliance with Resolution 687, the security threat doesn't simply persist—it worsens. Saddam Hussein must understand the United States has the resolve to reverse that threat by force, if force is required. And, I must say, it has the will.

I think Senator DASCHLE was right. I could go on. I have quotes from Vice President Gore, other prominent leaders in Congress at the time. We passed a strong resolution.

I ask unanimous consent that the 1998 resolution be printed in the RECORD.

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

PUBLIC LAW 105-235

A joint resolution of the 105th Congress finding the Government of Iraq in unacceptable and material breach of its international obligations.

"Whereas hostilities in Operation Desert Storm ended on February 28, 1991, and the conditions governing the cease-fire were specified in United Nations Security Council Resolutions 686 (March 2, 1991) and 687 (April 3, 1991);

"Whereas United Nations Security Council Resolution 687 requires that international economic sanctions remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities;

"Whereas Resolution 687 established the United Nations Special Commission on Iraq (UNSCOM) to uncover all aspects of Iraq's weapons of mass destruction programs and tasked the Director-General of the International Atomic Energy Agency to locate and remove or destroy all nuclear weapons systems, subsystems or material from Iraq;

"Whereas United Nations Security Council Resolution 715, adopted on October 11, 1991, empowered UNSCOM to maintain a long-term monitoring program to ensure Iraq's weapons of mass destruction programs are dismantled and not restarted;

"Whereas Iraq has consistently fought to hide the full extent of its weapons programs, and has systematically made false declarations to the Security Council and to UNSCOM regarding those programs, and has systematically obstructed weapons inspections for seven years;

"Whereas in June 1991, Iraqi forces fired on International Atomic Energy Agency inspectors and otherwise obstructed and misled UNSCOM inspectors, resulting in United Nations Security Council Resolution 707 which found Iraq to be in "material breach" of its obligations under United Nations Security Council Resolution 687 for failing to allow UNSCOM inspectors access to a site storing nuclear equipment;

"Whereas in January and February of 1992, Iraq rejected plans to install long-term monitoring equipment and cameras called for in United Nations resolutions, resulting in a Security Council Presidential Statement of February 19, 1992 which declared that Iraq was in "continuing material breach" of its obligations;

"Whereas in February of 1992, Iraq continued to obstruct the installation of monitoring equipment, and failed to comply with

UNSCOM orders to allow destruction of missiles and other proscribed weapons, resulting in the Security Council Presidential Statement of February 28, 1992, which reiterated that Iraq was in "continuing material breach" and noted a "further material breach" on account of Iraq's failure to allow destruction of ballistic missile equipment;

"Whereas on July 5, 1992, Iraq denied UNSCOM inspectors access to the Iraqi Ministry of Agriculture, resulting in a Security Council Presidential Statement of July 6, 1992, which declared that Iraq was in "material and unacceptable breach" of its obligations under United Nations resolutions;

"Whereas in December of 1992 and January of 1993, Iraq violated the southern no-fly zone, moved surface-to-air missiles into the no-fly zone, raided a weapons depot in internationally recognized Kuwaiti territory and denied landing rights to a plane carrying United Nations weapons inspectors, resulting in a Security Council Presidential Statement of January 8, 1993, which declared that Iraq was in an "unacceptable and material breach" of its obligations under United Nations resolutions;

"Whereas in response to continued Iraqi defiance, a Security Council Presidential Statement of January 11, 1993, reaffirmed the previous finding of material breach, followed on January 13 and 18 by allied air raids, and on January 17, with an allied missile attack on Iraqi targets;

"Whereas on June 10, 1993, Iraq prevented UNSCOM's installation of cameras and monitoring equipment, resulting in a Security Council Presidential Statement of June 18, 1993, declaring Iraq's refusal to comply to be a "material and unacceptable breach";

"Whereas on October 6, 1994, Iraq threatened to end cooperation with weapons inspectors if sanctions were not ended, and one day later, massed 10,000 troops within 30 miles of the Kuwaiti border, resulting in United Nations Security Council Resolution 949 demanding Iraq's withdrawal from the Kuwaiti border area and renewal of compliance with UNSCOM;

"Whereas on April 10, 1995, UNSCOM reported to the Security Council that Iraq had concealed its biological weapons program, and had failed to account for 17 tons of biological weapons material resulting in the Security Council's renewal of sanctions against Iraq;

"Whereas on July 1, 1995, Iraq admitted to a full scale biological weapons program, but denied weaponization of biological agents, and subsequently threatened to end cooperation with UNSCOM resulting in the Security Council's renewal of sanctions against Iraq;

"Whereas on March 8, 11, 14, and 15, 1996, Iraq again barred UNSCOM inspectors from sites containing documents and weapons, in response to which the Security Council issued a Presidential Statement condemning "clear violations by Iraq of previous Resolutions 687, 707, and 715";

"Whereas from June 11-15, 1996, Iraq repeatedly barred weapons inspectors from military sites, in response to which the Security Council adopted United Nations Security Council Resolution 1060, noting the "clear violation on United Nations Security Council Resolutions 687, 707, and 715" and in response to Iraq's continued violations, issued a Presidential Statement detailing Iraq's "gross violation of obligations";

"Whereas in August 1996, Iraqi troops overran Irbil, in Iraqi Kurdistan, employing more than 30,000 troops and Republican Guards, in response to which the Security Council briefly suspended implementation on United Nations Security Council Resolution 986, the United Nations oil for food plan;

"Whereas in December 1996, Iraq prevented UNSCOM from removing 130 Scud missile en-

gines from Iraq for analysis, resulting in a Security Council Presidential statement which "deplore[d]" Iraq's refusal to cooperate with UNSCOM;

"Whereas on April 9, 1997, Iraq violated the no-fly zone in southern Iraq and United Nations Security Council Resolution 670, banning international flights, resulting in a Security Council statement regretting Iraq's lack of "special consultation" with the Council;

"Whereas on June 4 and 5, 1997 Iraqi officials on board UNSCOM aircraft interfered with the controls and inspections, endangering inspectors and obstructing the UNSCOM mission, resulting in a United Nations Security Council Presidential Statement demanding Iraq end its interference and on June 21, 1997, United Nations Security Council Resolution 1115 threatened sanctions on Iraqi officials responsible for these interferences;

"Whereas on September 13, 1997, during an inspection mission, an Iraqi official attacked UNSCOM officials engaged in photographing illegal Iraqi activities, resulting in the October 23, 1997, adoption of United Nations Security Council Resolution 1134 which threatened a travel ban on Iraqi officials responsible for noncompliance with United Nations resolutions;

"Whereas on October 29, 1997, Iraq announced that it would no longer allow American inspectors working with UNSCOM to conduct inspections in Iraq, blocking UNSCOM teams containing Americans to conduct inspections and threatening to shoot down United States U-2 surveillance flights in support of UNSCOM, resulting in a United Nations Security Council Resolution 1137 on November 12, 1997, which imposed the travel ban on Iraqi officials and threatened unspecified "further measures";

"Whereas on November 13, 1997, Iraq expelled United States inspectors from Iraq, leading to UNSCOM's decision to pull out its remaining inspectors and resulting in a United Nations Security Council Presidential Statement demanding Iraq revoke the expulsion;

"Whereas on January 16, 1998, an UNSCOM team led by American Scott Ritter was withdrawn from Iraq after being barred for three days by Iraq from conducting inspections, resulting in the adoption of a United Nations Security Council Presidential Statement deploring Iraq's decision to bar the team as a clear violation of all applicable resolutions;

"Whereas despite clear agreement on the part of Iraqi President Saddam Hussein with United Nations General Kofi Annan to grant access to all sites, and fully cooperate with UNSCOM, and the adoption on March 2, 1998, of United Nations Security Council Resolution 1154, warning that any violation of the agreement with Annan would have the "severest consequences" for Iraq, Iraq has continued to actively conceal weapons and weapons programs, provide misinformation and otherwise deny UNSCOM inspectors access;

"Whereas on June 24, 1998, UNSCOM Director Richard Butler presented information to the United Nations Security Council indicating clearly that Iraq, in direct contradiction to information provided to UNSCOM, weaponized the nerve agent VX; and

"Whereas Iraq's continuing weapons of mass destruction programs threaten vital United States interests and international peace and security: NOW, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Con-

stitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations."

Approved August 14, 1998.

Mr. NICKLES. Later in 1998, the U.N. weapons inspectors were kicked out of Iraq. We bombed them. Then nothing happened. Since 1998, for the last 4 years, we haven't had any weapons inspectors in Iraq. They have done exactly as President Clinton forecasted they would do. They have continued to build their weapons of mass destruction, and they have been emboldened by our lack of action, by the lack of will.

As a matter of fact, in all those years, the Oil-for-Food program grew. At that point he was exporting a little bit of oil for food. That figure has quadrupled in the last few years. Every 6 months it was renegotiated. And due to pressure from a lot of countries it was renegotiated; yes, we don't want the Iraqi people to suffer so we will allow them to sell more oil. Saddam Hussein has abused that program and exported a lot more oil. He has basically been producing almost all he can.

He has taken that money and put it back into his weapons of mass destruction. He is not taking care of his people. We have Congressmen who were in Iraq last week talking about how pitiful it is that some of the kids are living in the hospitals and so on. Saddam Hussein has made billions off of oil, most of it illegally, but instead of using that money for the health and well-being of the Iraqi people, he has used it to build weapons of mass destruction.

President Clinton was pretty insightful of what would happen. Unfortunately, during his term, things got worse. The inspectors were basically kicked out of Iraq. They were denied access. There is a long litany. I will insert in the RECORD a list of Iraqi non-compliance with the arms control inspectors, how they basically stopped them from doing their job. They did a decent job on occasion because they would get some insights from a defector, but Saddam Hussein's mistress was laughing about the fact Saddam Hussein would laugh that he would continue to conceal these weapons and basically defy the United Nations and the United States.

We have had a change in the United States. Now we have President Bush, who said we should enforce the U.N. resolutions. We should stand up to Saddam Hussein. Things have changed. September 11 of last year did change things. It made us aware we are vulnerable to terrorists. Saddam Hussein has coalesced, has financed, has trained terrorists. The idea he is building these weapons of mass destruction and they might be distributed to potential terrorists is just not acceptable.

What needs to be done? Frankly, what needs to be done is to enforce the existing U.N. resolutions and to reaffirm them. Some people have said: We don't think President Bush should just

move unilaterally. The world community signed off on those U.N. resolutions, and at the time we gave those U.N. resolutions the use of force, if necessary, to compel compliance. What has changed?

In 1998, we reaffirmed the use of force, if necessary, to compel compliance. Are things better now than they were in 1998? He kicked the arms control inspectors out, and they are building all kinds of weapons. I don't see how anything is better. Things are worse, just as President Clinton predicted they would be.

We have rewarded his noncompliance. The international community has rewarded his noncompliance, and the United Nations has basically fallen into a group that lost its prestige and the status of being able to say: The world community is making a statement. This will not stand.

They have allowed it to stand. They have allowed it to be neutered, to be ineffective. Now we have a President Bush who went to the United Nations and said: These resolutions are still in effect. We need to enforce them. There is a real danger out there. It is a danger not to us, the United States, but to the world.

Many people in this body have said: I don't want him to move unilaterally, but let's do it in conjunction with the United Nations. President Bush didn't have to do that, but he did. He went to the United Nations and made a very strong speech. He is working to rebuild the international coalition that dissipated, if not disappeared, during the Clinton administration. The Clinton administration inherited the strongest, largest international coalition maybe ever assembled against a tyrant in Saddam Hussein in 1990 and 1991. By the year 2000, that international coalition was totally gone.

Saddam Hussein was producing all the weapons he wanted. There were no arms control inspectors. It really deteriorated over those 8 or 9 years.

President Bush is trying to rebuild it. He made the speech to the United Nations. He has contacted Members of Congress. He has brought many of us into the White House. He made a speech last night to the American people as well as to Congress.

People said: We want Congress to speak on this so we will be united. He came to Congress. He asked for a resolution. We are going to give him a resolution. We are going to show the Congress is behind the President. I hope with an overwhelming vote, an overwhelming vote.

What have we learned since 1991? Many people who voted no on the resolution in 1991 said: Let's give the sanctions a chance. I think we have had a little period of understanding now that Saddam Hussein doesn't care about sanctions and he doesn't care about U.N. resolutions. He doesn't care about pieces of paper. He does care about force. He respects force.

He misjudged the will of President Bush 1. He misjudged the will of the

United States, earlier in his invasion and also in events that led up to the war in 1991.

I think he understands, too, that President Bush is very forceful. He means exactly what he says. If there is any chance to have a peaceful resolution in Iraq, it will only be after we pass this resolution, and he understands quite well that we will use force, if necessary, to compel compliance. Maybe then he will have a change of behavior. If not, he will pull the U.N. around and play them like a fiddle and try to do some type of diplomatic dance, never to do anything. He did that quite successfully for years.

He will not be successful with President Bush and this team. President Bush has assembled a team—I respect President Bush greatly for the speeches he has made and for his courageous positions but also for the team he has put together. His Vice President, DICK CHENEY, is former Secretary of Defense, and he has dealt with Saddam Hussein. His Secretary of State, Colin Powell, was the Chairman of the Joint Chiefs in the war in 1991. Secretary Rumsfeld is well respected by our military leaders and around the world. President Bush has put together a great team—one that probably wasn't designed for this problem, but it could not be more experienced and ready to take on this enormous challenge. I have great confidence in their ability to be able to do the job.

Is it without risk? No. Sure, there is risk involved. There is a lot that is involved. But doing nothing is a greater risk. Doing nothing is a much greater risk. If we want to have any hope of a peaceful resolution or to have this happen successfully without military conflict, it will only be after Saddam Hussein realizes the United States is behind our President, our Commander in Chief, and that we will enforce these resolutions. These resolutions don't have to be pieces of paper that are going to be ignored; they are the rule and effect of law. I hope the international community comes together.

The U.N. passing a strong resolution is much greater after they see the Congress speak with one voice and pass overwhelmingly a resolution stating we believe the existing resolutions should be enforced. We do not think it is satisfactory to have Saddam Hussein—a person who used chemical weapons against his own people, who fought wars with Iran, who has invaded Kuwait, and who lobbed missiles against Saudi Arabia and the Israeli people, we don't think it is satisfactory for that person, that regime, to be able to develop and continue to manufacture tons and tons and tons of chemical and biological weapons, and work on nuclear weapons that could threaten millions of people—millions of people.

That is not satisfactory. It needs to be stopped. I believe this President will do it. I think this resolution will be a big step in the right direction.

I want to make one final comment, and this is to the Iraqi people. They

have suffered enough under Saddam Hussein. This is really for the liberation of the Iraqi people, just like getting rid of the Taliban in Afghanistan was liberation for the Afghan people. They have been suppressed for too long. This tyrant, this dictator who executed people himself and had relatives executed, and countless people who might be his political opponents have been executed—he needs to go.

In 1998, this Congress said we are for a regime change in Iraq. We were for it in 1998. We are for it now. In my opinion, we will not really have a return to a peaceful, growing, prosperous Iraq until there is a regime change. We will not have any confidence that there is any peaceful outlook for Iraq as long as Saddam Hussein is in the area. This Congress spoke in 1998 strongly and unanimously for regime change. I still think that is needed. The point I want to make is that if military conflict breaks out, it will not be a war with the Iraqi people. The war is with the leadership of Iraq, the unelected leader, Saddam Hussein, the tyrant who continues to oppress his people, basically stealing their money and using it to build weapons of mass destruction for his purposes, which is not for the well-being of the Iraqi people, but, frankly, for his desire to build a military machine that can threaten us. That is not acceptable.

I believe this resolution, when it passes—and I hope it does overwhelmingly—will send a strong signal to the world and to Saddam Hussein that these resolutions can, should, and will be enforced.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Oklahoma for his very strong statement on behalf of the resolution Senators WARNER, BAYH, MCCAIN, I, and others have put before the Senate. I also thank my friend and colleague from Florida, Senator NELSON, for his strong statement on behalf of the amendment we have offered. I think together they form bookends that are bipartisan and quite strong in endorsing our resolution, and also in responding to some of the complaints, or questions, or criticisms about it that have been made in this first day of direct debate on it, which I do want to do a little bit more of myself.

Mr. NICKLES. Will the Senator yield for a moment?

Mr. LIEBERMAN. Yes.

Mr. NICKLES. I compliment the Senator for his leadership on this. I have actually read the resolution. I think it is a very good product, bipartisan, due in large part to the Senator's leadership. I remember working with him on the 1991 resolution, as well as Senator WARNER and many others who were on the floor 11 years ago. So I thank my friend and colleague from Connecticut. We have had the pleasure of working together on many issues, and this is

one of the most important. The Senator's leadership is very notable and commendable, and I thank him for it.

Mr. LIEBERMAN. Mr. President, I thank the Senator for his kind words. I remember our work together in 1991. We are older and maybe wiser. In any case, I am proud to be working with the Senator and others on both sides of the aisle in a good cause.

I want to say, as he talked about reading the resolution—and I think that is important and I hope all our colleagues will read it—not just the “resolved” part, but the “whereas,” the preamble.

There have been suggestions here and there that either this resolution we have adopted was sort of patched together in a hurry, or that the White House just dictated it. The good news is this resolution is the result of a bipartisan, bicameral, House-Senate negotiation with the White House in a spirit of accommodation and compromise as part of a desire to go forward together. Some significant changes were made in the resolution from the original draft sent by the White House that were requested by Members of Congress, including particularly Members on the Democratic side of the aisle.

I just want to mention very briefly those changes. They include, first, support for and prioritization of American diplomatic efforts at the U.N. Just so there would be no doubt that what we were authorizing or intending to authorize was a unilateral, go-it-alone, “don't care what anybody else says in the world” military strike at Saddam Hussein, it is not that. In fact, at the heart of this resolution is the authority given to the President to enforce United Nations resolutions in great number, which have been consistently ignored, violated, denied, and deceived by Saddam Hussein over the decade.

While Congress is only able to authorize the President, as Commander in Chief, to take military action, the clear implication that I read into our resolution—but more than that, the clear statement of intention of the President should we face the moment we hope we do not face, when either Saddam does not respond to the U.N. or the U.N. itself refuses to authorize action to enforce its resolutions, then I think the President has made clear, and those of us who are sponsoring the resolution have made clear, that the United States will not go it alone and we will not have to, as a result of the decision to go to the U.N., as a result of the consultation with allies in Europe and Asia, in the Middle East and elsewhere in the world, as a result of the discussion and debate here and what I hope will be strong bipartisan support of this underlying resolution.

If we come to that moment where we have no other choice but war, then it is clear that we will have allies in good number at our side. That was one of the items we added to the resolution.

We also limited the scope of the authorization to Iraq and resolutions of

the United Nations related to Iraq. The initial language submitted by the White House had a third clause which would justify military action, and that was to give the President authority to take military action to restore international peace and security to the region. That was a good step forward to grant the President authority but to limit the authority.

I take it also to be a limitation on duration, although some have spoken today and in previous days about the fact that this is unlimited. This is limited to the duration of authority necessary to address the current and ongoing threats posed by Iraq. When those threats are over, the authority is gone. Because the connection between sections 1 and 2 of the material parts of the resolve clause, which is the conditions that would justify military action, are joined by the word “and” and not by the word “or,” I think it is meant to clarify that this authority applies only to the relevant United Nations resolutions regarding Iraq.

There was another significant change. We also asked the White House and they agreed to put in language that requires the President to submit to Congress a determination, prior to using force, that further diplomatic means will not protect the national security of the American people or lead to enforcement of U.N. resolutions—another way, consistent incidentally with the gulf war resolution of 1991, to make it clear in this resolution that the policy of the United States is not to go to war first but to go to war last, after all other means of achieving Saddam's disarmament have failed.

We also require the President to submit to Congress a determination, prior to using force, that taking military action against Iraq is consistent with continuing efforts by the United States and other nations to take the necessary actions against international terrorists or terrorist organizations.

Justifiable concern was expressed that somehow a potential war against Iraq would interrupt, disrupt, deter the ongoing war on terrorism.

As I said, I think the two are connected because Saddam is a terrorist and supports terrorism and has had contacts with al-Qaida, but this makes clear the President has to make a determination publicly to Congress that these two are not in conflict and then requiring the President to comply with the War Powers Act which mandates regular consulting and reporting procedures.

I spoke earlier this afternoon and said to my colleagues I did not understand why there were some who said this resolution was somehow in contravention of the Constitution. One might disagree with the evaluation we sponsors of the resolution have made about the danger of Iraq under Saddam or of the imminence of the threat, but clearly the language of this resolution is not only within the power that Congress is given by the Constitution to

declare war, to authorize military action, but also, by complying with the War Powers Act, embraces the later section of article I that says Congress is empowered to adopt legislation to implement the powers the Constitution gives.

Finally, there is a requirement that the President report every 60 days to Congress on military operations and on the planning for close of conflict activities, such as reconstruction and peacekeeping. It is not too soon to begin to plan for that now. I had occasion to speak on this subject last night at the Wilson Center here in Washington.

The bottom line is the ultimate measurement of the success of war is the quality of peace that follows. We have an obligation not just to, if necessary, tear down the dictatorship that Saddam has built in Iraq, but to help the Iraqi people build up a government that will follow in a better life, better economy, and more freedom for themselves, and this reporting requirement will be an incentive for that to happen.

Obviously, I hope and trust our colleagues will read the resolution in full. I want my colleagues to understand a significant process of negotiation went on between Democrats and Republicans in the House and the Senate and the White House before this resolution, which the President does support, was introduced into the Senate.

I see my friend from Colorado.

Mr. ALLARD. Will my friend yield?

Mr. LIEBERMAN. Madam President, I will be happy to yield to the Senator.

Mr. ALLARD. I thank the Senator from Connecticut for yielding.

Madam President, I wish to express again my appreciation for his leadership on this very important subject. He is recognized in the Senate as somebody who is an expert on Middle East affairs, and a lot of us lean on his opinion as we go through these debates.

I am sure the President appreciates the Senator from Connecticut sitting down and working with him in a bipartisan manner.

I compliment the Senator publicly for his fine work on this resolution.

Mr. LIEBERMAN. Madam President, I say to my friend and colleague from Colorado, he is very gracious. I appreciate it. It is an honor to have this opportunity to be involved in this very important debate and to do so across party lines. I thank him for his thoughtful advocacy of this resolution and of a strong U.S. presence in this region generally. I appreciate it.

Madam President, not seeing anyone else who wishes to speak at this time, I want to begin to respond to some of the thoughtful questions that were raised by the Senator from Oregon, and to some extent by the Senator from Massachusetts, about the imminence of the threat that Iraq represents and the basic question of, why now? what is the rush?

For my own part, as I said earlier today, the question for me is, why not

earlier? In other words, not, why now? but, why not earlier? We have gone through almost 11 years since the gulf war, since the armistice, the cease-fire agreement by which Saddam committed himself to adhere to the various U.N. resolutions and then proceeded rapidly to violate almost all of them, to play a cat-and-mouse game with the U.N. inspectors, testified to by so many of them, including the most memorable to me, Richard Butler, the Australian who headed the UNSCOM inspectors during the nineties, saying—and he used the word “lies.” He said the Iraqis under Saddam kept telling lies about what they had and did not have.

The record sadly shows—and there is now an indisputable record in this regard—that they have a growing inventory of very deadly toxins, biological, and chemical weapons.

We say with some glibness, because we say it so much, that Saddam is probably the only leader of a country in the world today who has used chemical weapons. He has, and used them not just once but several times against the Kurdish people, citizens of Iraq, and on some occasions actually having medical personnel nearby to follow up, not to help those who were attacked, but to use them as if they were test objects, to see to what extent they were hurt or how they were killed. That is how brutal and inhumane this regime is.

All the time this deceit and deception was going on, we tried everything over and over to stop the violations of the U.N. agreements. Nothing worked—inspections, sanctions, Food for Oil, trade restrictions, and even limited military action.

That is why we come to this point where we have said enough is enough. There is no question, in terms of is this imminent, that the events of September 11, 2001, have affected our judgment. I say for myself they have affected my judgment. I have said now that I have felt this way about Saddam for a long time.

In 1998, former Senator Bob Kerrey, Senator MCCAIN, Senator LOTT, and I cosponsored the Iraq Liberation Act based on the constant deception and violation of the U.N. inspection team, kicking them out of Iraq. That act declared it American policy to no longer just contain Saddam, but because of the danger that he was brewing within his borders with chemical and biological weapons, ballistic missiles and unmanned aerial vehicles which he could deliver on targets near and far, that we had to adopt a new policy to change the regime. That was adopted into law in 1998.

So as for myself, I have had this feeling about Saddam and his potential to use these weapons to expand his control of the Arab world. This is what I referred to earlier in the day in the incredibly timely book that has just come out by Kenneth Pollack, an expert on Iraq, called “A Threatening Storm.” In that book, Mr. Pollack tells

the life story of Saddam through the Baath Party, so-called pan-Arabic views, and the extent to which his dream and his ambition is to be the new Saladin of the Arab world and control the entire Arab world.

So that is what these weapons are for, and his Arab neighbors are the nearest and most immediate targets of that, many of whom are very good allies of ours and from whose countries we receive much of the oil that fuels our economy, as well as the economy of the rest of the world.

So this has been building. Yet September 11, 2001, has had a profound effect on all of us. Speaking for myself, it has had a profound effect on me.

We look back and we say we knew what Osama bin Laden was saying; we knew his hatred for the United States; we knew he had struck at the two American embassies in Africa; we knew he had attacked the USS Cole.

We made some attempt to strike back at him, but now having experienced the horror of September 11, 2001, don't we wish we had invaded Afghanistan, overthrown the Taliban, and disrupted al-Qaida before September 11, 2001? Of course, we all do. The will was not there, notwithstanding the warnings.

So in terms of imminence, this resolution uses the phrase “continuing threat,” that we authorize the President to use the Armed Forces of the United States to defend the national security of the United States against the continuing threat posed by Iraq.

When we put together Saddam's hatred for the United States—I quoted earlier today, February 15, 1991, in defeat, after the gulf war, Saddam said:

Every Iraqi child, woman, and old man knows how to take revenge. They will avenge the pure blood that has been shed, no matter how long it takes.

Surely, that was one of the reasons he attempted to assassinate former President Bush on a visit to Kuwait; why he, according not to this Senator or any other Senator but according to our own State Department, is one of seven nations on the State Department list of state sponsors of terrorism who has supported terrorist groups that have killed Americans.

So I read the word “continuing threat” as contained in our resolution to hold within it implicitly the words “grave and imminent” that some of our colleagues have said they wish were there.

The record shows that. The experience of September 11, 2001, shows that. I do not want to look back on some dark day in the near or not so near future, after some terrorist group supported by Saddam, or Iraq itself, has struck at allies of ours in the region or at American forces there or at Americans in the United States itself, which he is capable of doing, and say I wish we had taken action against him before he acted against us. We do not ever want to face a moment like that again.

So I believe the record before us, cited in some detail in the preamble,

the whereas clauses of our resolution, argues loudly that the continuing threat referred to in the literal wording of the authorization clause is both grave and imminent and calls out for the action and the strength that this resolution requires.

The best way to achieve peace is to prepare for war. That is what has been said so many times in the past, particularly when dealing with a dangerous dictator like Saddam Hussein—and through his agents—an aggressor, a brutal killer himself.

There is no substitute for strength. We are a strong Nation and we are marshaling that strength before the United Nations, before the world community and directly to Saddam Hussein, hoping the message will get through and he will disarm without requiring the U.N., or an international coalition led by the United States, to disarm him. That is our hope. That is our prayer. But we will not achieve it unless our intentions are clear and strong.

There is a wonderful sentiment, an insight that I read a while ago from GEN Douglas MacArthur, obviously a great soldier but also a great student of warfare. MacArthur once said, and I quote: The history of failure in war can be summed up in two words, “too late”—too late in comprehending the deadly purpose of a potential enemy; too late in realizing the mortal danger; too late in preparedness; too late in uniting all possible forces for resistance; too late in standing with one's friends.

It is a brilliantly insightful and moving quote, and remarkably relevant to the challenge that our resolution puts before our colleagues—too late in comprehending the deadly purpose of a potential enemy, that is the case we are making, the continuing threat of Saddam Hussein, grave and imminent; too late in realizing the mortal danger—that is the point that he continues to build an inventory of chemical and biological weapons that pose literally a mortal danger, the danger of killing Americans in great number if we do not stop him.

In the colloquy I had earlier today with the Senator from Virginia, Mr. WARNER, I expressed that there has been a lot of debate leading up to this resolution about whether Saddam has nuclear capacity and when he will achieve it. Is it going to be a year, 6 years, 10 years? I do not know, but I do know he possesses biological weapons today, deadly biological weapons, with the capacity to deliver them with ballistic missiles, and now increasingly sophisticated and small unmanned aerial vehicles, which when taken together could, in the worst nightmare scenario, create as much or more devastation and death than the kind of primitive nuclear weapon he will sooner or later possess. So that is the mortal danger in MacArthur's warning.

Too late in preparedness, well, that is what we are authorizing the President,

as Commander in Chief, and our military to do. Too late in uniting all possible forces for resistance. We are working now with our allies, with the Iraqi opposition, finally, 4 years after the Iraq Liberation Act authorized our government to begin working with the broad-based Iraqi opposition to Saddam Hussein.

Finally, too late in standing with one's friends. Here we are talking about our friends in the Middle East and the Persian Gulf. Good friends. Arabs, mostly, but also obviously Israelis. I say "Arabs mostly" because if you follow the line of Saddam's ambitions, they are to control the Arab world. That is what the invasion of Iran was about, that is what the invasion of Kuwait was about.

If we give him the opportunity, that is what future invasions, using chemical, biological, and potentially nuclear weapons, will be about.

It is time to stand with our friends in that region. I repeat, the history of failure in war can be summed up in two words: Too late. Too late in comprehending the deadly purpose of a potential enemy. Too late in realizing the mortal danger. Too late in preparedness. Too late in uniting all possible forces for resistance. Too late in standing with one's friends. This resolution is our way of saying to the American people, to the United Nations, to our allies in the Middle East and to Saddam Hussein, this time we cannot, we must not, and we will not wait until it is too late.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I will make a few brief comments. I associate myself completely with the statement made by the Senator from Connecticut. I thought they were thoughtful comments. I also think Senator NICKLES from Oklahoma, who spoke prior to him, did a nice job of laying out for the Senate this issue, whether we should move forward with the resolution the President has requested.

I believe the President seeks to avoid conflict. I don't think there is anyone in this Chamber who wants to see us go into a conflict as a first option. We are very much concerned about the lives of our men and women who serve in the military. We certainly do not want to put them at risk unnecessarily.

The question occurs, if Saddam Hussein fails to comply, are we prepared to use force? I look at it this way. Historically, if we look at Iraq and what has been happening, I don't think anyone can deny there is a buildup. We either address it now or we address it later. I am of the view the sooner we address this problem, the less the risk will be. If we continue to let the problem grow, it increases the risks to our men and women in the military who may be called into battle as a result of non-compliance with Iraq. Hopefully we do not reach that point.

I compliment the President on his leadership. It is the kind of leadership

we need at this time. It is a judgment call. It is what every Senator has to make a decision about in his own mind, whether this is the right thing to do. The longer we hold this up, the risk is magnified. That puts the neighbors of Iraq at risk, it puts countries all around the world at risk.

There is no doubt in my mind Saddam Hussein has the capability of using weapons of mass destruction. He is capable mentally of doing that. He has done it before. He has used it on his own. If he can use it on his own, he would certainly be willing to use it any place else. If we look at biological weapons, there is not much doubt he has the capability to use biological weapons. Their threat is extremely serious. That is another threat that will continue to grow. We know he is out there trying to develop nuclear capability. That expands even more my concerns about an expanding risk as we continue to delay action.

We need to move forward. We need to move forward quickly. The sooner we get this resolved, the sooner we get the support from the United Nations, we can move forward, give the President that option, a final option, that, if necessary, he will go in, even unilaterally, to protect the interests of the United States, to protect the Americans, and, if necessary, protect our friends and allies in the Middle East.

There is a quote in the President's speech last night I will restate. He says approving this resolution does not mean military action is imminent or unavoidable. The resolution will tell the United Nations and all nations that America speaks with one voice and is determined to make the demands of the civilized world mean something. Congress will also be sending a message to the dictator in Iraq that his only choice is full compliance. That is key.

The time remaining for that choice is limited. We need to act quickly. I am glad we have this before the Senate. We should have had it earlier than this week, but hopefully we will get it out this week and move forward.

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

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

The Senator from Connecticut.

AMENDMENT NO. 4856, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I have a technical modification of the amendment that we offered earlier, and it is at the desk.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment (No. 4856), as modified, is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for the Use of Military Force Against Iraq".

SEC. 2. FINDINGS.

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:

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;

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;

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;

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);

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;

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;

Since the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Since the current Iraq 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;

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;

Since Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

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;

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 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;

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 699;

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";

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";

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;

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";

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 cease-

fire 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;

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;

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;

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 an Authorization for Use of Military Force (Public Law 107-40); and

Since it is in the national security of the United States to restore international peace and security to the Persian Gulf region.

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 authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) 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 nations, organizations or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supercedes any requirement of the War Powers Resolution.

SEC. 5. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 4 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105-338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93-148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102-1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102-1.

Mr. LIEBERMAN. I thank the Chair and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Lieberman-Warner amendment to S.J. Res. 45:

Thomas Daschle, Bill Nelson, Joseph Lieberman, Evan Bayh, Harry Reid, Pete Domenici, Joseph Biden, Patty Murray, Jay Rockefeller, Larry E. Craig, Trent Lott, John Warner, John McCain, Jesse Helms, Craig Thomas, Don Nickles, Frank H. Murkowski.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close the debate on S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq:

Thomas Daschle, Bill Nelson, Joseph Lieberman, Evan Bayh, Harry Reid, Pete Domenici, Joseph Biden, Patty Murray, Jay Rockefeller, Larry E. Craig, Trent Lott, John Warner, John McCain, Jesse Helms, Craig Thomas, Don Nickles, Frank H. Murkowski.

Mr. REID. Mr. President, we have been able to accomplish a great deal today on this most important resolution. I think the debate has been pertinent. I think people have had a chance to express themselves without hindrance. We would hope that Senators would continue in the same vein. With these two cloture motions that have been filed, we are hopeful and confident that the debate on this will be brought to a close on Thursday morning and that following that we can complete work on the resolution. We certainly hope so.

In the meantime, we would hope people who have amendments to offer would do that and, if possible, we would like to have those amendments resolved prior to Thursday. If not, of course, if some of them are germane, they will be carried over until after our cloture votes.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for not to exceed 5 minutes each.

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

EXTENDING THANKS TO CAPITAL-AREA LAW ENFORCEMENT

Ms. MIKULSKI. Mr. President, on behalf of the people of America, I thank President Bush and all Federal law enforcement agencies for the help, response, and support they have given to those who live in the Capital region as we face the threat of a predatory serial killer. The entire Nation knows six people have died. Some have been shot but are in recovery, like the 13-year-old boy who was so critically wounded yesterday. There is a serial killer out there. The President yesterday issued a statement extending his sympathies to those family members who have lost loved ones. He also directed law enforcement to be as responsive as possible.

As soon as the first dastardly and despicable deed occurred, Federal law enforcement, in terms of FBI and ATF, were there offering voluntary and informal assistance. Last night I spoke to FBI Director Mueller. Through a request from the Montgomery County police chief, they are formalizing and coordinating this effort. So we in Maryland really want to extend our gratitude to the President, to Federal law enforcement, and to all of America

that is sending their love and prayers to our region.

Mr. WARNER. Will the Senator yield?

Ms. MIKULSKI. I am happy to yield.

Mr. WARNER. We talked together about the efforts your office, my office, Senator ALLEN, and Senator SARBANES, working as a team, in fielding calls. We urge people to come to us. I also speak for the Mayor of the District of Columbia. The District of Columbia is grateful for the quick response led by our President, led by the Attorney General and others, to this crisis.

I have been privileged to live in this area throughout my entire life. I was an assistant U.S. attorney one time. Never have I seen a crime situation such as this. It has brought about the unity between the regions to work to solve this problem. I join with my friend and thank her for bringing this matter to the attention of the Senate.

TRIBUTE TO MAJOR GENERAL STROM THURMOND

Mr. HELMS. Mr. President, throughout America's history, our Nation has been blessed with leaders of rare courage, character, and conviction. The Senate for almost half a century has been fortunate to count among its members an especially remarkable individual, Senator STROM THURMOND.

Earlier, I joined in paying tribute to Senator THURMOND's unparalleled record of public service both to his country and to his beloved citizens of South Carolina. His extraordinary record of service spans almost 80 years.

We should also recall another aspect of service to his country—Senator THURMOND's heroic and selfless record of military service.

His distinguished military career spanned more than three decades, commencing shortly after his 21st birthday when he was commissioned a Second Lieutenant in the U.S. Army Reserve. When he retired in 1965, Senator THURMOND had risen to the rank of Major General, the highest rank then available to a Reserve Officer.

Inasmuch as he was serving as a South Carolina circuit judge at the outset of World War II, Mr. THURMOND was exempt from military service. But, then First Lieutenant THURMOND did not hesitate: he volunteered for duty the day the U.S. declared war against Germany, receiving a commission in the Active Army and becoming a member of the First U.S. Army.

While serving in the European theater, STROM served in all battles of the First Army, fighting through France, Belgium, Holland, Luxembourg, Czechoslovakia, and Germany. A lieutenant colonel at the time of the Normandy invasion—known forever as D-Day—STROM volunteered for temporary duty with The All-American Division, North Carolina's 82nd Airborne, with whom he would land on the first day of the invasion.

Senator THURMOND once recounted this experience with the 82nd:

On May 23, they informed us that they needed Civil Affairs officers for temporary duty with the 82nd Airborne. Three of us volunteered. . . . On May 29, our units headed for an airfield near Newbury, where the three of us were briefed, given final instructions, and assigned to various gliders. We were to arrive with the 82nd in France on D-Day, June 6. The primary mission of the 82nd and the 101st Airborne Divisions was to keep enemy reinforcements from the invasion beaches. One fifth of the American airborne soldiers were killed or wounded that day, but we succeeded in accomplishing our mission.

After we crossed the coast line of France we were subjected to heavy anti-aircraft fire, soon thereafter the tow plane cut us loose. Well, after that, we lost altitude fast. All I could see rushing toward us were fields full of fences and trees and crooked up gliders. As we came in to land, we hit a tree and tore off one of our wings. The crash threw us into another tree, and that clipped off our other wing. What was left of us kept going until it plowed into a fence. We had crash landed into an apple orchard.

We had landed within the German lines and as soon as we touched the ground we were hit with enemy fire. I headed a reconnaissance party with personnel from my glider to locate a command post. I borrowed a jeep from an officer of the 4th Infantry Division and made a reconnaissance of other nearby gliders, trying to assist injured personnel in getting to the rendezvous. As soon as we had consolidated the group and set up a temporary camp, we started to dig foxholes. We were still being shelled, but not as heavily, along with [receiving] small arms fire. I had busted up my left knee when the glider had landed, so once we had taken care of more urgent matters, I had the medics patch me up.

With typical humility, Senator THURMOND failed to note that he was awarded a Purple Heart for his injuries that day. In addition, he has been the recipient of numerous other decorations for heroism and valor, including 5 battle stars and 18 decorations, the Legion of Merit with Oak Leaf Cluster, the Bronze Star Medal with V device, the Belgian Order of the Crown, and the French Croix de Guerre.

In an effort to honor all soldiers of the 82nd Airborne and to acknowledge the spirit and actions of Major General STROM THURMOND during his military career, I wrote to the Secretary of the Army this past April. My request was that Fort Bragg's new 82nd Airborne Division Strategic Deployment Facility—a key complex ensuring that Fort Bragg will serve as the Army's principal power projection platform for years to come—be named in honor of Major General STROM THURMOND.

Mr. President, I ask unanimous consent that the text of my letter of April 19, 2002, and the Department of the Army's response of June 4, 2002, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. HELMS. Mr. President, needless to say, I am grateful to have received the Army's positive response and in September a ceremony was held at the green ramp at Pope Air Force Base, adjacent to Fort Bragg. More than 200 gathered to dedicate a premier facility,

to honor the 82nd Airborne, and to pay tribute to Major General THURMOND's exemplary contributions as a soldier and a statesman.

On that occasion, many fine tributes were spoken. I was particularly moved, though, by the words of the Under Secretary of the Army, the Honorable Les Brownlee. As a result of his distinguished service as majority staff director of the Senate Armed Services Committee, where he served under both Senators THURMOND and WARNER, Secretary Brownlee is well known to many Senators.

Mr. President, I ask unanimous consent that Secretary Brownlee's remarks from the September 16 dedication and a copy of a document "Thurmond Military Service Record" be printed in the RECORD.

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

REMARKS BY HON. LES BROWNLEE, UNDER SECRETARY OF THE ARMY AT DEDICATION CEREMONY, MG STROM THURMOND STRATEGIC DEPLOYMENT FACILITY, POPE AFB, NC, SEPTEMBER 16, 2002

Congressman Hayes, thank you very much for your very enthusiastic remarks to our soldiers here in the 82nd Airborne Division.

I hope you forgive me if I don't mention everybody's name again, since they have been mentioned a number of times already. But I did want to recognize the soldiers of the 82nd Airborne Division and the airmen of the 43rd Airlift Wing who are here today and who I know will enjoy the benefits of this marvelous facility.

I also wanted to recognize that not only did Congressman Hayes play a pivotal role in this facility but Senator Helms and his staff did as well, and I know that Senator Helms insisted that this facility be named for his colleague, Senator Strom Thurmond.

This year we will lose two giants out of the Senate. Senator Thurmond and Senator Helms will complete their tenure in the Senate this year but they will be sorely missed by the Nation.

I want to recognize also the great work that was done by everyone concerned in achieving this marvelous facility. It is truly a wonderful example of the jointness and cooperation that exists between the Army and the Air Force, and I want to recognize and express our appreciation to our Air Force comrades in arms.

I'm going also to pay a special tribute here to Mr. Duke Short, Chief of Staff at the current time to Senator Thurmond for almost thirty years. But more importantly, as a lieutenant he was assigned to the 82nd Airborne Division and served here at Fort Bragg. Duke, please stand. Please join me in giving Duke a big round of applause for his many years of outstanding service to the Nation and to Senator Thurmond.

I spent some time last week with Senator Thurmond and remarked that I was planning to borrow Duke Short from him for a few hours so that he could participate in this dedication ceremony. In typical Strom Thurmond fashion he didn't blink an eye as he deadpanned "that's fine . . . just bring him back."

As many of you know, I have had the distinct honor and privilege of working directly for Senator Thurmond for many years on the Senate Armed Services Committee, so I feel especially grateful for the opportunity to say a few words today. Senator Thurmond has been, and continues to be, an inspiration for

us all and I am certain he is both honored and humbled by the dedication of this facility in his name.

Pay particular notice that this facility is dedicated to Major General Strom Thurmond—no Senator Thurmond. This is significant as it recognizes his military career and accomplishments. But let's also take note of the extraordinary list of important positions Strom Thurmond has held throughout his life: Superintendent of Education for Edgefield County, South Carolina State Senator, Circuit Judge of South Carolina, Governor of South Carolina, Candidate for President of the United States, United States Senator where he served as chairman of the Armed Services, Veterans Affairs, and Judiciary committees and as President Pro Tempore, Major General in the Army Reserve, and the oldest Senator, as well as the longest serving senator. On December 5th this year Senator Thurmond will be 100 years old and still an active senator. What an impressive list—what a marvelous life of public service.

In 1924 Strom Thurmond was commissioned as a second lieutenant in the US Army Reserve. During World War II, although exempt from military service due to both his age and position as a judge, he took a four-year leave of absence from a Circuit Judgeship in South Carolina in order to voluntarily serve his country as a soldier. As a 43 year old lieutenant colonel he served with the All Americans—the 82nd Airborne—and landed in a glider carrying 8 other soldiers and a jeep as part of the D-Day invasion in Normandy. His team reinforced parachute troops that landed earlier that day and collectively routed the German forces from the town of Ste. Mere-Eglise.

In fact, I remember discussing the glider operations with Senator Thurmond. Riding a glider into battle is high adventure, and the usual result was a crash-landing. That's in fact how Senator Thurmond landed—a terrific crash that wounded him and destroyed the jeep the glider was carrying. I asked the Senator how he got out of the glider and into the battle. He explained that the entire side of the glider was torn open. "All you had to do was to stand up and walk right out the side!"

Four days after landing in the glider Lieutenant Colonel Thurmond, armed with only a pistol, captured a German motorcycle and commandeered it for his section's use.

Subsequently, Lieutenant Colonel Thurmond participated in the liberation of Paris, the Rhine Campaign, and was among the first Americans to liberate the Buchenwald concentration camp. As a result of his actions, Strom Thurmond was awarded the Legion of Merit—the Bronze Star for Valor, the Purple Heart, and 5 Battle Stars. Although the war ended in Europe, General Thurmond didn't return straight home. He volunteered for and was transferred to the Pacific Theater at the conclusion of combat in Europe and was preparing for the final assault on the Japanese island of Okinawa when the war ended.

In 1959 Senator Thurmond was promoted to the rank of Major General, and retired from the Army Reserve in 1964 after 40 years of active and reserve duty. Senator Thurmond obviously knows the military, is a stalwart supporter of the Army, and holds dear to his heart the soldiers, particularly the paratroopers, of our Army.

At this time I have a letter from Senator Thurmond which he asked that I read to you this morning:

DEAR FRIENDS: I am sorry that I am unable to join you today as you dedicate the Major General Strom Thurmond Strategic Deployment Center.

When the Commander-in-Chief needs to project American military might quickly, he

has no better option than the 82nd Airborne Division. For more than the past fifty-years, "The All American" has distinguished itself in military operations around the world.

I think one of my proudest distinctions as a Soldier is my association with the 82nd Airborne Division. A lot of things have changed over the past 55 years that makes the Paratrooper an even more efficient Soldier than he was in 1944. Thank goodness you do not use wooden gliders anymore. I must confess that my one day only ride in that particular aircraft is not one of my favorite memories. We can be proud that today's Paratrooper is better equipped, better trained, better armed and more lethal than the Airborne Soldiers of any other generation or army. The military power that a Regiment of 21st Century Paratroopers brings to bear in a fight is nothing short of awe-inspiring to our allies, and nothing less than terrifying to our enemies.

In addition to advances in weapons and tactics, there have been considerable changes in quality of life for our Soldiers. Investing in the well being of our Soldiers and their families is not only a down payment toward readiness, but it is simply the right thing to do. The Deployment Center being dedicated today will give Paratroopers a modern, and well designed, power projection platform.

That this facility is being named in my honor is a recognition that is truly flattering and meaningful. I am proud of this . . . and I am proud of my affiliation with the 82nd Airborne Division. I am very appreciative of this distinction and I am always proud to do whatever I can to help the fine men and women of our Armed Forces.

With best wishes and kindest regards,

Sincerely,

STROM THURMOND.

In December 1996 Senator Thurmond celebrated his 94th birthday with the 82nd Airborne Division. He served as honorary jumpmaster on a C-141 with the same unit he had served with in 1944. Senator Thurmond said at the time that he wanted to parachute into Normandy in 1944 but was told that he was too old. Then, with his typical style, Senator Thurmond stated "Perhaps they will finally let me jump and I'll get a pair of Airborne wings in celebration of my 94th birthday!"

Almost five years ago I was honored to attend Senator Thurmond's 95th birthday party. Throughout the party many friends and well-wishers all remarked to the Senator that they hoped that they could attend his 100th birthday party. The Senator looked at each of them and said, "well, if you eat right, exercise, and take care of yourself there's no reason why you can't be there."

This Strategic Deployment Facility is a tremendous testament to the spirit and tenacity of General and Senator Thurmond. Strom Thurmond admires courage, toughness, and perseverance—traits he believes, and I certainly agree with him, are found in every soldier. The soldiers who pass through this facility will be the standard-bearers of our great Nation, and will undoubtedly live up to the ideals of Strom Thurmond. The soldiers who train here, the soldiers who will deploy from here, the soldiers who we send in harm's way, will be better prepared to meet the challenges of today's environment because of both this facility and the lifelong dedication to the Nation rendered by Senator Strom Thurmond—a man committed to our nation's security.

We have learned all too well the uncertainty of our world. The threats to our Nation's interests are more complex and diverse than at any time in our history. The stakes are high. The United States must

safeguard our national interests and fulfill our world leadership responsibilities as well. Today, the U.S. military is protecting our Nation's interests both on the war front and on the home front, and the call may come at any time, day or night, for our valiant troops to pass through these portals and answer the call to battle.

As our military forces use this MG Strom Thurmond Strategic Deployment Facility to protect and defend this great Nation, I am confident that all of us, military and civilian, soldier and family member, will always remember and live up to the words of our President, George W. Bush, on 14 September last year when he stated: "America is a nation full of good fortune, with so much to be grateful for. But we are not spared from suffering. In every generation, the world has produced enemies of human freedom. They have attacked America, because we are freedom's home and defender. And the commitment of our fathers is now the calling of our time."

A week later President Bush declared: "We will rally the world to this cause by our efforts, by our courage. We will not tire, we will not falter, and we will not fail."

The paratroopers who pass through this facility will never fail us. They will continue to live to the high standards of courage, valor, and selfless service demonstrated by Senator Thurmond. I know that our soldiers of today and the future will draw strength, resolve, and inspiration from this facility and its namesake, and will continue to protect the security of this great nation.

God bless each and every one of you and God Bless America!

THURMOND MILITARY SERVICE RECORD—
JANUARY 9, 1924–NOVEMBER 22, 1964

Strom Thurmond began his military career when he was a Reserve Officers Training Corps cadet at Clemson Agricultural College from 1919–1923. He was appointed an officer in the United States Army Reserve, at the rank of 2nd Lieutenant, on January 9, 1924, and received the rank advancement to 1st Lieutenant on August 9, 1927. He enlisted in the army, shortly after the Japanese attack on Pearl Harbor, on December 11, 1941. However, he did not actually enter the service until April 17, 1942. He performed various military duties with the Military Police, as Captain, in the United States until October 26, 1943, when he was assigned to the Civil Affairs Division (Section G-5) of the headquarters, First Army, as Major and Lt. Colonel, which was formed on October 23, 1943. He worked in the European (England, France, Belgium, and Germany) and Pacific (Philippines and Japan) theaters, and participated in the Normandy Invasion with the Eighty-second Airborne Division. Thurmond was awarded five battles stars, eighteen decorations, medals and awards, including the Legion of Merit with Oak Leaf Cluster, the Bronze Star with "V" device, the Purple Heart, and the French Croix de Guerre. He took official leave on October 19, 1945 to return to the South Carolina Circuit Court and was officially discharged on January 20, 1946, with the rank of Lieutenant Colonel. He then joined the U.S. Army Reserve Corps and also became involved with the Reserve Officers Association and the Military Government Association. Thurmond served as the National Vice-President (July, 1953–June, 1954) and President (June, 1954–July, 1955) of the Reserve Officers Association and the President (December, 1957–c. December, 1958) of the Military Government Association. Thurmond retired at the rank of Major General of the Army Reserves on November 22, 1964, after forty years of service in the armed forces.

Strom Thurmond served with the Civil Affairs Division (Section G-5) of the First Army Headquarters during World War II. The division's mission was to occupy, govern, and help restore devastated, war-torn countries and their economies, and usually arrived during large-scale combat operations. Thurmond studied and used various military school instruction material, i.e., military police, legal, G-5, European geography and history, etc. in connection with his civil affairs/military government training and responsibilities. This material covered numerous directives and rules dealing with civilians, displaced persons, welfare, finance, background in formation on Germany and France, etc. Of interest, and further study, is a report discussing the activities of the First Army Civil Affairs Division during the D-Day Invasion titled, *Civil Affairs: Soldiers Become Governors*, by Harry L. Coles and Albert K. Weinberg and was published by the Office of the Chief of Military History, Department of the Army, Washington, DC: GPO, 1964 (SuDoc number D114.7:C49).

From 1946 to 1959 Thurmond used the civil affairs/military government training material and manuals he collected, along with prior experience and knowledge, as he taught basic and advanced officer courses to officers of the 352nd and 360th Military Government Area Headquarters Units.

From 1948 to 1958 Thurmond was involved with the Reserve Officers Association and the Military Government Association in leadership capacities. In particular, Thurmond served as President of the South Carolina Department of the Reserve Officers Association and as the organization's National President and Vice-President, and as the National President of the Military Government Association, mentioned above.

On January 15, 1948, at Fort Jackson, South Carolina, Lieutenant Colonel Strom Thurmond was promoted to the rank of Colonel in the United States Army Reserves (USAR). On February 20, 1955, at Third Army Headquarters, Fort McPherson, Georgia, Colonel Thurmond was promoted to the rank of Brigadier General in the USAR by General A.R. Bolling. And on April 25, 1960, at the Pentagon in Washington, DC, Brigadier General Thurmond was promoted to the rank of Major General in the USAR by General R.V. Lee, United States Army Adjutant General, witnessed by Secretary of the Army Wilber M. Brucker.

Senator Strom Thurmond (D-SC), as Colonel in the USAR, organized the 360th Military Government Area Headquarters (MGAH) Unit on October 1, 1950, and commanded it from that date until January 3, 1954. During the four years Colonel Thurmond commanded the 360th MGAH he received various commendations including a superior rating by the South Carolina Military District Headquarters, 3rd Army Headquarters, and Army Inspectors from Washington, DC, rated his the top reserve unit in 3rd Army area.

During the last two weeks of October 1956, Senator Thurmond, as Brigadier General in the USAR, accompanied the Assistant Secretary of Defense, Carter L. Burgess, on an inspection tour of the Far East. Secretary Burgess, was traveling in dual capacity as Assistant Secretary of Defense and Vice-Chairman of the Defense Advisory Committee on Professional and Technical Compensation, as a part of the Gordiner Committee. They visited Air Force and Army personnel on bases in Alaska, Japan, Okinawa, and Korea. Senator Thurmond made a special point of greeting all servicemen & women from South Carolina during his visits to each base.

The last two weeks of September 1957, Senator Strom Thurmond, as Brigadier General

in the USAR, and Congressman LeRoy H. Anderson (D-MT), as Major General in the USAR, during their active tours of duty, visited Air Force and Army personnel at bases in France, Germany, and Italy. Again, Senator Thurmond made an effort to visit with servicemen & women from South Carolina.

From October 25 to November 7, 1959, Senator Strom Thurmond, as Brigadier General in the USAR, attended a two-week senior officer's course at the US Army Command & General Staff College in Fort Leavenworth, Kansas.

In November 1962, Senator Thurmond, as a Major General in the USAR, toured US, German and Pakistani bases in Germany and Pakistan with other member of the Congressional Command & Operations Group consisting of member of Congress and their congressional aids. Senator Ralph W. Yarborough (D-TX), a Colonel in the USAR, was a member of the group as was Captain Harry S. Dent, Senator Thurmond's Administrative Assistant.

In January 1964, Senator Thurmond, as a Major General in the USAR, was one of the 84 students enrolled in the Special Warfare School's Senior Officers Counterinsurgency & Special Warfare Orientation Course at Fort Bragg, North Carolina where he viewed various demonstrations and presentations including scuba diving.

And in November 1964, prior to his retirement from the military, Major General Thurmond, again with members of the USAR Congressional Command & Operations Group, consisting of members of congress and their congressional aids, visited elements of the Southern European Task Force in Italy. The purpose of the visit was to become familiar with the organization and mission of the bi-national command. During the latter part of his trip with the active duty group Major General Thurmond also toured Wheelus Field in Libya.

EXHIBIT 1

U.S. SENATE,

Washington, DC, April 19, 2002.

Hon. THOMAS E. WHITE,
Secretary of the Army, 101 Army Pentagon,
Room 3E700, Washington, DC.

DEAR MR. SECRETARY: The Honorable Strom Thurmond has established an unparalleled record of public service during his almost 48 years in the United States Senate.

For the past 29 years, it has been my privilege to serve as a colleague of Senator Thurmond's. During that time, his leadership, dedication, and integrity have served as a source of personal inspiration.

As Strom will soon be retiring from the Senate, I expect there to be a number of tributes and dedications honoring various aspects of his unprecedented service to our country. I would like to ensure that his 36 years of dedicated service to the United States Army are also recognized in an appropriate manner.

As you are probably aware, Strom's remarkable record of service to the Army began in 1924 when he was commissioned a Second Lieutenant in the Infantry. An Army Reserve First Lieutenant on the eve of World War II, Strom volunteered for an active Army commission on the day the United States entered the war against Germany (in spite of the fact that his duties as a South Carolina Circuit Judge exempted him from deployment). After receiving his commission, Lt. Thurmond became a member of the First U.S. Army where he would subsequently be attached to Fort Bragg's own 82nd Airborne Division for the Invasion of Normandy. It was during that operation that he sustained an injury that led to the eventual award of a Purple Heart.

As a gesture of our country's gratitude for his remarkable military and public careers and as an inspiration to the soldiers who will pass through it in defense of our nation, I request that the Army dedicate the soon to be completed 82nd Airborne Division Deployment Staging Complex adjacent to Pope Air Force Base's Green Ramp as the "Major General Strom Thurmond Airborne Operations Center."

So dedicating this premier facility, designed by the Army and the Air Force to ensure that Fort Bragg and Pope AFB will function as the Army's leading Power Projection Platform for many years to come, will serve as both an appropriate tribute to Strom Thurmond's immeasurable contributions in service to our country and as an inspiration to the courageous young men and women who have committed their lives to the security of our nation.

Mr. Secretary, I will appreciate your expeditious consideration of my proposal as I am told that the facility is expected to open in July. If you have any questions, please do not hesitate to call me or David Whitney of my staff at 202-224-6342.

Many thanks.

Sincerely,

JESSE.

DEPARTMENT OF THE ARMY, OFFICE
OF THE ASSISTANT SECRETARY OF
THE ARMY,

Washington, DC, June 4, 2002.

Hon. JESSE HELMS,
Senate, Washington, DC.

DEAR SENATOR HELMS: Thank you for your recent letter to the Secretary of the Army, proposing the soon to be completed 82d Airborne Division Deployment Staging Complex at Fort Bragg, North Carolina, be named in honor of Senator Strom Thurmond.

Senator Thurmond's distinguished record of almost 48 years in the Senate, coupled with his military service and heroic actions in the line of duty during World War II, merit recognition. The package recommending that the Secretary of the Army grant an exception to policy permitting the requested naming has been prepared and is being expeditiously processed.

Thank you for your efforts to gain recognition for Senator Thurmond for his long and distinguished service to our Nation.

Sincerely,

JOSEPH W. WHITAKER,
Deputy Assistant Secretary of the Army
(Installations and Housing), OASA
(I&E).

CONGRATULATIONS TO THE REPUBLIC OF CHINA

Mr. SMITH of New Hampshire. Mr. President, I rise to congratulate the Taiwanese people in celebrating the 91st National Day of the Republic of China on October 10, 2002.

Taiwan is, and has been, a loyal ally and trading partner in Asia. Its people participate and fully subscribe to the principles of freedom and democracy. The Taiwanese people have worked with the United States on issues ranging from endangered species, trademark infringements to global terrorism. They look to us for cooperation, guidance and protection.

President Bush will soon be meeting with PRC President Jiang Zemin in the

United States. I ask my colleagues to join with me in urging President Bush not to enter into any agreement which would restrict Taiwan or compromise its growing democracy. Better relations with the PRC must not come at the expense of the 23 million people on Taiwan, who must depend on America to defend their interests.

I am, however, pleased to see that on September 26 Congress passed the Foreign Relations Authorization Act which contains a few Taiwan-friendly clauses. While the act is not legally binding, this is a goodwill gesture towards Taiwan by the United States. It is apparent that Congress has reached a consensus that "the Taiwan Strait issue must be peaceful and must include the assent of the people of Taiwan." I totally agree with many of my colleagues that as long as the PRC has not renounced the use of force against Taiwan, we must continue to help Taiwan defend itself by selling submarines, patrol aircraft, and advanced destroyers to Taiwan. In addition, the PRC must be left with no doubt that we will provide military support to Taiwan if it is attacked. In fact, the PRC's military buildup in recent years has made it not only a threat to Taiwan but to other neighboring Asian countries as well.

Mr. President, the October 10 celebration should mark the continuance of the close cooperation in all areas between our two countries, as well as the founding of a nation. Again, I congratulate Taiwan on the occasion of its National Day.

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 on October 20, 1999 in Barron, WI. A 22-year-old man was beaten to death with a tire iron because his assailants thought he was gay. The attacker, Raymond C. Welton, 33, lured the victim from a bar, then beat him while shouting anti-gay epithets, according to witnesses.

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.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO KATHLEEN LEMMONS

• Mr. BUNNING. Mr. President, I rise today to congratulate Kathleen Lemmons of Fort Thomas, KY, on being recognized as one of the Nation's top educators in 2002 Education's Unsung Heroes Awards Programs.

This awards program, sponsored by ING-Northern Life Insurance Co., recognizes kindergarten through 12th grade educators nationwide for their innovative teaching techniques and creative learning projects.

Ms. Lemmons, a teacher in the gifted program with Fort Thomas Independent Schools, has been specifically recognized for her project in which students constructed robots to carry out certain tasks. This learning adventure combined the principles of math, science and teamwork in an effort to demonstrate how innovative thinking and teamwork can be combined to propel the imagination further than any one individual ever thought possible.

I ask that my fellow colleagues join me in thanking Kathleen Lemmons for her dedication and commitment to the education of America's future. In order for our society to continue to advance in the right direction, we must have teachers willing to challenge their students and teach them the importance of being educated.●

COLONEL PATRICIA E. BOYLE

• Mr. INOUE. Mr. President, I rise today to recognize a great American and a true military heroine who has honorably served our country for 25 years in the Air Force Nurse Corps: Col. Patricia E. Boyle. Colonel Boyle began her career as an intern and then staff nurse at Wilford Hall Medical Center in San Antonio, TX. She quickly rose through the ranks and served at Air Force bases throughout the country, including Peterson Air Force Base, AFB CO, Vandenberg AFB, CA, Wright-Patterson AFB, OH, and Robins AFB, GA. In each assignment, she excelled and overcame every challenge, and was rewarded with greater responsibilities and opportunities. Colonel Boyle has been recognized throughout her career as a leader who could motivate others to give the best they had to offer. Her talent for teaching and mentoring personnel, as well as her creativity and skill in management were instrumental in many of the successes the Air Force Medical Service enjoys today. Above all, she is a compassionate nurse who always put the welfare of her patients first.

Colonel Boyle served with distinction as a fellow on my staff from 1999 to 2000, and in this capacity greatly strengthened the acclaimed Department of Defense Tri-Service Nursing Research Program, among other highly valuable efforts. In her follow-on assignment as director of Congressional

and Public Affairs in the Office of the Air Force Surgeon General, she worked tirelessly behind the scenes in the department of Defense to make TRICARE for Life a reality for senior military retirees. The Surgeon General and his staff depended daily on her astute judgment and seasoned advice to meet the increasingly difficult challenges faced by our military departments today as they provide exemplary health care around the world in the 21st century. Colonel Boyle has made a substantial difference in the lives of our young troops and their families everywhere, and has improved the lot of our retired military patriots who have sacrificed so much. She always went the extra mile to serve her country and her fellow man. Her performance reflects greatly on herself, the U.S. Air Force, the Department of Defense, and the United States of America. I extend my deepest appreciation on behalf of a grateful Nation for her dedicated service. Congratulations, Col. Patricia Boyle. I wish you Godspeed.●

HELEN VINCENT

● Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of a remarkable Delawarean, Helen Vincent, upon her passing at the age of 82. Helen was a good friend and a woman who demonstrated tremendous courage and integrity. She was a woman with a kind heart, diverse interests, great abilities, and boundless energy. In the way she lived her own life, Helen reminded each of us how good we can be.

In her 30 years in Newark, DE, Helen became a well-known political and civic activist who championed ethics and justice. She believed in the democratic process and the value of honesty and integrity. A staunch ally, she was a major figure in our successful efforts to clean up New Castle County politics. We are a better State and a stronger Democratic Party because of her tireless efforts to infuse ethics into politics and her refusal to be deterred.

Helen taught us all how to act responsibly, with vision and determination. She understood the inherent danger that comes from the silence of good people. With her courage, she made it just a bit easier for the rest of us to stand up and make our voices heard.

Like Helen, Lou Gehrig's disease works across boundaries, without regard to racial, ethnic or economic barriers. But while the disease seeks to weaken the body, it proved only to bolster Helen's spirit and resolve. In life, and in facing death, Helen Vincent exemplified grace and grit.

In the face of adversity, Helen seemed to always prevail. Even now, as we reflect on her life, she seems somehow to have triumphed again.

Helen's legacy will live on in the lives of those she helped to shape, in the halls of the institutions she served, and in the hearts of those of us who were lucky enough to call her their

friend. She believed that we could all do a bit better, and inspired us to do just that.

So I rise today to commemorate Helen, to celebrate her life, and to offer her family our support. Helen truly embodied the best of Delaware. She will be sorely missed by all Delawareans who cherish honesty and integrity and who are committed to playing by the rules.●

DOMESTIC VIOLENCE AWARENESS MONTH

● Mr. DOMENICI. Mr. President, I rise today to speak in recognition of October as Domestic Violence Awareness Month.

Domestic violence continues to be one of the silent tragedies in our society. Because this topic can be uncomfortable to talk about, many people choose to ignore it hoping that it will just go away. This is an unfortunate and, ultimately, harmful response.

Uncomfortable as it may be, we have to recognize that domestic violence occurs far too often and it will continue to occur if we, as a society, fail to take appropriate measures to stop it. We can't know how many occurrences of domestic abuse take place every year because so many of them go unreported. However, estimates range from just under a million to as many as 3 million cases each year.

While this is a staggeringly high number, it represents only one stage in the cycle of abuse that will not end on its own. You see, the women who are abused in these relationships are not the only victims, in the vast majority of these cases, the woman is not the only one who is affected; the children in these families are also victimized.

A man who physically abuses his partner is likely to physically abuse his children as well. But the abuse doesn't have to be physical for it to have a devastating and far-reaching impact. Simply witnessing this kind of abuse begins a cycle of violence that is often passed on from one generation to the next.

We, as a society, have to do better to create an atmosphere in which abused women and children can escape from the abusive relationship. While we have not yet succeeded in addressing this scourge on our society, we have taken some important steps.

Passage of the Violence Against Women Act in 1994 was an important step that has done much to address the problem. A number of other laws at both the Federal and State levels to prevent domestic abuse and punish those who abuse their domestic partners have been enacted over the years.

There are steps being taken to combat domestic violence all over the country at the local levels as well. In my own State of New Mexico, the Dona Ana County Domestic Violence and Sexual Assault Task Force has recently reconvened. This group, made up of representatives from the law en-

forcement community, the criminal justice system, the religious community, and those in the social services, is charged with helping all victims of domestic violence and sexual violence.

In Santa Fe, NM, the Rape Crisis Center will break ground later this month on a new facility. While I am saddened that we have such a need for this facility, I am pleased to have had a part in making the center a reality by securing \$1 million in the fiscal year 2002 VA-HUD appropriations bill. I believe that it will provide a safe haven for those who have no other way to escape the abuse they are living with.

While these are all important components in the fight against domestic abuse, there is much that still has to be done.

We have an obligation to shine a spotlight on this dark secret. Taking this month to focus on this issue represents an important step in the fight against those who would terrorize their families.

It is my fervent hope that this step leads us to the day when no woman or child has to live in fear in their own home. I remain committed to doing all I can to seeing that hope become reality.●

TRIBUTE TO THOMAS SEAY LAWSON

● Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend and mentor, Judge Thomas Seay Lawson of Montgomery, AL. Judge Lawson died on Monday, September 2, at the age of 96.

Judge Lawson was a native of Greensboro, AL, and was only 32 when he was elected attorney general of the State of Alabama in 1938 after serving for 7 years as an assistant attorney general. He was elected to the first of five consecutive terms to the Alabama Supreme Court in 1942.

Judge Lawson took a leave of absence from the Supreme Court to volunteer for military service during World War II and served as a U.S. Navy officer aboard the U.S.S. Massachusetts, which was involved in major battles in the Pacific theater including Okinawa and Iwo Jima.

He also served for 38 years as a member of the University of Alabama board of trustees and was president pro tem of the board for 10 years. He was a member of the Alabama Academy of Honor. He was the grandson of Thomas Seay, who served as Governor of Alabama from 1886 to 1890.

Judge Lawson earned his bachelor's degree from Davidson College and was a graduate of the University of Alabama Law School. The university conferred upon him a Doctor of Humane Letters degree and Davidson College awarded him its Alumni Citation for Accomplishments in the Field of Law.

He was a member of the Alabama Academy of Honor, Omicron Delta Kappa, Sigma Alpha Epsilon, Phi Delta Phi, and a honorary member of Omicron Kappa Upsilon. He also served as a

commissioner of the National Commission of Digestive Diseases of the National Institute of Health. He was the first president of the Alabama Law School Foundation.

Judge Lawson is survived by his wife Kathleen, his son Thomas Seay Lawson, Jr., his daughter Jule, and many grandchildren and great-grandchildren.

Judge Lawson was a good friend, a patriarch of his community, a great leader of the State of Alabama, and a much-beloved family man. He will be greatly missed by many.●

TRIBUTE TO PETTUS RANDALL

● Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend, H. Pettus Randall III, of Tuscaloosa, AL. Pettus Randall died on Saturday, September 7, at the age of 57.

Pettus was a native of Tuscaloosa, AL and attended the University of Alabama where he received bachelor's degrees in English and history. He attended New York University's Graduate School of Business and completed his law degree at the University of Alabama in 1971.

Following the death of his father, Henry Pettus Randall Jr., in 1976, Pettus took over the publishing company that his father had started in 1934. Pettus grew Randall Publishing Company from a \$1 million a year company into the \$70 million a year nationwide operation it is today. Randall Publishing Company employs more than 600 workers in 20 States and is one of the largest publishers in construction and trucking. It is among the 20 largest privately held U.S. publishing companies and was rated the sixth-fastest-growing publishing companies in the United States.

Under Pettus' management, Randall Publishing Company employees were among the first in the Nation to have 401(k) benefits and, as Randall Publishing Company grew, the growth of equity was shared with each employee.

In the summer of 2000, I had the honor of introducing then-Governor George W. Bush to Pettus at an event at Randall Publishing Company.

Pettus served as president of the West Alabama Chamber of Commerce and the Greater Tuscaloosa Kiwanis Club. He chaired State campaigns for the Cancer Society and Christ Episcopal Church in Tuscaloosa. He worked with United Way, Tuscaloosa Boys and Girls Clubs, March of Dimes and the Tuscaloosa Association of Retarded Citizens.

Pettus and his wife, Catherine were recognized this year by the Alexis de Tocqueville Society for their contributions to the quality of life in west Alabama. In May, he received the west Alabama Chamber's lifetime achievement award and was named Tuscaloosa County's citizen of the year.

Pettus also found time to raise a family. He and Catherine raised three exceptional children. Their daughter

Jaynie Rogers attends an MBA program at Harvard. Their daughter Kate is a graduate of both Vanderbilt and Cambridge Universities, and is about to join an investment management firm in Los Angeles. Their son Pettus IV attends Princeton University.

Pettus Randall was a good friend, a patriarch of the Tuscaloosa community, and a much-beloved family man. He will be greatly missed by many.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:17 a.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. 163. An act to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for other purposes.

H.R. 2578. An act to redesignate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Augustus F. Hawkins Post Office Building".

H.R. 2672. An act to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse".

H.R. 3100. An act to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data.

H.R. 3340. An act to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over; to reauthorize the Merit Systems Protection Board and the Office of Special Counsel; and for other purposes.

H.R. 3731. An act to amend title 38, United States Code, to increase amounts available to State approving agencies to ascertain the qualifications of educational institutions for furnishing courses of education to veterans and eligible persons under the Montgomery GI Bill and under other programs of education administered by the Department of Veterans Affairs, and for other purposes.

H.R. 4005. An act to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 4561. An act to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes.

H.R. 4685. An act to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements.

H.R. 5083. An act to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Compos United States Courthouse".

H.R. 5169. An act to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

H.R. 5331. An act to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights.

H.R. 5335. An act to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse".

H.R. 5340. An act to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the "Francis Doyle 'Chick' Hearn Post Office".

H.R. 5385. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

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".

H.R. 5469. An act to amend title 17, United States Code, with respect to the statutory license for webcasting, and for other purposes.

H.R. 5507. An act to amend the Truth in Lending Act to adjust the exempt transactions amount for inflation.

H.R. 5531. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

H.J. Res. 6. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 116. Concurrent resolution recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO).

H. Con. Res. 409. Concurrent resolution supporting the goals and ideals of National Community Role Models Week, and for other purposes.

H. Con. Res. 411. Concurrent resolution recognizing the exploits of the officers and crew of the S.S. Henry Bacon, a United States Liberty ship that was sunk on February 23, 1945.

H. Con. Res. 465. Concurrent resolution recognizing, applauding, and supporting the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to utilize veteran aviators of the Armed Forces and former Army Aviation aircraft to inspire Americans and to ensure that our Nation's military legacy and heritage of service are never forgotten.

H. Con. Res. 503. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 2215.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 2121) to make available funds under the Foreign Assistance Act of 1961 to expand

democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society in that country and to support independent media.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 4085) to amend title 38, United States Code, to provide a cost-of-living increase in the rates compensation for veterans with service-connected disability and dependency and indemnity compensation for surviving spouses of such veterans and their survivors, and for other purposes.

ENROLLED BILLS SIGNED

The following bills, previously signed by the Speaker of the House, were signed by the President pro tempore (Mr. BYRD) on October 7, 2002:

H.R. 3214. An act to amend the charter of the AMVETS organization.

H.R. 3838. An act to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

MEASURES REFERRED

The following bill and joint resolution were read the first and the second times by unanimous consent, and referred as indicated

H.R. 5169. An act to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works; to the Committee on Environment and Public Works.

H.J. Res. 6. Joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 2394, a bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients. (Rept. No. 107-300).

By Mr. INOUE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2743: A bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes. (Rept. No. 107-301).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2847: A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes. (Rept. No. 107-302).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment:

S. 2897: A bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries. (Rept. No. 107-303).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with amendments:

H.R. 3908: A bill to reauthorize the North American Wetlands Conservation Act, and for other purposes. (Rept. No. 107-304).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment:

H.R. 4807: To authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge. (Rept. No. 107-305).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with amendments:

S. 2466: A bill to modify the contract consolidation requirements in the Small Business Act, and for other purposes. (Rept. No. 107-306).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 451: A bill to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 980: A bill to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2628: A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in Alabama, and for other purposes.

H.R. 2818: A bill to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971.

H.R. 2990: A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, and for other purposes.

H.R. 3401: A bill to provide for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, to authorize a new special use permit regarding the continued use of unconveyed lands comprising the Center, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 3421: A bill to provide adequate school facilities within Yosemite National Park, and for other purposes.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

H.R. 3656: A bill to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 3786: A bill to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3858: A bill to modify the boundaries of the New River Gorge National River, West Virginia.

H.R. 3909: A bill to designate certain Federal lands in the State of Utah as the Gunn McKay Nature Preserve, and for other purposes.

H.R. 3928: A bill to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah.

H.R. 3954: A bill to designate certain waterways in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System, and for other purposes.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

H.R. 4073: 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.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 4682: A bill to revise the boundary of the Allegheny Portage Railroad National Historic Site, and for other purposes.

H.R. 5099: A bill to extend the periods of authorization for the Secretary of the Interior to implement capital construction projects associated with the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

H.R. 5125: 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.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1451: A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1816: A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1959: A bill to direct the Secretary of the Interior to conduct a study of the former Eagledale Ferry Dock in the State of Washington for potential inclusion in the National Park System.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1988: A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 2016: A bill to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.

S. 2475: A bill to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment.

S. 2556: A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2565: A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness and for other purposes.

S. 2585: A bill to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2587: A bill to establish the Joint Federal and State Navigable Waters Commission for Alaska.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2612: A bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2623: A bill to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2652: A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2670: A bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2672: A bill to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes.

S. 2696: A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2727: A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 2731: A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes.

S. 2744: A bill to establish the National Aviation Heritage Area, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2756: A bill to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, and for other purposes.

S. 2773: A bill to authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2776: A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2788: A bill to revise the boundary of the Wind Cave National Park in the State of South Dakota.

S. 2823: A bill to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

S. 2872: A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

S. 2880: A bill to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

S. 2893: A bill to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2899: A bill to establish the Atchafalaya National Heritage Area, Louisiana.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2927: A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Oregon.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2937: A bill to establish the Blue Ridge National Heritage Area in the State of North Carolina, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2952: A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail.

S. 3003: A bill to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 3005: A bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes.

S.J. RES. 44: A joint resolution to consent to amendments to the Hawaii Homes Commission Act, 1920.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. LEAHY for the Committee on the Judiciary:

Stanley R. Chesler, of New Jersey, to be United States District Judge for the District of New Jersey.

Rosemary M. Collyer, of Maryland, to be United States District Judge for the District of Columbia.

Mark E. Fuller, of Alabama, to be United States District Judge for the Middle District of Alabama.

Daniel L. Hovland, of North Dakota, to be United States District Judge for the District of North Dakota.

Kent A. Jordan, of Delaware, to be United States District Judge for the District of Delaware.

James E. Kinkeade, of Texas, to be United States District Judge for the Northern District of Texas.

Robert G. Klausner, of California, to be United States District Judge for the Central District of California.

Robert B. Kugler, of New Jersey, to be United States District Judge for the District of New Jersey.

Ronald B. Leighton, of Washington, to be United States District Judge for the Western District of Washington.

Jose L. Linares, of New Jersey, to be United States District Judge for the District of New Jersey.

Alia M. Ludlum, of Texas, to be United States District Judge for the Western District of Texas.

William J. Martini, of New Jersey, to be United States District Judge for the District of New Jersey.

Thomas W. Phillips, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Linda R. Reade, of Iowa, to be United States District Judge for the Northern District of Iowa.

William E. Smith, of Rhode Island, to be United States District Judge for the District of Rhode Island.

Jeffrey S. White, of California, to be United States District Judge for the Northern District of California.

Freda L. Wolfson, of New Jersey, to be United States District Judge for the District of New Jersey.

Carol Chien-Hua Lam, of California, to be United States Attorney for the Southern District of California for the term of four years.

Glenn T. Suddaby, of New York, to be United States Attorney for the Northern District of New York for the term of four years.

Johnny Mack Brown, of South Carolina, to be United States Marshal for the District of South Carolina for the term of four years.

John Francis Clark, of Virginia, to be United States Marshal for the Eastern District of Virginia for the term of four years.

Robert Maynard Grubbs, of Michigan, to be United States Marshal for the Eastern District of Michigan for the term of four years.

Joseph R. Guccione, of New York, to be United States Marshal for the Southern District of New York for the term of four years.

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs:

*Alberto Faustino Trevino, of California, to be an Assistant Secretary of Housing and Urban Development.

*Carolyn Y. Peoples, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

*Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2002.

*Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2005.

*Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2005.

*Rafael Cuellar, of New Jersey, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

*Michael Scott, of North Carolina, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

*John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

*Philip Merrill, of Maryland, to be President of the Export-Import Bank of the

United States for the remainder of the term expiring January 20, 2005.

By Mr. BIDEN for the Committee on Foreign Relations:

*John R. Dawson, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John R. Dawson.

Post: Lima, Peru.

Contributions, Amount, Date, Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses, none.
4. Parents: Robert and Joan Dawson, none.
5. Grandparents: Ernest and Eva Dawson, John and Mildred Power—all deceased.
6. Brothers and spouses: Scott and Carrie Dawson, none.
7. Sisters and spouses: Deborah Dawson and Gerald Bailey, \$100.00, March, 2000, Bill Bradley.

*Gene B. Christy, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Gene B. Christy.

Post: Brunei Darussalam.

Contributions, Amount, Date, Donee.

1. Self, none.
2. Spouse, none.
3. Children and spouses: Geoffrey B. Christy, none; Emilie Henshell Christy, none.
4. Parents: George B. Christy, (father/deceased); Clara Williams Christy, (step-mother/deceased); Rosea Whitmire Christy, (mother/deceased).
5. Grandparents: Arthur Christy, (grandfather/deceased); Minnie Beach Christy, (grandmother/deceased); Burl Durden Whitmire, (grandfather/deceased); Rose Rice Whitmire, (grandmother/deceased).
6. Brothers and spouses: None.
7. Sisters and spouses: None.

*Charles Aaron Ray, of Texas, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Charles A. Ray.

Post: Cambodia.

Contributions, Amount, Date, Donee.

1. Self, none.
2. Spouse: Myung W. Ray, none.
3. Children and spouses: Gayle D. Ray and Spouse: Reuben Watson, none. Jason A. Ray, none. David E. Ray, none. Denise E. Ray, none.
4. Parents: Father: L.B. Holman, deceased; Mother: Magnolia (Gardner) Alexander, none.

5. Grandparents: Fraternal: Grandfather: Day Holman, deceased; Grandmother: Mary Jackson, deceased. Maternal: Grandfather: Levi Gardner, deceased; Grandmother Sally Young, deceased.

6. Brothers and spouses: Mr. and Mrs. Thomas J. Holman, \$500, 2000, Tom Davis; \$300, 2000, Rep. Party; Mr. Wilton J. Holman, deceased; Mr. Donald W. Alexander, none; Mr. Dennis R. Alexander, none; Mr. Michael D. Holman, none.

7. Sisters and Spouses: Billye M. Morant (Divorced), none; Mrs. Dorrie E. Hill, none; Mr. Benjamin Hill (spouse), none.

David L. Lyon, of California, is a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Lyon, David L.

Post: Fiji, Nauru, Tonga & Tuvalu.

Contributions, Amount, Date, Donee.

1. Self, none.
2. Spouse: Maureen Lyon, none.
3. Children and spouses: Nathaniel Lyon, none. Jocelyn Lyon, none.
4. Parents: Scott Lyon, deceased. Nancy Lyon, (deceased).
5. Grandparents: Calvin Lyon, (deceased), Lulu Lyon, (deceased), Walter Wilson, (deceased), Mary Wilson, (deceased).
6. Brothers and spouses: Peter Lyon, none. Stephen Lyon, (deceased).
7. Sisters and spouses: n/a.

*Linda Ellen Watt, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee.

Nominee: Linda Ellen Watt.

Post: Panama.

2. Self, none.
2. Spouse, none.
3. Children and spouses: Thomas L. Crosby, and Laura M. Crosby, none.
4. Parents: Mr. & Mrs. William Watt, \$25.00, 7/31/98, Rep Nat'l Comm; Mrs. Frances Watt, \$25.00, 1/19/99, Friends Guilian; \$20.00, 4/04/02, Rep Nat'l Comm.
5. Grandparents: Mr. & Mrs. Ulysses S. Ford, deceased. Mr. & Mrs. Alexander Watt, deceased.
6. Brothers and spouses: William A. Watt, Jr., Less than \$200 total various dates, Nat'l Rep Congr. Committee.
7. Sisters and spouses: none.

*Richard Allan Roth, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the

United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Richard Allan Roth.

Post: Dakar, Senegal.

Contributions, Amount, Date, Donee.

1. Self, none.
2. Spouse: Carol Kinsman Roth, none.
3. Children and spouses: Aaron Kinsman Roth and David Kinsman Roth, none.
4. Parents: mother, Marcia Roth: Contributions for Senator Carl Levin (D-MI), \$10.00, August 16, 1998, Levin for Congress; \$25.00, May 20, 1998, Levin for Congress; \$20.00, July 12, 2000, Levin for Congress; \$25.00, December 1, 2001, Friends of Carl Levin.

B. Contributions for Senator Deborah Stabenow (D-MI), \$20.00, April 1, 2000, Stabenow for U.S. Senate.

C. Contributions for the Michigan Attorney General, \$20.00, February 27, 2000, Jennifer Granholm for Attorney General of Michigan.

D. Contributions to the Democratic Party, \$20.00, July 12, 2000, Michigan Democratic Victory; \$20.00, September 2, 1998, Michigan Democratic Party Fund; \$20.00, August 16, 1998, Democratic Congressional Campaign Committee (DCCC); \$30.00, June 3, 1999, DCCC; \$20.00, July 12, 2000, DCCC; \$25.00, September 11, 2000, DCCC; \$30.00, July 27, 2001, DCCC; \$20.00, June 12, 1998, Democratic National Committee (DNC); \$20.00, November 3, 1999, DNC; \$20.00, February 27, 2000, DNC; \$20.00, June 10, 2001, DNC; \$20.00, June 27, 2001, DNC; \$25.00, October 15, 2001, DNC. Father, Morton Roth, deceased.

5. Grandparents: Samuel and Fay Atlas, deceased; Nathan and Fanny Roth, deceased.

6. Brothers and spouses: Robert Ira Roth, (not married), none.

7. Sisters and spouses: Nicki Felica Roth (not married), none.

*Antonio O. Garza, Jr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Antonio O. Garza, Jr. (Tony Garza).

Post: Ambassador to Mexico.

Contributions, Amount, Date, Donee.

1. Self: \$1000, 6/25/99, George W. Bush; \$1000, 11/13/00, Bush-Cheney Recount Fund.
2. Spouse, none.
3. Children and spouses, none.
4. Parents: Antonio O. Garza Sr. and Lita Q. Garza (deceased), none.
5. Grandparents: Nicolas A. Garza (deceased), Rosa Garcia de Garza (deceased); Magdalena Sanchez de Quintana (deceased); Pelayo Quintana (deceased).
6. Brothers and spouses: Nicolas A. Garza, none.
7. Sisters and spouses: Mrs. Miguel Ortiz (sister), \$500, 9/29/00, Republican National Committee. Mr. Miguel Ortiz (brother in law), \$500, 5/5/97, IBC Commerce Committee for Improvement of the Country; \$500, 4/20/98, IBC Commerce Committee for Improvement of the Country; \$500, 9/29/00, Republican National Committee.

*Joseph Huggins, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Joseph Huggins.

Post: Gaborone, Botswana.

Contributions, Amount, Date, Donee.

1. Joseph Huggins, none.

2. Spouse: Margot A. Sullivan (spouse), none.

3. Children: Keisha A. Huggins, Wahida M. Huggins, Cecelia E. Huggins, and Joseph Huggins III, none.

4. Parents: Elizabeth C. Huggins and Joseph Huggins (deceased), none.

5. Grandparents, deceased.

6. Brothers and spouses: Jerome and Janet Huggins, Lawrence and Aria Huggins, and Michael Huggins, none.

7. Sisters: Lisa A. Huggins, none; Lorraine Brandon (deceased).

*Grover Joseph Rees, of Louisiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of East Timor.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Grover Joseph Rees III.

Post: Ambassador to East Timor.

Contributions, Amount, Date, Donee.

1. Self, \$100, 10/2000, Republican Natl Commi; 50, 10/2000, Bill McCollum for Sen; JoAnn Davis for Congress, October 2000, \$50; Mike Ferguson for Congress, October 2000, \$50; Ric Keller for Congress, October 2000, \$50; Jay Dickey for Congress, October 2000, \$50; Jim Rogan for Congress, October 2000, \$50; Mike Ferguson for Congress, May 2000, \$25; Mike Ferguson for Congress, May 2000, \$50.

2. Spouse, none.

3. Children and Spouses: Grover Joseph Rees IV, son, none; Oksana Prokhvacheva, daughter-in-law, none.

4. Parents: Grover Joseph Rees Jr., father, none; Patricia Byrne Rees, mother, none.

5. Grandparents: Maternal grandparents, Robert Byrne and Anna McLaughlin Byrne, deceased; paternal grandfather, Grover Joseph Rees, is also deceased; paternal grandmother, Consuelo Broussard Rees, none.

6. Brothers and Spouses: Robert Byrne Rees and Sally Billeaud Rees, none; John Murphy Rees and Linda Lough Rees, none; Stephen Gregory Rees and Mary Aline Rees, none; Charles Andrew Rees, none; Thomas Matthew Rees, none; Daniel Anthony Rees and Kay Sibille Rees, none; James McLaughlin Rees and Jeannine Lanoux, none; Richard Claude Rees and Nicole Rees, none.

7. Sisters and spouses: Kathleen Ann Rees Rosa and Richard Rosa, none. Margaret Mary Rees Crain and David Crain, none; Mary Elizabeth Rees, none.

*Robin Renee Sanders, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Congo.

(The following is a list of all members of my immediate family and their spouses. I

have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Robin Renee Sanders.

Post: Brazzaville.

Contributions, Amount, Date, Donee.

1. Self, none.

2. Spouse, none.

3. Children and spouses, none.

4. Parents: Geneva Sanders and Robert Sanders, none.

*5. Grandparents: Lucille Lawrence, none.

6. Brothers and spouses, none.

7. Sisters and Spouses: Sharon Sanders and Paula Sanders, none.

*All other grandparents are deceased

*Kim R. Holmes, of Maryland, to be an Assistant Secretary of State (International Organizations).

*Francis X. Taylor, of Maryland, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

*Francis X. Taylor, of Maryland, to be an Assistant Secretary of State (Diplomatic Security).

*Maura Ann Harty, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Consular Affairs).

*Nancy P. Jacklin, of New York, to be United States Executive Director of the International Monetary Fund for a term of two years.

*Seth Cropsey, of the District of Columbia, to be Director of the International Broadcasting Bureau, Broadcasting Board of Governors.

*Steven J. Simmons, of Connecticut, to be Member of the Broadcasting Board of Governors for the remainder of the term expiring August 13, 2003.

*Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2005.

*D. Jeffrey Hirschberg, of Wisconsin, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2004.

*Ellen R. Sauerbrey, of Maryland, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

*Wendy Jean Chamberlin, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

*Diane M. Ruebling, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

*C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

*Samuel E. Ebbesen, of the Virgin Islands, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2003.

*Ned L. Siegel, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2003.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nominations beginning Deborah C. Rhea and ending Ashley J. Tellis, which nominations were received by the Senate and appeared in the Congressional Record on June 21, 2002.

*Foreign Service nominations beginning Dean B. Wooden and ending Claudia L. Yellin, which nominations were received by the Senate and appeared in the Congressional Record on June 21, 2002.

*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.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. HATCH:

S. 3069. A bill for the relief of Daniel King Cairo; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr.

LEVIN):

S. 3070. A bill to authorize appropriations for the Merit Systems Protection Board and the Office of Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ENSIGN:

S. 3071. A bill to require reports to Congress related to airports that will not deploy explosive detection systems by December 31, 2002, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 3072. A bill to amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr.

LEAHY, Mr. NICKLES, Mr. HATCH, Mr.

SHELBY, Ms. SNOWE, Mr. BUNNING,

Mr. ENZI, and Mr. McCONNELL):

S. 3073. A bill to encourage the establishment of Johnny Micheal Spann Patriot Trusts; to the Committee on Armed Services.

By Mr. BIDEN (for himself, Mr.

EDWARDS, Mrs. FEINSTEIN, Mr. CAR-

PER, and Mr. SCHUMER):

S. 3074. A bill to provide bankruptcy judgeships; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. BROWN-

BACK, and Mr. HELMS):

S. 3075. A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on Foreign Relations.

By Mr. WARNER (for himself and Mr.

ALLEN):

S. 3076. A bill to provide risk sharing and indemnification for government contractors supplying anti-terrorism technology and services, and for other purposes; to the Committee on Armed Services.

By Mr. CLELAND (for himself, Mr.

MILLER, and Mr. THURMOND):

S. 3077. A bill to designate the facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, as the "Michael Lee Woodcock Post Office"; to the Committee on Governmental Affairs.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 3078. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself and Mr. SPECTER):

S. 3079. A bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 3080. A bill to establish a national teaching fellowship program to encourage individuals to enter and remain in the field of teaching at public elementary schools and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON:

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; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3082. A bill to suspend tax-exempt status of designated terrorist organizations; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, Ms. SNOWE, Mr. JEFFORDS, Mr. SCHUMER, Ms. CANTWELL, Ms. COLLINS, Mr. LIEBERMAN, Mr. LEVIN, Mr. EDWARDS, and Mr. THOMPSON):

S.J. Res. 48. A joint resolution disapproving the rule submitted by the Federal Election Commission under chapter 8 of title 5, United States Code, relating to prohibited and excessive contributions; to the Committee on Rules and Administration.

By Mr. AKAKA (for himself, Mr. INOUE, Mr. KENNEDY, Mr. REED, Ms. MIKULSKI, Mr. WELLSTONE, Mr. JEFFORDS, Mr. EDWARDS, Mr. BINGAMAN, Mr. DODD, Mrs. CLINTON, Mr. LIEBERMAN, Mr. KERRY, Mr. TORRICELLI, and Mrs. BOXER):

S.J. Res. 49. A joint resolution recognizing the contributions of Patsy Takemoto Mink; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE:

S. Res. 336. A resolution urging the international community to reject a boycott of Israeli academic and cultural institutions; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 724

At the request of Mr. BOND, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor 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. 1038

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to improve access to tax-exempt debt for small nonprofit health care and educational institutions.

S. 1329

At the request of Mr. JEFFORDS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1329, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes.

S. 1877

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1877, a bill to clarify and reaffirm a cause of action and Federal court jurisdiction for certain claims against the Government of Iran.

S. 2667

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 2667, a bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes.

S. 2793

At the request of Mr. ENSIGN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 2793, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2869

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 2869, supra.

S. 2922

At the request of Ms. LANDRIEU, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor 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. SARBANES, the name of the Senator from Virginia (Mr.

ALLEN) 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. 2969

At the request of Mr. CRAIG, his name was withdrawn as a cosponsor of S. 2969, a bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

S. 2990

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2990, a bill to provide for programs and activities to improve the health of Hispanic individuals, and for other purposes.

S. 3062

At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3062, a bill to direct the Secretary of Agriculture to conduct a study of the effectiveness of silver-based biocides as an alternative treatment to preserve wood.

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mr. SCHUMER) 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. RES. 333

At the request of Mr. HUTCHINSON, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. Res. 333, a resolution expressing the sense of the Senate relating to a dispute between the Pacific Maritime Association and the International Longshore and Warehouse Union.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr. GRAHAM) 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. 136

At the request of Mr. BAUCUS, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Con. Res. 136, a concurrent resolution requesting the President to issue a proclamation in observance of the 100th Anniversary of the founding of the International Association of Fish and Wildlife Agencies.

S. CON. RES. 138

At the request of Mr. REID, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from

Massachusetts (Mr. KENNEDY) and the Senator from New Hampshire (Mr. SMITH) 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mr. LEAHY, Mr. NICKLES, Mr. HATCH, Mr. SHELBY, Ms. SNOWE, Mr. BUNNING, Mr. ENZI, and Mr. MCCONNELL):

S. 3073. A bill to encourage the establishment of Johnny Michael Spann Patriot Trusts; to the Committee on Armed Services.

Mr. SESSIONS. Mr. President, I rise today to introduce the Johnny Michael Spann Patriot Trusts Act. Members of the United States military, CIA personnel, FBI personnel, and other Federal employees defend the freedom and security of our Nation each day, often at high risk to their own safety, and sometimes at the cost of their own lives. This bill will help facilitate the flow of private charitable money to the widows and orphans of our American servicemen, CIA officers, FBI agents, and other Federal employees who give their lives in the War on Terrorism.

In the days following the terrorist attacks of September 11, we passed the Victims Compensation Fund of 2001 to provide compensation to the victims of those attacks. The September 11 Fund only covers those who were injured or killed on September 11 as a result of the September 11 attacks. It is estimated that the September 11 Fund will provide the families of the September 11 victims with an average of \$1.85 million each.

The September 11 Fund, however, does not cover military or government personnel who have been killed while fighting against terrorists in the new War on Terrorism after September 11, 2001. For example, it does not cover Alabama native Johnny Michael Spann and his family. CIA officer Johnny Michael Spann was the first American to give his life for his country in the War on Terrorism launched by President George W. Bush following the September 11 terrorist attacks. Because individuals like Mr. Spann are not included in the fund, their beneficiaries will receive far less than the \$1.85 million that the beneficiaries of the September 11 fund will receive. Instead, family members of our soldiers, sailors, airmen, and marines killed in action while fighting terrorists will receive only relatively minor benefits currently \$6,000 plus a small monthly payment. If the military man or woman had purchased life insurance, the most

the family can hope to receive is \$250,000. CIA and FBI benefits are somewhat better, but still do not approach the \$1.85 million mark. Now is the time to remedy this inequity and to meet the responsibility of taking care of the families of the military and government personnel who give their lives defending us from terrorism.

So today, I offer this bill to narrow the gap in the current compensation system. This bill will facilitate and encourage private charitable giving for the benefit of spouses and dependents of military, CIA, FBI, and other Federal employees killed in the line of duty while combating terrorism. The bill will use no government monies and will not affect the September 11 Fund. Instead, the bill will allow private monies to fill in the gap.

If a Section 501(c)(3) charity meets the requirements of the bill, it can designate itself as a "Johnny Michael Spann Patriot Trust." The requirements are: 1. Beneficiaries—The trust must benefit government employees or contractors whose death occur in the line of duty and arise out of terrorist attacks, military operations, intelligence operations, law enforcement operations, or accidents connected with activities occurring after September 11, 2001, and related to domestic or foreign efforts to curb international terrorism, including the Authorization for Use of Military Force that we passed last year.

2. Tax Rules—The trust must qualify under existing tax rules for charitable trusts or private foundations. Thus, contributions to the fund will be tax deductible.

3. Distributions—The trust must distribute at least eighty-five percent of funds collected to beneficiaries. Thus, administrative expenses can be no more than fifteen percent, after the initial organizing expenses are made.

4. Audit—If contributions to the trust exceed \$1 million, it must be audited by an independent certified public accountant.

5. McCain-Feingold—The trust must comply with the existing exemption in the McCain-Feingold campaign finance law for charities.

Once a trust meets the requirements, it will be entitled to two key benefits. First, the Secretary of Defense will be authorized to contact the Patriot Trusts on behalf of surviving spouses, thus eliminating the indignity widows often face when they are forced to go to a charity and ask for money.

Second, the bill will ensure that federally elected officials can raise money for Patriot Trusts without any problem under the McCain-Feingold campaign finance law. This encouragement of Senators and Congressmen to raise money for the families of slain military, CIA, or FBI personnel should help build real resources to help families with real needs.

Overall, this bill will help private charities provide a level playing field for those who give their lives for our

freedom and security. It will address the current inequity between those who died in their office and those who died on the battle field defending America, and it will seek a fair and patriotic way for charities to recognize those who died defending their country against terrorism.

Who among us can look into the eyes of the widow of a soldier who lost his life fighting for his country and say, "Sorry, you only get \$6,000, but the widow of the securities broker in New York gets almost \$2 Million." This bill takes a modest step toward ensuring fair and equitable treatment to all of those making the ultimate sacrifice, giving their lives to protect the United States and her citizens against terrorists around the world.

It is our moral duty and obligation to assist these service members and federal employees who are giving their lives in service to our country. Helping charities fill the gap is the least that we can do. I would urge all of my colleagues to support this bill as a way to show our Armed Forces and other employees that they are deserving of fair and equitable treatment.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CHARITABLE TRUSTS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND OTHER GOVERNMENTAL ORGANIZATIONS.

(a) FINDINGS.—Congress finds the following:

(1) Members of the Armed Forces of the United States defend the freedom and security of our Nation.

(2) Members of the Armed Forces of the United States have lost their lives while battling the evils of terrorism around the world.

(3) Personnel of the Central Intelligence Agency (CIA) charged with the responsibility of covert observation of terrorists around the world are often put in harm's way during their service to the United States.

(4) Personnel of the Central Intelligence Agency have also lost their lives while battling the evils of terrorism around the world.

(5) Employees of the Federal Bureau of Investigation (FBI) and other Federal agencies charged with domestic protection of the United States put their lives at risk on a daily basis for the freedom and security of our Nation.

(6) United States military personnel, CIA personnel, FBI personnel, and other Federal agents in the service of the United States are patriots of the highest order.

(7) CIA officer Johnny Michael Spann became the first American to give his life for his country in the War on Terrorism launched by President George W. Bush following the terrorist attacks of September 11, 2001.

(8) Johnny Michael Spann left behind a wife and children who are very proud of the heroic actions of their patriot father.

(9) Surviving dependents of members of the Armed Forces of the United States who lose their lives as a result of terrorist attacks or

military operations abroad receive a \$6,000 death benefit, plus a small monthly benefit.

(10) The current system of compensating spouses and children of American patriots is inequitable and needs improvement.

(b) DESIGNATION OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—Any charitable corporation, fund, foundation, or trust (or separate fund or account thereof) which otherwise meets all applicable requirements under law with respect to charitable entities and meets the requirements described in subsection (c) shall be eligible to characterize itself as a “Johnny Micheal Spann Patriot Trust”.

(c) REQUIREMENTS FOR THE DESIGNATION OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—The requirements described in this subsection are as follows:

(1) Not taking into account funds or donations reasonably necessary to establish a trust, at least 85 percent of all funds or donations (including any earnings on the investment of such funds or donations) received or collected by any Johnny Micheal Spann Patriot Trust must be distributed to (or, if placed in a private foundation, held in trust for) surviving spouses, children, or dependent parents, grandparents, or siblings of 1 or more of the following:

(A) members of the Armed Forces of the United States;

(B) personnel, including contractors, of elements of the intelligence community, as defined in section 3(4) of the National Security Act of 1947;

(C) employees of the Federal Bureau of Investigation; and

(D) officers, employees, or contract employees of the United States Government, whose deaths occur in the line of duty and arise out of terrorist attacks, military operations, intelligence operations, law enforcement operations, or accidents connected with activities occurring after September 11, 2001, and related to domestic or foreign efforts to curb international terrorism, including the Authorization for Use of Military Force (Public Law 107-40; 115 Stat. 224).

(2) Other than funds or donations reasonably necessary to establish a trust, not more than 15 percent of all funds or donations (or 15 percent of annual earnings on funds invested in a private foundation) may be used for administrative purposes.

(3) No part of the net earnings of any Johnny Micheal Spann Patriot Trust may inure to the benefit of any individual based solely on the position of such individual as a shareholder, an officer or employee of such Trust.

(4) None of the activities of any Johnny Micheal Spann Patriot Trust shall be conducted in a manner inconsistent with any law with respect to attempting to influence legislation.

(5) No Johnny Micheal Spann Patriot Trust may participate in or intervene in any political campaign on behalf of (or in opposition to) any candidate for public office, including by publication or distribution of statements.

(6) Each Johnny Micheal Spann Patriot Trust shall comply with the instructions and directions of the Director of Central Intelligence, the Attorney General, or the Secretary of Defense relating to the protection of intelligence sources and methods, sensitive law enforcement information, or other sensitive national security information, including methods for confidentially disbursing funds.

(7) Each Johnny Micheal Spann Patriot Trust that receives annual contributions totaling more than \$1,000,000 must be audited annually by an independent certified public accounting firm. Such audits shall be filed with the Internal Revenue Service, and shall be open to public inspection, except that the conduct, filing, and availability of the audit

shall be consistent with the protection of intelligence sources and methods, of sensitive law enforcement information, and of other sensitive national security information.

(8) Each Johnny Micheal Spann Patriot Trust shall make distributions to beneficiaries described in paragraph (1) at least once every calendar year, beginning not later than 12 months after the formation of such Trust, and all funds and donations received and earnings not placed in a private foundation dedicated to such beneficiaries must be distributed within 36 months after the end of the fiscal year in which such funds, donations, and earnings are received.

(9)(A) When determining the amount of a distribution to any beneficiary described in paragraph (1), a Johnny Micheal Spann Patriot Trust should take into account the amount of any collateral source compensation that the beneficiary has received or is entitled to receive as a result of the death of an individual described in subsection (c)(1).

(B) Collateral source compensation includes all compensation from collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the death of an individual described in subsection (c)(1).

(d) TREATMENT OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—Each Johnny Micheal Spann Patriot Trust shall refrain from conducting the activities described in clauses (i) and (ii) of section 301(20)(A) of the Federal Election Campaign Act of 1971 so that a general solicitation of funds by an individual described in paragraph (1) of section 323(e) of such Act will be permissible if such solicitation meets the requirements of paragraph (4)(A) of such section.

(e) NOTIFICATION OF TRUST BENEFICIARIES.—Notwithstanding any other provision of law, and in a manner consistent with the protection of intelligence sources and methods, sensitive law enforcement information, and other sensitive national security information, the Secretary of Defense, the Director of the Federal Bureau of Investigation, or the Director of Central Intelligence, or their designees, as applicable, may forward information received from an executor, administrator, or other legal representative of the estate of a decedent described in subparagraph (A), (B), (C), or (D) of subsection (c)(1), to a Johnny Micheal Spann Patriot Trust on how to contact individuals eligible for a distribution under subsection (c)(1) for the purpose of providing assistance from such Trust; provided that, neither forwarding nor failing to forward any information under this subsection shall create any cause of action against any Federal department, agency, officer, agent, or employee.

(f) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence, shall prescribe regulations to carry out this section.

JOHNNY MICHAEL SPANN PATRIOT TRUSTS ACT

Mr. LEAHY. Mr. President, I am pleased to join Senators SESSIONS and NICKLES in introducing the Johnny Michael Spann Patriot Trusts Act. This legislation will facilitate private charitable giving for the benefit of spouses of servicemen and other Federal employees who are killed in the line of duty while engaged in the fight against international terrorism.

Many of us have fought for some time to achieve fair and expeditious

compensation for victims of terrorism. In 1996, we passed the Justice for Victims of Terrorism Act, which authorized grants to states to provide assistance and compensation to victims of terrorism. Two years ago, we passed legislation directing the Justice Department to establish a Federal compensation program for victims of international terrorism. And last year, in the wake of the September 11 attacks, we established a special fund to provide compensation to the many families who lost loved ones on that terrible day.

I am proud of these legislative accomplishments. We should make every effort to help the innocent civilians whose lives are shattered by terrorist acts. At the same time, we must not forget those who are killed while serving on the front line in the war on terrorism. Under current law, beneficiaries of members of the U.S. Armed Forces get paid \$6,000 only in death benefits from the Government, over any insurance that they may have purchased. Moreover, these individuals may not be eligible for payments from any existing victims' compensation program or charitable organization.

The Johnny Michael Spann Patriot Trusts Act will provide much needed support for the families of those who have made the ultimate sacrifice for their country. The bill encourages the creation of charitable trusts for the benefit of surviving spouses and dependents of military, CIA, FBI, and other Federal Government employees who are killed in operations or activities to curb international terrorism. In addition, the bill authorizes Federal officials to contact qualifying trusts on behalf of surviving spouses and dependents, pursuant to regulations to be prescribed by the Secretary of Defense. This will help to inform survivors about benefits and to ensure that those who are eligible have the opportunity to access the money. It will also spare grieving widows the embarrassment of having to go to a charity and ask for money. Finally, for the avoidance of doubt, the bill makes clear that federal officeholders and candidates may help raise funds for qualifying trusts without running afoul of Federal campaign finance laws.

While we have greatly improved our victims assistance and compensation programs, we still have more to do. I urge my colleagues on both sides of the aisle to join in advancing this legislation through Congress before the end of the year.

Mr. WARNER. Mr. President, I rise today to introduce a bill on behalf of myself and Senator ALLEN to authorize the President to apply the indemnification authorities now available to the Department of Defense and other agencies for national defense purposes to those agencies engaged in defending our Nation against terrorism. This authority is needed to enable America to access the best private sector solutions to defend our homeland, particularly

from those innovative small businesses who do not have the capital to shoulder significant liability risk.

There is an urgent need for this authority. For example, contractors will not sell chemical and biological detectors already available to DOD to other Federal agencies and state and local authorities because of the liability risk. Some of our Nation's top defense contractors will not sell these products because they are afraid to risk the future of their company on a lawsuit. In the meantime the American people are vulnerable. We should give the President the option that he currently does not have, of deciding whether the Federal Government should facilitate these purchases. This legislation would do precisely that.

This liability risk has been a longstanding deterrent to the private sector freely contracting with the Federal Government to meet national security needs. Congress has acted in the past to authorize the indemnification of contracts, particularly in times of war. On December 18, 1941, less than two weeks after the attack on Pearl Harbor, the Congress enacted Title II of the First War Powers Act of 1941. By providing authority to the President to indemnify contracts, this legislation and its successor have enabled the private sector to enter into contracts that involve a substantial liability risk. Administrations since Roosevelt's day have used these authorities to indemnify or share the risk with defense contractors. This was required to jump start the "arsenal of democracy" in 1941. It was true in 1958, when the nuclear and missile programs were facilitated by the indemnification of risks associated with the use of nuclear power and highly volatile missile fuels, it is true today for technology solutions required by agencies engaged in the war against terrorism.

This war is going to be different in many ways. For one, much of the Nation's homeland defense activities are going to be conducted by State and local governments. It is thus imperative to ensure that State and local governments can access vital anti-terrorism technologies.

To facilitate this, this bill would require the establishment of a Federal contracting vehicle to which state and local governments could turn to rapidly buy anti-terrorism solutions from the Federal Government. The President would also be authorized, if he deemed it necessary, to indemnify these purchases.

I want to emphasize two points. One, that this authority is discretionary. The President, on a case by case basis will decide whether to indemnify contracts. I expect the President will use this authority much like it has been used at the Defense Department, carefully and thoughtfully, and only for those products that the government cannot obtain without the use of the authority.

The second point I want to emphasize is that indemnification not in conflict

with any efforts to limit or cap liability. I see these two efforts as complementary. This legislation should not be seen as an alternative for tort reform, but merely as one tool that can be used by the President to ensure that vitally needed technologies necessary for homeland defense are placed into the hands of those who need them.

During World War II and all subsequent wars, conflicts and emergencies in which the U.S. has been involved, we have needed domestic contractors to be innovative, resourceful and ready to support efforts at home and abroad. In 1941, the Congress wanted contractors to know that if they were willing to engage in unusually hazardous activities for the national defense, then the U.S. Government would address the potential liability exposure associated with the conduct of such activities. Our position should be no different now.

By Mr. BIDEN (for himself and Mr. SPECTER):

S. 3079. A bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, last night the President of the United States said something very important about United Nations inspections in Iraq. He said:

Clearly, to actually work, any new inspections... will have to be very different. . . . To ensure that we learn the truth, the regime must allow witnesses to its illegal activities to be interviewed outside the country, and these witnesses must be free to bring their families with them so they are all beyond the reach of Saddam Hussein's terror and murder. And inspectors must have access to any site, at any time, without pre-clearance, without delay, without exceptions.

The President is right on the money about the inspections. This is how to get the information the world needs on Saddam Hussein's weapons of mass destruction programs. But how is the U.N. to do that?

Where will those weapons scientists and their families go, once they've told the truth about Saddam's weapons programs? They can't go home again. And at least in the short run, there will be no safe haven in the region for the people who reveal Saddam's most terrible secrets.

So where will those scientists go? Maybe some can go to Europe, although both al Qaeda cells and Saddam's agents have operated there. Maybe some can go to Canada, or to South America.

But if the United States wants the world to show resolve in dealing with Saddam Hussein, then we should show the way by taking the lead in admitting those Iraqis who have the courage to betray Saddam's nuclear, chemical and biological weapons programs.

We have a large country in which to absorb those people, and, for all our

problems, we have the best law enforcement and security apparatus to guard them.

What we do not have is an immigration system that readily admits large numbers of persons who have a recent involvement with weapons of mass destruction, have recently aided a country in the so-called "axis of evil," and are bringing their families.

I am introducing today, therefore, legislation to admit to our country those Iraqi scientists, engineers and technicians, and their families, who give reliable information on Saddam's programs to us, to the United Nations, or to the International Atomic Energy Agency.

My esteemed colleague on the Judiciary Committee, Senator SPECTER of Pennsylvania, joins me in introducing this legislation, and I am very pleased to have his support. This bill is not political. Rather, it is a bipartisan effort to help the President succeed in forcing Iraq to destroy all its weapons of mass destruction capabilities.

I urge my colleagues to support this legislation. Why? Because those Iraqis will deserve our protection. And equally important, because they will not come forward unless we offer that protection.

Charles Duelfer, former Deputy Executive Director of UNSCOM, the original U.N. inspection force in Iraq, recently wrote an article entitled, "The Inevitable Failure of Inspections in Iraq." He made the following recommendations: First, inspectors should be mandated to interview the few hundred key scientists, engineers, and technicians who were involved in the previous weapons of mass destruction efforts and have them account for their activities since December 1998. The U.N. knows who these individuals are. If, as is suspected, Iraq has been continuing to develop weapons of mass destruction, some or most of these people will have been involved.

Second, the conditions for such interviews must be changed. Iraqi government observers must not be present. The previous UNSCOM agreement to the presence of such "minders" was a mistake. The fact that junior workers would shake with fear at the prospect of answering a question in a way inconsistent with government direction made this obvious.

Third, and most important, the U.N. should offer sanctuary or safe haven to those who find it a condition for speaking the truth. The people are key to these programs. Access to the people under conditions where they could speak freely was not something UNSCOM ever achieved except in the rare instances of defection.

Mr. Duelfer concludes: I often summarized this problem to Washington by suggesting that, if UNSCOM had 100 green cards to distribute during inspections, it could have quickly accounted for the weapons programs.

Other experts, including Dr. Khidir Hamza, a former Iraqi nuclear weapons

scientist who testified before the Senate Foreign Relations Committee on July 27, have pointed out that by enticing scientists and engineers away from Iraq, we will also deprive Saddam Hussein of the very people he needs to produce those weapons of mass destruction and long-range missiles.

If we do, in the end, have to go to war against Saddam, then the fewer weapons scientists he has, the better.

Current law includes several means of either paroling non-immigrants into the United States or admitting people for permanent residence, notwithstanding their normal inadmissibility under the law.

These are very limited provisions, however, and they will not suffice to accommodate hundreds of Iraqi scientists and their families.

The legislation that I am introducing, the "Iraqi Scientists Liberation Act of 2002," will permit the Secretary of State and the Attorney General, acting jointly and on a case-by-case basis, to admit a foreigner and his family for permanent residence if such person: is a scientist, engineer, or technician who has worked in an Iraqi program to produce weapons of mass destruction or the means to deliver them, during the years since the inspectors left and Saddam began rebuilding those programs; is willing to supply or has supplied reliable information on that program to UNMOVIC, to the IAEA, or to an agency of the United States Government; and will be or has been placed in danger as a result of providing such information.

The Attorney General will be empowered to set the rules and regulations governing implementation of this law, in consultation with the Secretary of State and other relevant officials.

Finally, this legislation will be limited to the admission of 500 scientists, plus their families, over 3 years. If it works and we need to enlarge the program, we can do so.

The important thing for now is to give our country the initial authority, and to give United Nations inspectors the ability to call on us when one of Saddam's nuclear, chemical or biological weapons experts is willing to help the world to bring those programs down.

It is hard to predict what we will achieve by opening our doors. Iraq will surely object to giving UNMOVIC the inspection and interview powers that the President proposes. But if UNMOVIC does get into Iraq under a stronger Security Council resolution in the coming weeks, then having this law on the books could help to undermine Saddam Hussein's weapons of mass destruction programs.

Even if inspectors never get in, a public offer of asylum for Iraq's scientists could lead some to defect, as Dr. Hamza did.

Last night the President called for inspections that protect the lives of those who are interviewed and their families.

We owe it to the President to do all we can to make that possible.

We owe it to the United Nations inspectors to give them every chance to succeed.

We owe to it Iraq's people and its neighbors to do everything we can to dismantle its weapons of mass destruction programs.

And we owe it to our own people to do all we can to achieve that end peacefully, and with international support.

This bill is a small step toward those ends, but it is a vital one. I urge my colleagues to give it their immediate attention and their considered support.

I ask unanimous consent that the full text of my bill appear following my remarks in the CONGRESSIONAL RECORD.

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

S. 3079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be known as the "Iraqi Scientists Liberation Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The President stated in substance the following to the United Nations General Assembly:

(A) In 1991, the Iraqi regime agreed to destroy and stop developing all weapons of mass destruction and long-range missiles, and to prove to the world it has done so by complying with rigorous inspections. Iraq has broken every aspect of this fundamental pledge.

(B) Today, Iraq continues to withhold important information about its nuclear program: weapons design, procurement logs, experiment data, an accounting of nuclear materials, and documentation of foreign assistance. Iraq's state-controlled media has reported numerous meetings between Saddam Hussein and his nuclear scientists, leaving little doubt about his continued appetite for these weapons.

(C) Iraq also possesses a force of Scud-type missiles with ranges greater than the 150 kilometers permitted by the United Nations.

(2) United Nations Special Commission (UNSCOM) experts concluded that Iraq's declarations on biological agents vastly understated the extent of its program, and that Iraq actually produced two to four times the amount of most agents, including anthrax and botulinum toxin, than it had declared.

(3) UNSCOM reported to the United Nations Security Council in April 1995 that Iraq had concealed its biological weapons program and had failed to account for 3 tons of growth material for biological agents.

(4) Gaps identified by UNSCOM in Iraqi accounting and current production capabilities strongly suggest that Iraq maintains stockpiles of chemical agents, probably VX, sarin, cyclosarin, and mustard.

(5) Iraq has not accounted for hundreds of tons of chemical precursors and tens of thousands of unfilled munitions, including Scud variant missile warheads.

(6) Iraq has not accounted for at least 15,000 artillery rockets that in the past were its preferred vehicle for delivering nerve agents, nor has it accounted for about 550 artillery shells filled with mustard agent.

(7) For nearly 4 years, Iraq has been able to pursue its weapons of mass destruction programs free of inspections.

(8) Inspections will fail if United Nations and International Atomic Energy Agency inspectors do not have speedy and complete access to any and all sites of interest to them.

(9) Inspections will be much less effective if those scientists, engineers, and technicians whom the inspectors interview are monitored and subjected to pressure by agents of Saddam Hussein's regime.

(10) As the President made clear in his speech to the Nation on October 7, 2002, the most effective international inspection of Iraq would include interviews with persons who are unmonitored by Saddam Hussein's regime and who are protected from it in return for providing reliable information.

(11) The emigration from Iraq of key scientists, engineers, and technicians could substantially disable Saddam Hussein's programs to produce weapons of mass destruction and the means to deliver them.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Iraq must give United Nations and International Atomic Energy Agency inspectors speedy and complete access to any and all sites of interest to them;

(2) United Nations and International Atomic Energy Agency inspections in Iraq should include interviews with persons who are unmonitored by Saddam Hussein's regime and who are protected from it in return for providing reliable information; and

(3) key scientists, engineers, and technicians in Saddam Hussein's programs to produce weapons of mass destruction and the means to deliver them should be encouraged to leave those programs and provide information to governments and international institutions that are committed to dismantling those programs.

SEC. 4. ADMISSION OF CRITICAL ALIENS.

(a) AUTHORITY.—Notwithstanding the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), whenever the Secretary of State and the Attorney General, acting jointly, determine that the admission into the United States of an alien described in subsection (b) is in the public interest, the alien, and any member of the alien's immediate family accompanying or following to join, shall be eligible to receive an immigrant visa and to be admitted to the United States for permanent residence.

(b) ELIGIBILITY.—An alien described in this subsection is an alien who—

(1) is a scientist, engineer, or technician who has worked at any time since December 16, 1998, in an Iraqi program to produce weapons of mass destruction or the means to deliver them;

(2) is in possession of critical reliable information concerning any such Iraqi program;

(3) is willing to provide, or has provided, such information to inspectors of the United Nations, inspectors of the International Atomic Energy Agency, or any department, agency, or other entity of the United States Government; and

(4) will be or has been placed in danger as a result of providing such information.

(c) LIMITATION.—Not more than 500 principal aliens may be admitted to the United States under subsection (a). The limitation in this subsection does not apply to any immediate family member accompanying or following to join a principal alien.

(d) EXPIRATION OF AUTHORITY.—The authority granted in this section shall expire 36 months after the date of enactment of this Act.

SEC. 5. RULES AND REGULATIONS.

The Attorney General, in consultation with the Secretary of State, is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 6. WEAPON OF MASS DESTRUCTION DEFINED.

(a) IN GENERAL.—In this Act, the term “weapon of mass destruction” has the meaning given the term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2717; 50 U.S.C. 2302(1)), as amended by subsection (b).

(b) TECHNICAL CORRECTION.—Section 1403(1)(B) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2717; 50 U.S.C. 2302(1)(B)) is amended by striking “a disease organism” and inserting “a biological agent, toxin, or vector (as those terms are defined in section 178 of title 18, United States Code)”.

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 3080. A bill to establish a national teaching fellowship program to encourage individuals to enter and remain in the field of teaching at public elementary schools and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. LUGAR. Mr. President, I rise today to introduce the Teaching Fellows Act of 2002.

This year Congress passed, and the President signed into law the No Child Left Behind Act. This new law represents the most sweeping changes to the Elementary and Secondary Education Act, ESEA, since it was enacted in 1965. The Act underscores the importance of a good education; it stresses the use of research-based teaching programs, increases funds available to public schools, broadens local flexibility, and enhances accountability.

In focusing on these principles, we aim to change the way our schools do business. This is important. While some schools are doing well, many are not. It is important that our low performing schools are given the assistance they need to improve, along with the knowledge that they will be held accountable for turning themselves around and narrowing the existing achievement gaps.

I have long championed the greater use of research-based programs in troubled schools, specifically Comprehensive School Reform. Good reform programs are a bargain for our schools and our children when we compare their costs to that of retention, special education and illiteracy.

However, I also realize that the best research-based programs cannot be successfully implemented without a sufficient number of teachers in the classroom. Statistics vary, but it is estimated that 1 million of the Nation's 3 million teachers will retire in the next 5 years. Schools will need to hire over 2 million new teachers in the next decade.

To help address this problem, my colleague Senator BINGAMAN and I are introducing today the Teaching Fellows Act, legislation that aims to encourage the best and brightest to enter teaching.

The problem of teacher shortages is complex, and the problems States are

experiencing in recruitment and retention vary. The bill we introduce today encourages states to structure their scholarship program so that it addresses the individual needs of the State, and utilizes the best resources they have to offer.

Similar to the National Health Service Corps, selected students would receive at least \$6,500 per year toward college expenses, and in return, would incur an obligation to serve in an under-served area. In this case, we require new teachers to teach five years in a low performing public school.

The Teaching Fellows Act would set up a competitive process whereby states could apply for matching, 75-25 percent, Federal grants to establish or expand scholarship programs for prospective teachers. The proposal is based on one of the most successful teaching scholarship programs in the Nation—that of State of North Carolina. There are two main prongs to this act. The first is the teaching fellowship program, this program would distribute grants to states for teaching scholarships that students could apply for after their senior year of high school or their second year of college. The bill also authorizes a “partnership program,” aimed at community college students, particularly those who are currently trained or training as teaching assistants. With encouragement, the hope is that these individuals might go on to obtain four-year degrees to become licensed teachers. Grants would be available to states for partnership programs between community colleges and four-year colleges to provide for the training.

Other approaches such as loan forgiveness programs and offering federal stipends are important tools in our quest to recruit teachers. However, the strength of the Teacher Fellowship Act is the focus that we place on the enrichment of these students. Qualifying States will have developed programs that have designed a strong extra-curricular program that serves as a support system for new teachers.

It is estimated that up to 22 percent of new teachers leave within 3 years—this figure is as high as 55 percent in urban or rural areas. Not only must we recruit more teachers, but we must encourage a more comprehensive and supportive system of training.

Our bill is not a panacea to the problems of teacher recruitment and retention. However, I believe it is a step in the right direction. I hope that we will give more states and communities the incentive to work with their institutions of higher education to more comprehensively address the education of one our Nation's most important resources—that of teachers.

The successful education of our nation's children requires that we work together at the Federal, State, and local levels to ensure that no child is left behind.

Mr. BINGAMAN. Mr. President, I rise today to join my esteemed colleague,

Senator LUGAR, in the introduction of the Teaching Fellows Act of 2002.

Earlier this year, the No Child Left Behind Act was signed into law. I was proud to be a member of the Conference Committee that ultimately wrote this important piece of legislation. This legislation includes important reform efforts and increased resources for schools that will go a long way toward addressing many of the needs in our education system. I will continue to fight for increased appropriations for the programs contained in this bipartisan legislation.

As we begin to consider reauthorization of the Higher Education Act, we must continue to seek avenues for supporting our Nation's schools. Providing additional support for the training of new, high quality teachers is an important way to do that. Ultimately, improving the quality of education in our nation will require a comprehensive approach that includes raising standards and increasing school accountability. However, central to any effort to improve education are teachers. Being the son of two former teachers, I am well acquainted with the challenges and the rewards that being a good teacher brings. Being a parent and a community member, I also know how influential teachers can be in the lives of our children. Teachers not only pass along knowledge and act as role models, but research shows that teacher quality is critical to student achievement.

Over the years, I have had the opportunity to meet with many of our dedicated and hard-working teachers in New Mexico. These personal experiences have strengthened my belief that we need to do all that we can to encourage the best and the brightest to enter and to remain in this most important profession.

It is estimated that nearly a third of our Nation's teachers will retire over the next five years. In addition, large numbers of new teachers leave their jobs within a few years, particularly in rural and urban areas. These patterns could seriously jeopardize the quality of our children's education unless we take some steps to insure that there are enough trained people available to fill these positions. We must also do what we can to support the preparation and training of these individuals.

The Teaching Fellows Act would create two programs designed to encourage people to enter and to remain in the profession of teaching. First, the program would distribute grants to states for teaching scholarships. In return for at least \$6,500 per year toward college expenses, students would agree to teach in a low-performing school for five years. This program would thus not only help teachers to prepare for their profession but it would also insure that students in our poorest and most challenged schools have access to well-trained teachers.

Second, the bill would provide grants for individuals currently working in

our schools as instructional assistants or in other capacities to obtain four-year degrees to become licensed teachers. Grants would be available to States for partnership programs between community colleges and four-year colleges to provide for this training. These programs require that states come up with 25 percent of the funding and students will be required to stay in the state to teach for five years.

In conclusion, I would like to say that I am very excited about co-sponsoring a bill that seeks to recruit new teachers and to enrich their training experiences. Although this bill is only part of a larger effort to provide all American students with a quality education, it is an important component. Having well-qualified teachers available to teach, especially in the most impoverished districts, is something that we owe to our children and ourselves. We, as parents and as legislators, must do what we can to see that America's teachers are recognized and supported as a crucial component in our children's education.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, Ms. SNOWE, Mr. JEFFORDS, Mr. SCHUMER, Ms. CANTWELL, Ms. COLLINS, Mr. LIEBERMAN, Mr. LEVIN, Mr. EDWARDS, and Mr. THOMPSON):

S.J. Res. 48. A joint resolution disapproving the rule submitted by the Federal Election Commission under chapter 8 of title 5, United States Code, relating to prohibited and excessive contributions; to the Committee on Rules and Administration.

Mr. MCCAIN. Mr. President, today I am introducing a resolution to disapprove the Federal Election Commission's final regulations to implement the title I soft money provisions of the Bipartisan Campaign Reform Act, under the procedures established by the Congressional Review Act. The Commission's regulations, titled "Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money; Final Rule," were published in the Federal Register on July 29, 2002, 67 FR 49064.

I wish I did not have to introduce this resolution. When President Bush signed the Bipartisan Campaign Reform Act of 2002 into law on March 27, 2002, the soft money campaign finance system should have met its demise. This system of unlimited soft money contributions to national political parties, unlimited soft money fundraising by national parties and Federal candidates and officeholders, and unlimited laundering of soft money into Federal elections by State parties had bred public cynicism about the workings of our institutions of government. At a minimum, the actions of Congress and the executive branch were severely tainted by the specter of six-figure soft money donations by special interests with a stake in legislation and policies pending before the Federal Government.

Banning soft money wasn't an easy legislative or political endeavor. Pow-

erful forces lined up to preserve a status quo that served them well. But after a 7-year fight on Capitol Hill over campaign finance reform, Congress concluded that it could no longer abide the corruption and appearances of corruption caused by soft money. It sought fundamental change and a restoration of public confidence in our democracy by at last enacting the Bipartisan Campaign Reform Act.

Unfortunately, four unelected members of the Federal Election Commission thought they knew better. In writing rules to implement the party and candidate soft money provisions of the new campaign finance law, these Commissioners proceeded to resurrect aspects of the soft money system that Congress had just banished. This exercise entailed gyrations of logic and rationalizations that flew squarely in the face of statutory language, legislative intent, and even interpretations of the law urged by the Commission's own general counsel and professional staff. At times during the soft money rule-making process, this bloc of four Commissioners appeared willfully blind to the language and purpose of the statute, as well as the Commission's own interpretive practices and precedents. Their actions were so brazen that one of the two Commissioners who voted to implement the law faithfully to Congress's intent told them, "You have so tortured this law, it's beyond silly."

The result was the adoption of agency regulations that undermine the three fundamental components of the Bipartisan Campaign Reform Act: the prohibition on national parties' soliciting, directing, receiving, or spending soft money; the prohibition on Federal candidates' and officeholders' soliciting, directing, receiving or spending soft money; and the prohibition on State parties' spending unregulated soft money donations on activities affecting Federal elections. The loopholes created out of whole cloth by the Federal Election Commission operate separately and in combination to permit the continuation of elements of the soft money system.

While I will not today discuss each and every soft money regulation that contradicts the statute and legislative intent, I will list some examples of how four Commissioners substituted their own personal views for the will of Congress—and left in their wake a campaign finance system too similar to the one we in this body set out to eliminate.

The Bipartisan Campaign Reform Act states that national parties and Federal candidates or officeholders may not "solicit" or "direct" soft money. These prohibitions on soliciting and directing soft money are critical to the integrity of our political system. The specter of national parties soliciting six-figure donations from special interests with a stake in legislation or policies pending before the executive or legislative branches has tainted the decisions ultimately made on these mat-

ters in Washington. Likewise, the soft money fundraising activities of Federal officeholders have led the public to suspect that those who serve in Congress or the White House are paying special heed to the will of the wealthy few.

The new campaign finance law's prohibitions on soliciting and directing soft money are aimed precisely at this problem. As Senator Carl Levin, D-MI, said on the Senate floor on March 20, 2002, during debate on the Bipartisan Campaign Reform Act:

... [W]e have had enough of the solicitations by our elected officials and the officers of our national parties, soliciting huge sums of money by offering insider access to government decisionmakers... Under this soft money ban, public officials and candidates *will be out of the soft money fundraising business*, and that's a very important step we will be taking with this legislation. The official with power, and the candidate seeking to be in a position of power, won't be able to solicit huge sums of money and sell access to themselves for their campaign or for outside groups... (emphasis added).

The Federal Election Commission decided nonetheless to allow national parties and Federal officeholders to remain in the "soft money fundraising business"—by adopting definitions of the terms "to solicit" and "to direct" that invite widespread circumvention of the law.

To achieve this result, the Commissioners had to overrule the agency's own general counsel and professional staff. The draft final rules recommended to the Commissioners by the general counsel and professional staff appropriately defined "to solicit" as "to request or suggest or recommend that another person make a contribution, donation, or transfer of funds"—thus, a national party could not request, suggest or recommend that an individual or entity donate soft money. This definition was consistent with the Commission's longstanding practice and understanding concerning what constitutes a solicitation. As the Commission's associate general counsel explained to the Commissioners during the soft money rulemaking proceedings:

... the concept of solicitation is not something that is new, in terms of the [Bipartisan Campaign Reform Act of 2002]. It is something that has been in the Federal Election Campaign Act for a very long time. It's been particularly significant in terms of corporations and labor organizations, in terms of the solicitations that they may do, and some of the limitations on the frequency of their solicitations. With that in mind, we do have a long history of advisory opinions, and some very specific guidance in our campaign guides as to what does and what does not constitute 'to solicit.'

We based the definition that we came up with, with those materials in mind, with the thought that *just the common-sense usage of the word, 'solicit' would not mean something different in the context of BCRA than what it has always meant for purposes of the FECA. And we have looked at it very broadly in the past, in terms of encouraging support for, and providing information as to how to contribute, and publicizing, the right to accept unsolicited contributions from any lawful contributor. Those sorts of factors. I think*

it's an area of the law that's pretty clear and pretty well-settled (emphasis added).

Putting aside the associate general counsel's explanation that the meaning of "to solicit" is "pretty clear and pretty well-settled" in the law, four Commissioners apparently decided that a dramatic change in course was somehow warranted with respect to implementing soft money solicitation restrictions. A lame-duck, holdover Commissioner proposed an amendment during the rulemaking proceedings that narrowed the definition of "to solicit" from "to request or suggest or recommend" to "to ask." In explaining this amendment, that Commissioner repeatedly made it clear that he intended to narrow considerably the scope of the definition of "to solicit" contained in the general counsel's draft, to eliminate the concepts of to "suggest or recommend."

The Commission's general counsel expressed strong reservations about this amendment to narrow the definition of "to solicit," stating the following:

... [T]his is a pretty huge concept in the Act. You can't solicit soft money. Certain actors can't solicit soft money now under the law. And it doesn't seem to me to take a great deal of cleverness to make a solicitation that is clearly intended to encourage—to persuade a person to make a contribution, without coming out and asking. And I think this definition has the potential for great mischief... And I'm concerned that this language creates a definition so narrow that it would, frankly, be very easy to avoid."

The Commissioner that offered the amendment narrowing the definition of "to solicit" replied, "It indeed runs that risk."

Despite the warnings of the Commission's general counsel, the amendment was ultimately adopted. The result is to exclude all but the most explicit "asks" for soft money from the new law's solicitation prohibitions. Because of this amendment, national parties and Federal candidates and officeholders may "recommend" or "suggest" that a donor contribute soft money. Far from being out of the soft money fundraising business, parties and candidates now stand to be in a more subtle soft money fundraising business. That is hardly the fundamental change in the campaign finance system that Senator LEVIN was discussing on the Senate floor or that Congress as a whole sought in enacting the Bipartisan Campaign Reform Act.

The Commission compounded the problem by essentially reading the prohibition on "directing" soft money out of the statute. The new campaign finance law makes it illegal for national parties and Federal officeholders or candidates not only to "solicit" soft money but also to "direct" soft money. The clear implication is that those terms are not redundant. Specifically, "to direct" covers instances in which a national party or Federal candidate suggests to whom an already willing contributor should make a soft money donation, as opposed to initiating the

idea of the contribution, which amounts to a "solicitation".

The general counsel's draft properly assigned distinct meaning to the term, "to direct." It defined "to direct" as, "to provide the name of a candidate, political committee or organization to a person who has expressed an interest in making a contribution, donation, or transfers of funds to those who support the beliefs of goals of the contributor or donor . . ." However, the same amendment that substantially narrowed the definition of "to solicit" redefined "to direct" to mean, "to ask a person who has expressed an intent to make a contribution, donation, or transfer of funds, or to provide anything of value, to make that contribution, donation, or transfer of funds, or to provide that thing of value." In other words, the Commission ultimately defined "to direct" to mean nothing different from "to solicit." This will allow national parties and Federal officeholders to tell a willing donor where they should send their soft money—in violation of the plain language of the statute.

The Bipartisan Campaign Reform Act bans the receipt, solicitation, direction, or spending of soft money not only by national party committees but also by any entities "directly or indirectly established, financed, maintained or controlled" by those party committees. This prohibits national party committees from spawning and in other respects significantly supporting "shadow entities" designed to carry on the raising and spending of soft money once those party committees can no longer accept soft money contributions themselves.

The soft money ban enacted by Congress will achieve its full effect only if the Federal Election Commission applies it to all entities in fact "directly or indirectly established, financed, maintained or controlled" by national party committees. If the Commission instead willfully blinds itself to relevant information concerning a national party's involvement with a given organization, the soft money ban could fall short of the coverage spelled out in the statute. Under that scenario, shadow entities set up by national parties could carry on the raising and spending of soft money under the false guise of "independence" from the parties—including spending soft money on television and radio sham "issue ads."

Unfortunately, four Commissioners opted for willful blindness rather than a complete and accurate analysis of whether an entity was in fact "directly or indirectly established, financed, maintained or controlled" by a national party. The explanation and justification accompanying the draft rules prepared by the Commission's general counsel noted that "certain actions that occur before the effective date of BCRA have as much of an impact on whether an entity is 'established, financed, maintained or controlled' by a sponsor as actions that occur imme-

diately after BCRA's effective date." Accordingly, the draft rules proposed by the General counsel indicated that the Commission should review conduct occurring before the law's effective date of November 6, in addition to conduct occurring after that date, in determining whether a national party had established, financed, maintained or controlled an organization. Indeed, there is absolutely no basis in the statute for concluding that the Commission should review anything less than all of a party's conduct involving an organization in undertaking this analysis.

A Commissioner nonetheless offered an amendment containing an invented "grandfather clause." Under this amendment, a national party could set up a shadow entity before November 6 to raise and spend soft money after that date—and yet the Commission would have to ignore that fact and any other pre-November 6 conduct in analyzing whether the shadow entity was "established" by a national party. The parties could provide considerable support to these shadow entities prior to November 6 and indeed hold them out to donors as future soft money surrogates for the parties. The Commission's general counsel strongly objected to this bizarre idea, saying, ". . . [I]t is hard to see how Congress imagined that an entity that . . . was established a couple of days before the effective date of BCRA, is any less established . . . on November 10th, November 15th or December 1st." Still, the Commission adopted the amendment by a vote of four to two.

By adopting a "grandfather clause" invented out of whole cloth, the Commission invited schemes by the national parties to evade the new law by setting up surrogates prior to November 6th. Not surprisingly, the parties appear to be taking up the Commission's invitation. According to a Washington Post story of August 25, 2002, "Both the Democratic and Republican senatorial campaign committees are exploring the creation of separate soft-money funds." A National Journal article of September 7, 2002 likewise stated, "[E]ven some national party committees are looking at setting up, before November 5, new groups that they say could legally raise soft money next year so long as they do not coordinate their activities with the national committees."

The Bipartisan Campaign Reform Act puts an end to soft money leadership PACs. Soft money leadership PACs are entities controlled by Federal officeholders or candidates that take in unlimited contributions from corporations, unions, and wealthy individuals to finance activities beneficial to their sponsors. These activities can include events and entertainment, contributions to State and local parties and candidates, fundraising and administrative costs, sham "issue ads," payments to consultants, and expenses for partisan get-out-the-vote efforts. According to a February 2002 report by

Public Citizen, 63 Members of Congress had their own soft money leadership PACs at that time. From July 1, 2000, until June 30, 2001, the top 25 politician soft money leadership PACs collected more than \$15.1 million in contributions.

The new law prohibits entities “directly or indirectly established, financed, maintained or controlled” by Federal officeholders or candidates from soliciting or receiving soft money. As a matter of plain meaning and simple common sense, this language clearly covers officeholder and candidate leadership PACs. Furthermore, this statutory standard linking leadership PACs to their officeholder or candidate sponsors is deliberately broader than preexisting language under which the Commission has treated leadership PACs as independent of Federal officials. In sum, the new law was intended to bring about the demise of soft money leadership PACs—and was well-crafted to achieve that result.

Despite the statutory language and clear legislative intent, the Federal Election Commission has left open the possibility of continued operation of officeholder and candidate soft money leadership PACs. If the Commission considers a leadership PAC to be “directly or indirectly established, financed, maintained or controlled” by a Federal officeholder or candidate, it will not be permitted to receive soft money. However, the Commission also decided that it would analyze whether individual leadership PACs are so established, financed, maintained or controlled by applying the same standards under which it has always considered leadership PACs to be independent of Federal officeholders and candidates. This decision threatens to delete an important element of the new law’s soft money prohibitions.

The Bipartisan Campaign Reform Act permits Federal officeholders and candidates to “attend, speak, and be a featured guest at” State party fundraising events. However, these individuals may not expressly solicit soft money at State party fundraising events.

The Commission’s professional staff clearly perceived the line drawn by the law in terms of permissible Federal officeholder or candidate participation in State party fundraising events. Consistent with the statutory language and legislative intent, the draft final soft money rules prepared by the general counsel and professional staff held that Federal candidates and officeholders could attend, speak at, or be featured guests at a State party fundraising event, but they could not “actively solicit funds at the event.”

Once again, the Commission overrode the draft regulations developed by its professional staff and departed from the statute. A Commissioner offered an amendment to permit Federal officeholders not merely to attend and speak at State party fundraising events but also to make express solicitations for soft money at those events. He charac-

terized this amendment as a “total carve-out” from the law’s restrictions on soft money solicitations by Federal candidates and officeholders. Commissioner Scott Thomas, who consistently voted against efforts to undermine and compromise the law, strenuously disagreed, saying, “[Congress] drafted the statute in a way that says in essence Federal candidates are not to solicit soft money and the one part of Commissioner Toner’s amendment that I just can’t square with the statutory ban is the last clause: the candidates and individuals holding Federal office may speak at such events without restriction or regulation.” The amendment passed despite Commissioner Thomas’s objections.

This departure from the statutory text and legislative intent creates a significant loophole that undermines Congress’ effort to eradicate the soft money system. Under this amendment, whatever is deemed to be a State party fundraiser essentially becomes a “rules-free zone” for soft money solicitations. It is readily conceivable that Federal officeholders and candidates will engage in unrestrained soft money solicitations at any kind of event or gathering that is simply called a “State party fundraiser.” Indeed, one could envision a State party holding its “fundraiser” in Washington DC’s, Union Station, with the President and numerous Members of Congress in attendance to expressly solicit unlimited soft money contributions for that state party. This result is simply impossible to square with the text of the law and Congress’s intent. The problem is compounded by the fact that the Commission elsewhere opened loopholes permitting State parties to spend unregulated, unlimited soft money donations on activities affecting Federal elections, again contrary to statutory text and legislative intent.

In general, the Bipartisan Campaign Reform Act does not merely ban national parties and Federal officeholders from receiving, spending, directing, or soliciting soft money. The bill also prohibits State parties from spending unregulated soft money on activities that have a particularly pronounced effect on Federal elections—defined in the statute as “Federal election activity.”

This portion of the law responds to an ongoing, significant problem. Currently, State parties often use unlimited soft money donations, which are transferred to them by national parties or contributed directly to them, to help finance sham “issue ads” promoting or attacking clearly identified Federal candidates, voter mobilization activities clearly benefitting Federal candidates, and other campaign activities affecting Federal elections. This compromises the integrity of our democracy. If unregulated and potentially unlimited soft money donations can be funneled through State parties into activities supporting the election of Federal candidates, at a minimum, officeholders appear beholden to the sources of those unlimited donations.

To remedy this problem, the new campaign finance law requires State parties to use exclusively hard money contributions to finance public communications promoting or attacking clearly identified Federal candidates, voter registration activity occurring within 120 days of a regularly scheduled Federal election that mentions a Federal candidate, and get-out-the-vote activity, voter identification, and generic campaign activity mentioning a Federal candidate and conducted in connection with an election in which a Federal candidate appears on the ballot. It also requires State parties to use either exclusively hard money, or a combination of hard money and tightly limited and regulated non-Federal funds, to finance voter registration, get-out-the-vote activity, voter identification, and generic campaign activity that do not mention Federal candidates.

The law does not permit the use of unregulated, unlimited soft money donations by State parties for any of the specified “Federal election activities.” Indeed, during floor debate over a number of years, the House and Senate repeatedly rejected substitute proposals that would have allowed State parties to use unlimited soft money donations for these activities. However, what was settled by Congress was reopened by the Federal Election Commission. Through a series of amendments that defied the statutory language, legislative intent, its own precedents, and simple common sense, the Commission opened the door for the use of unlimited soft money donations by State parties for certain activities that clearly and significantly affect Federal elections. As such, the Commission preserved the status quo of the soft money system in a number of respects—clearly contrary to Congress’s overriding purpose in enacting this law.

The statute does not permit State parties to use unregulated, unlimited soft money donations to finance “voter registration activity” within 120 days of a regularly scheduled Federal election and “get-out-the-vote activity” conducted in connection with an election in which a Federal candidate appears on the ballot. State parties must use exclusively hard money, or a tightly controlled mix of hard money and limited, regulated non-Federal donations, if no Federal candidate is mentioned, to pay for these activities. The Federal Election Commission, however, permitted State parties to use unregulated soft money for these activities, by adopting unjustifiably narrow definitions of the terms “voter registration activity” and “get-out-the-vote activity.”

The draft final rules prepared by the Commission’s general counsel had appropriately defined “voter registration activity” and “get-out-the-vote activity” to include not merely “to assist” individuals to vote or register to vote but also “to encourage” them to do so, consistent with Commission precedent.

For instance, elsewhere in title 11 of the Code of Federal Regulations, specifically, in 11 CFR 100.133, the Commission uses the heading “voter registration and get-out-the-vote activities,” to describe “activity designed to encourage individuals to vote or to register to vote”. However, on a four-to-two vote, the Commission overrode its general counsel and deleted the concept of “encouraging” people to register to vote or to vote from the definitions of “voter registration activity” and “get-out-the-vote activity.”

This amendment departs from not only Commission precedent but also common sense. Under the amendment, a State party phone bank targeted at the party’s core voters, urging them to “get out and vote this November” because of key issues at stake, but not mentioning the location of a polling place or offering transportation assistance, would not constitute “get-out-the-vote activity”, and thus could be financed in part with unregulated, unlimited soft money. This is an absurd result, contradicting common understandings of what constitutes “get-out-the-vote activity” and perpetuating certain aspects of the current soft money system. By failing to include all “get-out-the-vote activity” and “voter registration activity” in its definitions of those terms, the Commission violated the statute.

The Commission also failed to include all “voter identification” activity in its regulatory definition of that term, violating the statute and undermining its prohibition on the use of unregulated soft money by State parties for such activity. The draft final rules prepared by the Commission’s general counsel had included “obtaining voter lists” in the definition of “voter identification.” However, a Commissioner offered an amendment to delete voter list acquisition from this definition, even though this is a commonly understood component of voter identification activity. A lawyer from the Commission’s general counsel’s office pointed out the problem with this amendment, noting during the rulemaking:

In particular, I would note that the [definition of voter identification proposed in the amendment] excludes—and I know, by design—list acquisition, which is a key means of identifying voters and, therefore, seemed to us to be voter ID. And also a very significant part—component of campaign spending.

Nonetheless, the Commission adopted the amendment by a four-to-two vote, allowing State parties to continue their current practice of using unregulated, unlimited soft money donations to help acquire voter lists employed to identify likely voters in upcoming elections in which a Federal candidate appears on the ballot.

As part of its mission to permit the continuation of aspects of the soft money system at the State level, the Commission also constricted the meaning of “generic campaign activity” from that provided in the statute. The

Bipartisan Campaign Reform Act prohibits State parties from financing “generic campaign activity” with unregulated, unlimited soft money donations. It proceeds to specifically define “generic campaign activity” as “campaign activity that promotes a political party and does not promote a candidate or non-Federal candidate”.

While the statutory definition covers “campaign activity,” the Commission adopted, again on a four-to-two vote, an amendment limiting the corresponding regulatory definition to a “public communication that promotes a political party and does not promote a candidate or non-Federal candidate.” Notably, “public communication” is defined elsewhere in the statute and regulations to include only “a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising.” Thus, the Commission overrode the statute to permit State parties to use unregulated, unlimited soft money donations to send party promotion mailings that do not constitute “mass mailings” and to engage in other party promotion activities that do not rise to the level of a “public communication” as specifically defined in the statute and regulations.

The Bipartisan Campaign Reform Act specifies that its restrictions on State party use of unregulated soft money for get-out-the-vote activity, voter identification, and generic campaign activity apply when these activities are “conducted in connection with an election in which a Federal candidate appears on the ballot.”

For purposes of this rulemaking, the Federal Election Commission adopted an artificially and unrealistically short time window for designating State party get-out-the-vote activity, voter identification, and generic campaign activity as having been “conducted in connection with an election in which a Federal candidate appears on the ballot” and thus subject to the new law’s soft money limits. The Commission ultimately decided that these activities fell under the statutory standard only if they occurred after “the date of the earliest filing deadline for access to the primary election ballot for Federal candidates as determined by State law” up until election day of an even-numbered year. As the Commission’s professional staff pointed out during the rulemaking proceedings, this filing deadline can occur as late as in August in certain States.

At the very least, it is difficult to reach the conclusion that State party voter identification and generic campaign activities conducted at any point in even-numbered years are somehow not “conducted in connection with an election in which a Federal candidate appears on the ballot.” Federal candidates will be on the ballot in regu-

larly scheduled primary and general elections that occur in those years. Indeed, that conclusion is a departure from relevant Commission precedent.

In determining when a hard money match has been required for State party generic voter drives, the Commission has long indicated that State party generic voter drive expenses incurred as early as the beginning of a 2-year election cycle, e.g., January of 1995, for the 1995–96 cycle, required partial hard money financing. The result of the Commission’s arbitrary and incorrect interpretation of the statute and departure from its precedent in this instance is that State parties will be able to use unlimited soft money to help finance certain generic party promotion activity and activities to identify likely voters occurring in at least the same year, and sometimes considerably proximate to, Federal elections.

In conclusion, the cumulative effect of these provisions is to resurrect significant aspects of the current soft money system at the State level, directly contrary to statutory text and legislative intent. State parties will be able to use unregulated, unlimited soft money donations to help finance targeted, effective get-out-the-vote activity closely proximate to Federal elections, the purchase of voter lists for voter identification purposes, generic party promotion activity occurring in Federal election years, and other activities directly and substantially affecting Federal elections. Furthermore, under other Federal Election Commission regulations shrinking the statute, these unregulated soft money donations could be secured for State parties by national parties and Federal candidates and officeholders.

Because of the Commission’s truncated definition of “to solicit,” national parties and Federal candidates and officeholders could “recommend” or “suggest” that donors write large soft money checks to State parties for use on get-out-the-vote drives and other activities on Federal elections. Indeed, Federal candidates could also take advantage of the “total carve-out” invented by the Commission for soft money solicitations at State party fundraisers, in order to expressly ask donors to contribute unregulated soft money to State parties. Acting together, the Commission’s various departures from the statute would perpetuate many of the State party practices that have undermined public confidence in our political system and that Congress sought to eliminate.

The previously cited examples are not the only instances in which the Commission departed from the statute and legislative intent. For instance:

The Commission allowed State parties to spend certain non-Federal funds to raise funds ultimately used, in whole or in part, to finance “Federal election activity.” This directly violates the statutory language indicating that State parties must use funds “subject to the limitations, prohibitions, and reporting requirements of this Act” (i.e., hard money) to pay the costs of raising funds

used for "Federal election activity." A section-by-section summary of the bill included in the Senate Congressional Record on March 18, 2002 underscores the statutory hard money financing requirement in this area: "Sec. 323(c). Fundraising Costs. Requires national, state, and local parties to use hard money to raise money that will be used on federal election activities, as defined by the bill" (emphasis added).

The Commission even rolled back certain state party hard money financing requirements applicable prior to the enactment of the Bipartisan Campaign Reform Act. Previously, state parties had to use at least some hard money to finance the salaries of state party employees spending less than 25 percent of their time on federal election activity. An amendment by one Commissioner eliminated that hard money allocation requirement, allowing state parties to finance those salaries exclusively with soft money.

The Commission allowed state parties to use unregulated soft money donations to help finance Internet websites and widely distributed e-mails promoting or attacking clearly identified federal candidates. In doing so, they disregarded the statute's prohibition on state parties' using any soft money for "general public political advertising" promoting or attacking federal candidates. In fact, this decision departed from Commission precedent—as the agency had previously construed the term "general public political advertising" to include Internet communications.

The Commission failed to include the concept of "apparent authority" in its definition of who constitutes a party or candidate "agent" for purposes of the Bipartisan Campaign Reform Act, even though it acknowledged that apparent authority is included in the settled common law meaning of the term "agent."

Even this is not a complete list of the problems created by the Commission. However, the list is sufficient to demonstrate a pattern of statutory distortion with a common theme: allowing soft money banned by Congress to creep back into our campaign finance system.

The agency that created soft money is clearly intent on saving it. A number of Commissioners have made no secret of their dislike for the policy choices made by Congress in enacting the Bipartisan Campaign Reform Act. They are entitled to their opinions about the merits of the law. But they are not entitled to substitute their opinions for the judgment of Congress. This pattern of statutory distortion and contradiction of legislative intent—always with the result of reintroducing soft money to the system—suggests that four Commissioners did not grasp the limits on their authority, or care much about them.

With the enactment of the Bipartisan Campaign Reform Act, Congress honored the American people's desire for cleaner elections. Though I wish it were not necessary, it appears that we must act again to ensure the public obtains the full benefits of this law. A Federal Election Commission that has failed the public time and time again should not enjoy the last word on the health of our democracy. So I urge support for this resolution—to reclaim for Congress its role as the author of our Nation's laws; and to deliver the full

campaign finance reform that the American people deserve.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 48

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Federal Election Commission relating to Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money, published at 67 Fed. Reg. 49063 (2002), and such rule shall have no force or effect.

Mr. FEINGOLD. Mr. President, I join with the Senator from Arizona in introducing a disapproval joint resolution pursuant to the Congressional Review Act, "CRA". An identical joint resolution is being introduced in the House of Representatives by supporters of campaign finance reform in that body. If passed by the Senate and the House and signed by the President, this resolution would result in the disapproval of regulations issued by the Federal Election Commission to implement the core provision of the McCain-Feingold/Shays-Meehan campaign finance reform bill, the ban on soft money.

We are taking this step, reluctantly, because the rules transmitted to Congress are not faithful to the letter and the spirit of the bill that we passed, and the President signed, just a few months ago. That bill was necessary because rulings over a period of years by the FEC had created the soft money system. We cannot stand by while the same regulatory body thwarts the efforts of this Congress, and the strong desire of the American people, to end that corrupt system of financing campaigns in this country. We must send a clear message that we meant what we said when we passed campaign finance reform earlier this year.

No unelected body can be permitted to rewrite the law. No group of appointed officials can be permitted to punch loopholes in a law before the ink is even dry on the President's signature. The role of the FEC is to implement and enforce the laws that Congress passes, not to pass judgment on them and revise them according to the Commissioners' own views of the way that campaigns should be financed in this country.

As my colleagues are aware, section 402(c) of the new law required the FEC to promulgate rules relating to Title I of the new law, the ban on soft money, within 90 days of enactment of the law on March 27, 2002. The FEC worked diligently to meet that statutory deadline. It published proposed rules on May 20, 2002, received comments from interested parties on May 29, 2002, held public hearings on June 4 and June 5, 2002, and completed work on the rules themselves on June 25, 2002. Incidentally, Senator MCCAIN and I and Representa-

tives SHAYS and MEEHAN filed extensive comments on the proposed rules. So the FEC had before it our views on the issues covered by the rules when it made its decisions.

Let me first take a moment to outline a few of the deficiencies in the FEC's rules, and then I will discuss our decision to invoke the Congressional Review Act. One of the central provisions of the McCain-Feingold bill was a prohibition of Federal candidates and officeholders soliciting soft money. The President and members of Congress are now intimately involved in their parties' fundraising efforts. They spend hours at a time making phone calls to corporate CEOs and labor leaders asking for contributions of hundreds of thousands of dollars. One member of this body commented to me after making one of those calls that he felt like taking a shower. The White House coffees from 1996 and other "donor service" events were part of this soft money system.

This kind of fundraising demeans this body, it demeans the Presidency, it demeans public service. We knew if we were going to end the soft money system, we had to call a halt to members of Congress raising these kinds of unlimited contributions.

The FEC took it upon itself to define the term "solicit" in our statute. The General Counsel's office sensibly suggested a definition that to "solicit" means to "request, suggest, or recommend" that a contribution be made. The Commissioners decided that definition was too broad so they amended the General Counsel's definition and said that solicit only means to "ask" for a contribution.

There can be no question that our intent in this law was to broadly prohibit the involvement of Federal candidates and officeholders in the raising of soft money. The FEC's definition narrows that provision. As the Commission's General Counsel said, "it doesn't take great cleverness" to figure out ways to request a donation without formally asking for one. The bank on Federal officeholders raising soft money is plainly compromised by this narrow definition. It is contrary to the clear intent of the Act.

In our prohibition of soft money fundraising, we included a narrow exception to permit federal officeholders to "attend, speak, or be a featured guest at" a fundraiser for a State political party committee. The idea behind this exception was to allow Federal candidates to be part of such fundraisers, even if the State party was using the event to raise money that might not be legal under federal law. We did not intend that Federal candidates should be allowed to expressly solicit soft money contributions at such fundraisers.

So what did the FEC do with this exception? In the words of one Commissioner, it created a "rules free zone" at these events. Absolutely nothing is now out of bounds at any event deemed

to be a State party fundraiser, members of Congress can not only attend and speak at a fundraiser, they can individually solicit corporate CEOs in attendance, they might even be able to make phone calls to other donors from such fundraisers. Anyone who would have suggested on this floor that the intent of the narrow exception in the bill was to create a "rules free zone" would have been laughed out of town. But that is exactly what the FEC did.

The FEC also laid the groundwork for the national parties to transfer their soft money operations to other entities before the law takes effect. This was clearly not permitted by the law we passed. The soft money ban applies not only to the parties but to any entity "directly or indirectly established, financed, maintained, or controlled" by the party or any party official. The idea here, as you can tell by the broad language was to make sure that ban was difficult to evade.

The FEC went right to work on this language. It determined that any action taken before the bill becomes effective cannot be considered in deciding whether an entity is established, financed, maintained, or controlled by the parties. Under this regulation, the parties can create shell entities this year, provide seed money and staff and donor lists for them, and inform all their soft money donors that this new entity is their favored recipient for soft money after the election. But under the FEC's rules, none of those facts can even be considered in deciding whether this entity is "established" by the party, and therefore subject to the ban on raising and spending soft money.

This is a strained reading of the law, to say the least. One Commissioner said with respect to the actions of the FEC's majority on these rules: "You have so tortured this law, it's beyond silly." This is clearly a prime example. How can an entity such as the one I described not be considered to have been "established" by the party? Yet that will be the result of the "grandfathering" that the FEC included in the regulations, a provision that is nowhere reflected in the law itself, and that was simply made up by the FEC out of whole cloth.

There are many other examples of torturing this law, and we will detail all of them when we consider the resolution. I think it is clear that these problems go to the heart of the soft money ban. They are not just quibbles. They undermine the central provisions of the new law. That is why we are seeking to invoke the Congressional Review Act. Some may call that a draconian step because the CRA requires us to overturn the entire regulation. But in our view, such action is appropriate. No rules are better than rules that create huge loopholes from the very start.

Furthermore, it is our view that the FEC would remain under an obligation to promulgate new rules and that new rules that address the shortcomings

that we identify in this debate will be permitted under the CRA because they will not be "substantially the same" as the regulations that we disapprove with this resolution. The CRA would give the FEC a full year from the date of enactment of the disapproval resolution to repromulgate the rules. But we expect that the FEC will act expeditiously in response to a clear message from Congress that these rules are unsatisfactory. Indeed, the regulated community will demand quick action, because it will want the guidance that regulations provide. Otherwise, it will be required to abide by a statute without the more specific guidance provided by regulations.

We take no pleasure in having to follow this course. But we worked for seven years to pass this reform for the American people. Sixty Senators voted in favor of the bill when it finally passed the Senate on March 20, 2002. We cannot turn our backs on the extralegal action of the FEC. We must act to protect the reform that so many fought so hard for so long to enact.

When we passed the McCain-Feingold bill in March, I indicated that we would continue to work for reform and to make sure that the new law was properly implemented. I really did not expect to be back on the floor so soon. But I make no apologies for it. The FEC's rules cannot stand. I ask for my colleagues support for this disapproval resolution.

By Mr. AKAKA (for himself, Mr. INOUE, Mr. KENNEDY, Mr. REED, Ms. MIKULSKI, Mr. WELLSTONE, Mr. JEFFORDS, Mr. EDWARDS, Mr. BINGAMAN, Mr. DODD, Mrs. CLINTON, Mr. LIEBERMAN, Mr. KERRY, Mr. TORRICELLI, and Mrs. BOXER):

S.J. Res. 49. A joint resolution recognizing the contributions of Pasty Takemoto Mink; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I rise to introduce a resolution passed last night in the other body, along with my colleagues Senators INOUE, KENNEDY, and others, which continues our tribute to Congresswoman Pasty Takemoto Mink in the wake of her untimely passing on September 28, 2002. The resolution honors a remarkable woman and her accomplishments for equal opportunity and education by renaming after her a provision in law commonly known as Title IX that consists of few words but has had incomprehensible and tremendous positive impact on the lives of countless numbers of girls and women in our country. With our combined action, Title IX of the Education Amendments of 1972 will now be known as the Pasty Takemoto Mink Equal Opportunity in Education Act.

As we honor our colleague, we can also recount some of the milestones in the 30-year history of Title IX and the efforts to establish standards of equal

opportunity of women. The progress we as a Nation have made in 30 years has been remarkable, and we have Patsy and a few of her visionary colleagues to thank for the equal opportunities our children enjoy today. In 1970, the U.S. House of Representatives Committee on Education and Labor held the first Congressional hearings on sex discrimination in education. At those hearings, Patsy made the following statement, "Discrimination against women in education is one of the most insidious forms of prejudice extant in our nation. Few people realize the extent to which our society is denied full use of our human resources because of this type of discrimination. Most large colleges and universities in the United States routinely impose quotas by sex on the admission of students. Fewer women are admitted than men, and those few women allowed to pursue higher education must have attained exceptional intellectual standing to win admission." She went on to state, "Our nation can no longer afford this system which demoralizes and demeans half of the population and deprives them of the means to participate fully in our society as equal citizens. Lacking the contribution which women are capable of making to human betterment, our nation is the loser so long as this discrimination is allowed to continue."

In April, 1972, Congresswoman Mink introduced the Women's Education Act of 1972. On the day of introduction, on the floor of the other body, she said, "We need the input of every individual to continue the progress we enjoy. All persons, regardless of their sex, must have enough opportunities open so that they can contribute as much to their lives and this society as they can." She further noted that, "it is essential to the existence of our country that sincere and realistic attention to there realignment of our attitudes and educational priorities be made. I suggest that education is the first place to start in a reexamination of our national goals."

On June 23, 1972, Congresswoman Mink, working with Congresswoman Edith Green of Oregon and others on the then Education and Labor Committee, saw their efforts on an important education package come top fruition as the Education Amendments of 1972 were signed into law. Title IX was included in that package. Final regulations for Title IX were issued on June 4, 1975. On June 17, 1997, President Clinton announced that he issued an executive memo directing all appropriate federal agencies to review their Title IX obligation and report their findings within 90 days to the Attorney General. In all, although the reach of Title IX has been felt the most in the athletics arena, the landmark statutes about gender roles in our society and helped to correct inequalities in areas such as educational attainment by women, educator pay, and the wide range of extracurricular activities enjoyed by female students of all ages. Much of this

would not have been possible, were it not for the immense vision and determination of Patsy Mink.

Last Friday, I attended a most fitting and moving memorial service for Patsy in Honolulu, Hawaii. I joined the senior Senator from Hawaii and many dignitaries from the other body, as well as many of Hawaii's other distinguished elected officials and thousands of Hawaii residents, in attendance to pay tribute to Patsy Mink. Among the eloquent speakers, University of Hawaii Assistant Athletics Director Marilyn Moniz-Kahoonahano called herself, "a living example of Mrs. Mink's vision of quality for women." Marilyn recounted how she had just graduated from high school after the passage of Title IX, and the University of Hawaii formed the Rainbow Wahine athletic teams. She recalled, with joy, how she and her team placed second for the national volleyball title and took pictures with Patsy on the steps of the Capitol. Marilyn's powerful words on Friday range true for many female athletes in Hawaii and around the country, as she said, "Because of you, we can play the game."

I urge the Senate to act quickly on this resolution to honor the groundbreaking efforts of Congresswoman Patsy Takemoto Mink on behalf of countless girls and women of America. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 49

Whereas Patsy Takemoto Mink was one of the Nation's leading voices for women's rights, civil rights, and working families and was devoted to raising living standards and providing economic and educational opportunity to all Americans;

Whereas Patsy Takemoto Mink was a passionate and persistent fighter against economic and social injustices in Hawaii and across the Nation;

Whereas Patsy Takemoto Mink was one of the first women of color to win national office in 1964 and opened doors of opportunity to millions of women and people of color across the Nation;

Whereas Patsy Takemoto Mink had unprecedented legislative accomplishments on issues affecting women's health, children, students, and working families; and

Whereas Patsy Takemoto Mink's heroic, visionary, and tireless leadership to win the landmark passage of title IX of the Education Amendments of 1972 opened doors to women's academic and athletic achievements and redefined what is possible for a generation of women and for future generations of the Nation's daughters: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT.

Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) is amended by adding at the end the following:

"SEC. 910. SHORT TITLE.

"This title may be cited as the 'Patsy Takemoto Mink Equal Opportunity in Education Act'."

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 336—URGING THE INTERNATIONAL COMMUNITY TO REJECT A BOYCOTT OF ISRAELI ACADEMIC AND CULTURAL INSTITUTIONS

Mr. CORZINE submitted the following resolution; which was referred to the Committee on Foreign Relations.

Whereas a campaign is underway by elements of the international academic community to limit cultural and scientific collaboration between foreign universities and academics and their counterparts in Israel;

Whereas a number of European academics have signed petitions calling upon the national governments of Europe, the European Union, and the European Science Foundation to sever contacts with Israeli academics, as well as issue a moratorium on grants to Israeli research centers and cultural institutions;

Whereas the Association of University Teachers and NATFEE, unions that represent professors and researchers employed by research centers and universities in the United Kingdom, have passed resolutions supporting academic boycotts of Israel;

Whereas several institutions of higher education, such as the University of Lille in France, have refused to cooperate with Israeli Universities;

Whereas invitations requesting Israeli researchers to address academic assemblies have been rescinded because of anti-Israel sentiment;

Whereas Israeli scholars, including Gideon Toury and Miriam Shlesinger, have been dismissed from their positions on the editorial boards of academic journals solely because of their affiliation with Israeli institutions;

Whereas because of its location in Israel, the Goldyne Savad Institute in Jerusalem was denied scientific materials needed to develop effective treatments for anemic Palestinian children by a Norwegian school of veterinary medicine;

Whereas a campaign to limit academic ties between the United States and Israel is emerging, as demonstrated by a petition calling for an American academic boycott of Israel circulated by Mazin Qumsiyeh, a Yale University professor;

Whereas counter campaigns to oppose an academic boycott of Israel have gathered significant support in several countries, including France, Poland, the United Kingdom, Germany, Australia, and the United States;

Whereas Philippe Busquin, the Commissioner for Research for the European Union, issued a statement on April 23, 2002, maintaining that "the European Commission is not in favour of a policy of sanctions against the parties to the conflict but rather advocates a continuous dialogue with them which is the best way to bring them back to negotiations";

Whereas an open letter written by Paul Scham and Eva Illouz, academics associated with Hebrew University in Jerusalem, asserts that "the call to boycott Israeli academics shows unpardonable ignorance of the role played by scientists, intellectuals, and artists in challenging the political consensus and in creating the public debate that rages in Israel at all times, including now";

Whereas an editorial in the May 2, 2002, issue of the respected British scientific journal *Nature* states that, "Israel is a research powerhouse that, given an eventual improvement of relations with its neighbors, could rejuvenate science and development in the

region through collaboration and training. Rather than signing boycotts, which will achieve nothing, researchers worldwide can help the peace process concretely by actively initiating more. . . collaborations and encouraging their institutions to do the same.";

Whereas foreign-funded research projects intended to foster cooperation between Israelis, Palestinians, and Arab academics in various disciplines including water resource management, desalinization, and cancer treatment, have continued despite current events;

Whereas Article 19, section 2, of the United Nations Covenant on Civil and Political Rights states that, "Everyone shall have the right to. . . receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice";

Whereas any attempts to stifle intellectual freedom through the imposition of an academic boycott is counterproductive since research and academic exchange provide an essential bridge between otherwise disconnected cultures and countries; and

Whereas stifling scientific and cultural exchange would limit the substantial contributions the international academic community makes to humanity: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the international scholarly community, the European Union, and individual governments, should reject, or continue to reject, calls for an academic boycott of Israel and reaffirm their commitment to academic freedom and cultural and scientific international exchange;

(2) the worldwide educational establishment should reverse actions taken to impede academic collaboration and free intellectual expression with Israeli intellectuals and institutions; and

(3) the United States and the American scholarly community should continue to actively support efforts to increase academic cooperation and encourage cultural and scientific exchange between the United States and Israel.

Mr. CORZINE. Mr. President, I rise today to submit a resolution calling on the world community to reject, or continue to reject, calls for an academic boycott of Israel and reaffirm its commitment to academic freedom and cultural and scientific exchange. This legislation also calls on the international educational establishment to reverse any actions it has taken in support of an academic boycott of Israel, and on the U.S. to support efforts to increase academic cooperation and encourage cultural and scientific exchange between the United States and Israel.

In recent months I have been troubled by reports that a movement is brewing to limit contact between European Governments, institutions, and academics, with their counterparts in Israel. Petition drives are underway in Europe and elsewhere to encourage decision-makers and scholars to academically isolate Israel as a way of expressing dissatisfaction with Israeli policies regarding the Palestinian population.

Campaigns in support of an academic boycott are as counterproductive as they are unjustified. They breed intolerance, disrupt important scientific inquiries, and undermine efforts towards

peace. Yet groups ranging from the Association of University Teachers, a labor union in England, to the University of Lille in France have made the unfortunate decision to allow their misguided political beliefs to disrupt constructive academic collaboration with colleagues in Israel.

As you may be aware, in June of this year, two Israeli scholars were dismissed from the boards of translation journals based in Manchester, England. No one asserts that these two fine academics were dismissed for incompetence or for poor scholarship. No one argues that the remarks or actions of these intellectuals reflected poorly on their institutions or on these publications. No one even claims that they were dismissed for their political views. They clearly were not. Rather, they were dismissed simply because of their nationality. They both are Israeli citizens and carry Israeli passports.

What makes their dismissal all the more ridiculous is that one of the academics discharged is Miriam Schlesinger, an Israeli human rights activist who has been a consistent voice of dissent within Israeli society. As the former chair of Israel's chapter of Amnesty International, Professor Schlesinger has been highly critical of some of the Israeli policies that the boycott is also seeking to reverse. The case of Miriam Schlesinger highlights an important fact seemingly overlooked by proponents of the boycott: in free societies, like Israel, academics often provide a range of viewpoints, many of which will differ from official government policy.

In addition to working against peace and cultural understanding, an academic boycott will stifle meaningful scientific advancements. Despite the nascent quality of the campaign against academic exchange with Israel, the announced boycott has already confounded research projects intended to foster cooperation between Israelis and Palestinians in many important areas, including water resource management and cancer treatment.

In fact, in one particularly shocking example, a Norwegian veterinary school refused to provide an Israeli research center, Goldyne Savad Institute of Gene Therapy at Hadassah Medical Center, with material it needed to conduct an important medical study. This thoughtless bureaucratic decision disrupted research intended to develop new therapies for treating anemic Palestinian children.

By passing this resolution, the Senate will join a growing chorus of institutions and publications that have condemned the practice of restricting academic exchange with Israeli and academics and institutions. For example, an editorial in the well-respected British scientific journal *Nature*, argues that an academic boycott of Israel will undermine regional progress. The article explains, and I quote, "Israel is a research powerhouse that, given an eventual improvement of relations

with its neighbors, could rejuvenate science and development in the region through collaboration and training. Rather than signing boycotts, which will achieve nothing, researchers worldwide can help the peace process concretely by actively initiating more . . . collaborations and encouraging their institutions to do the same."

The European Union has already made it clear that an academic boycott is unhelpful at best and counterproductive at worst. Philippe Busquin, the Commissioner for Research for the European Union, explained in an open letter that sanctions against Israeli academic institutions would undermine efforts to create a constructive dialogue. In that letter, Busquin appropriately emphasized the role that European, Israeli and Palestinian institutions and scientists play in "addressing critical regional issues such as agriculture or water management . . . which, is certainly more effective than many well-intentioned words without any concrete impact."

Sharing ideas and learning about another culture leads to greater tolerance and understanding, while severing intellectual and cultural ties only breeds ignorance and stultification. This senate must send a message that an academic boycott of Israel is not a catalyst for peace, but rather an unwarranted impediment to progress in the region. Because cultural understanding and scientific advancement improve the human condition, the US should seek to encourage cultural and scientific exchange between our country and our strongest ally in the Middle East, Israel.

I urge my colleagues to support this resolution, and I yield the floor.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4856. 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) proposed an amendment to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq.

SA 4857. Mr. GRAHAM proposed an amendment 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.

TEXT OF AMENDMENTS

SA 4856. 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. NICK-

LES) proposed an amendment to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for the Use of Military Force Against Iraq".

SEC. 2. 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. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) 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 nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supercedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105-338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93-148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102-1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102-1.

SA 4857. Mr. GRAHAM proposed an amendment 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 "Authorization for the Use of Military Force Against Iraq and International Terrorists Resolution".

SEC. 2. 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. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) **AUTHORIZATION.**—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq;

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq; and

(3) defend the national security of the United States against the threat posed by the following terrorist organizations:

(A) The Abu Nidal Organization.

(B) HAMAS.

(C) Hizballah.

(D) Palestine Islamic Jihad.

(E) Palestine Liberation Front.

(b) **PRESIDENTIAL DETERMINATION.**—In connection with the exercise of the authority granted in paragraph (1) or (2) of subsection (a) to use force, the President shall, prior to such exercise or as soon thereafter as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the na-

tional security of the United States against the continuing threat posed by Iraq, or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) 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 nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) **SPECIFIC STATUTORY AUTHORIZATION.**—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) **APPLICABILITY OF OTHER REQUIREMENTS.**—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105-338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93-148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102-1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102-1.

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 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.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the committee on banking, housing, and urban affairs be authorized to meet during the session of the Senate on Tuesday, October 8, 2002, at 10 a.m. to conduct an oversight hearing on "Perspectives on America's Transit Needs."

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 8, 2002, immediately following the party luncheons, to conduct a mark-up on the nominations of Mr. Alberto Faustino Trevino, of California, to be Assistant Secretary of Housing and Urban Development for Policy Development and Research; Mr. Armando J. Bucelo, Jr., of Florida, to be a director of the Securities Investor Protection Corporation; Ms. Carolyn Y. Peoples, of Maryland, to be Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity; Ms. Deborah Doyle McWhinney, of California, to be a director of the Securities Investor Protection Corporation; Mr. John M. Reich, of Virginia, to be Vice Chairperson of the Board of directors of the Federal Deposit Insurance Corporation; Mr. Rafael Cueller, of New Jersey, to be a member of the board of directors of the National Consumer Cooperative Bank; Mr. Michael Scott, of North Carolina, to be a member of the board of directors of the National Consumer Cooperative Bank; and Mr. Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, October 8, 2002, at 9:30 a.m. to conduct an oversight hearing entitled, "The Clean Water Act—Then and Now" to commemorate the 30th anniversary of the Clean Water Act.

The hearing will be held in SD-406.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 8, 2002 at 2:15 p.m. to hold a Business Meeting.

AGENDA

Treaties

1. Treaty Doc. 107-13; Treaty Between the Government of the United States of America and the Government of Belize on Mutual Legal Assistance in Criminal Matters.

2. Treaty Doc. 107-9; Treaty between the Government of the United States of America and the Government of Ireland on Mutual Legal Assistance in Criminal Matters.

3. Treaty Doc. 107-3; Treaty Between the Government of the Republic of India on Mutual Legal Assistance in Criminal Matters.

4. Treaty Doc. 107-16; Treaty Between the Government of the United States of America and the Principality of Liechtenstein on Mutual Legal Assistance in Criminal Matters.

5. Treaty Doc. 107-6; Extradition Treaty Between the United States of America and the Republic of Peru.

6. Treaty Doc. 107-4; Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania.

7. Treaty Doc. 107-11; Second Protocol Amending Treaty on Extradition Between the Government of the United States of America and the Government of Canada, as amended.

8. Treaty Doc. 107-15; Treaty between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes.

Legislation

9. 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.

10. S. 2667; A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and non-violent coexistence among peoples of diverse cultures and systems of government, and for other purposes, with an amendment in the nature of a substitute.

11. H.R. 3656; An act to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank.

Nominations

12. Mr. Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2002.

13. The Honorable Wendy Chamberlin, of Virginia, to be Assistant Administrator of the Agency for International Development for Asia and the Near East.

14. Mr. Gene B. Christy, of Texas, to be Ambassador to Brunei Darussalam.

15. Mr. Seth Cropsey, of the District of Columbia, to be Director of the International Broadcasting Bureau, Broadcasting Board of Governors.

16. Mr. John R. Dawson, of the District of Columbia, to be Ambassador to the Republic of Peru.

17. Mr. Samuel Ebbesen, of the Virgin Islands, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

18. Mr. Antonio O. Garza, Jr., of Texas, to be Ambassador to Mexico.

19. Mr. D. Jeffrey Hirschberg, of Wisconsin, to be a Member of the Broadcasting Board of Governors.

20. Ms. Nancy Jacklin, of New York, to be United States Executive Director of the International Monetary Fund.

21. Mr. David L. Lyon, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, Ambassador to the Kingdom of Tonga, and Ambassador to Tuvalu.

22. Mrs. Diane Ruebling, of Utah, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

23. Mr. Ned Siegel, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

24. Mr. Steven J. Simmons, of Connecticut, to be Member of the Broadcasting Board of Governors.

25. Mr. C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

26. Mrs. Linda E. Watt, of Florida, to be Ambassador to the Republic of Panama.

ESO Promotion list

27. Mr. Dean B. Wooden, *et al.*, dated June 21, 2002.

The PRESIDING OFFICER Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Government Affairs be authorized to meet on Tuesday, October 8, 2002 at 9 a.m. to consider the nominations of Ruth Goldway and Tony Hammond to be Commissioners at the Postal Rate Commission.

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

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "The Feres Doctrine; an Examination of this Military Exception to the Federal Tort Claims Act" on Tuesday, October 8, 2002 in Dirksen Room 226 at 2 p.m.

Witness List

Panel I: Paul Harris, Deputy Associate Attorney General, United States Department of Justice, Washington, DC, and Christopher Weaver, Rear Admiral and Commandant, United States Navy, Washington, DC.

Panel II: John Altenberg, Major General, Retired and Assistant Judge Advocate General, United States Army, Washington, DC; Eugene Fidell, Counsel, Feldesman, Tucker, Leifer, & Bank, LLP, Washington, DC; Daniel Joseph, Counsel, Akin, Gump, Strauss, Hauer & Feld, LLP, Washington, DC; Bonnie O'Neill, Kingston, PA; Nolan Sklute, Major General, Retired and Judge Advocate General, United States Air Force, North Bethesda, MD; and Richard A. Sprague, Counsel, Sprague & Sprague, Philadelphia, PA.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 8, 2002 at 10 a.m. to hold an open 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 OVERSIGHT OF GOVERNMENT MANAGEMENT RESTRUCTURING, AND THE DISTRICT OF COLUMBIA

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia be authorized to meet on Tuesday, October 8, 2002 at 10 a.m. for a hearing entitled "Dietary Supplements: Who is Protecting American Consumers?"

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

PRIVILEGE OF THE FLOOR

Mrs. LINCOLN. Mr. President, I ask unanimous consent that Elizabeth

Pika from my staff be granted floor privileges.

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

ORDER OF BUSINESS

Mr. REID. Mr. President, we have some more business tonight, and we will get to that very shortly. In the meantime, I suggest the absence of a quorum.

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

ORDERS FOR WEDNESDAY, OCTOBER 9, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, October 9; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the Republican leader or his designee; that at 11 a.m., the Senate resume consideration of S.J. Res. 45; and that the live quorum with respect to the cloture motion filed earlier today be waived.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, there is no further business to come before the Senate I am aware of. Therefore, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:25 p.m., adjourned until Wednesday, October 9, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 8, 2002:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

WILLIAM JOSEPH BURNS, OF PENNSYLVANIA
PRUDENCE BUSHNELL, OF VIRGINIA

JOHN RANDLE HAMILTON, OF VIRGINIA
ARLENE RENDER, OF OHIO
EARL A. WAYNE, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE
OF THE UNITED STATES OF AMERICA, CLASS OF MIN-
ISTER-COUNSELOR:

W. LEWIS AMSELEM, OF CALIFORNIA
DIANNE MCINTYRE ANDRUCH, OF ARIZONA
WILLIAM D. ARMOR, OF VIRGINIA
MICHAEL DONALD BELLOWS, OF IOWA
DONALD M. BISHOP, OF VIRGINIA
JACK A. BLAIR JR., OF VIRGINIA
PETER WILLIAM BODDE, OF MARYLAND
JANET L. BOGUE, OF WASHINGTON
PAMELA E. BRIDGEWATER, OF MARYLAND
JAMES L. BULLOCK, OF TEXAS
WAYNE JEFFREY BUSH, OF OREGON
LAWRENCE E. BUTLER, OF MAINE
JAMES J. CARRAGHER, OF CALIFORNIA
ROBERT F. CEKUTA, OF NEW YORK
FRANK JOHN COULTER JR., OF MARYLAND
PHILO L. DIBBLE, OF THE DISTRICT OF COLUMBIA
RENEE M. EARLE, OF KENTUCKY
ROBERT PATRICK JOHN FINN, OF NEW YORK
ROBERT W. FITTS, OF NEW HAMPSHIRE
JAMES MICHAEL GAGNON, OF VIRGINIA
WILLIAM G. HARRISON, OF CALIFORNIA
KARL WILLIAM HOFMANN, OF MARYLAND
KEVIN E. HONAN, OF NEW JERSEY
RAVIC ROLF HUSO, OF VIRGINIA
STEPHEN R. KELLY, OF NEW HAMPSHIRE
CORNELIS MATHIAS KEUR, OF MICHIGAN
RICHARD E. KRAMER, OF TENNESSEE
RICHARD BURDETTE LEBARON, OF VIRGINIA
JEFFREY JOHN LUNSTEAD, OF PENNSYLVANIA
R. NIELS MARQUARDT, OF CALIFORNIA
THOMAS E. MCKEEVER, OF TEXAS
ROBERT JOHN MCANNENY, OF CONNECTICUT
GRETCHEN A. MCCOY, OF NEBRASKA
P. MICHAEL MCKINLEY, OF CONNECTICUT
ROGER ALLEN MEECE, OF WASHINGTON
MICHAEL W. MICHALAK, OF THE DISTRICT OF COLUMBIA
WILLIAM T. MONROE, OF CONNECTICUT
JOHN R. NAY, OF TENNESSEE
STEPHEN JAMES NOLAN, OF PENNSYLVANIA
WILLIAM VAN RENSALIER PARKER, OF MARYLAND
MAUREEN QUINN, OF NEW JERSEY
RICHARD J. SCHMIERER, OF CONNECTICUT
MARGARET SCOBEEY, OF TENNESSEE
JOHN F. SCOTT, OF IOWA
JOAN VERONICA SMITH, OF THE DISTRICT OF COLUMBIA
WILLIAM A. STANTON, OF CALIFORNIA
W. DAVID STRAUB, OF KENTUCKY
LAURIE TRACY, OF VIRGINIA
CAROL J. URBAN, OF THE DISTRICT OF COLUMBIA
MARC M. WALL, OF VIRGINIA
ROBERT WEISBERG, OF NEW HAMPSHIRE
THOMAS J. WHITE, OF NEW YORK
JAMES HAMMOND WILLIAMS, OF PUERTO RICO
ALEJANDRO DANIEL WOLFF, OF CALIFORNIA
DONALD YUKIO YAMAMOTO, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBERS OF THE
FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR
FOREIGN SERVICE, AND FOR APPOINTMENT AS CON-
SULAR OFFICERS AND SECRETARIES IN THE DIPLO-
MATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE
OF THE UNITED STATES OF AMERICA, CLASS OF COUN-
SELOR:

RICHARD AKER, OF ARKANSAS
BERNADETTE MARY ALLEN, OF MARYLAND
JONATHAN MARK ALDISI, OF VERMONT
LUIS EDMUNDO ARREAGA-RODAS, OF CALIFORNIA
ALEXANDER ARMANDO ARVIZU, OF COLORADO
MARK L. ASQUIMO, OF RHODE ISLAND
JESS LIPINCOTT BAILY, OF OHIO
JUDITH RAINE BAROODY, OF VIRGINIA
JOYCE ANNE BARR, OF WASHINGTON
JOHN KENNETH BAUMAN, OF VIRGINIA
ROBERT WALTER BOEHME, OF NEW JERSEY
DAVID R. BURNETT, OF IDAHO
MARTHA LARZELLE CAMPBELL, OF NEW HAMPSHIRE
GUYLE E. CAVIN, OF TEXAS
JUDITH ANN CHAMMAS, OF MINNESOTA
RAUL E. CHAVERA, OF TEXAS
MARY DEANE CONNERS, OF PENNSYLVANIA
KATHLEEN DAVIS, OF CALIFORNIA
DAVID F. DAVISON, OF VIRGINIA
LARRY MILES DINGER, OF VIRGINIA
DAVID TANNRATH DONAHUE, OF INDIANA
JOSEPH R. DONOVAN JR., OF NEW YORK
TREVOR J. EVANS, OF WASHINGTON
JOHN P. FELT, OF VIRGINIA
GREGORY C. FERGIN, OF WASHINGTON
ALBERTO M. FERINDEZ, OF FLORIDA
ALCY RUTH FRELICK, OF CALIFORNIA
RUSSELL LOUIS FRISBIE, OF VERMONT
CHARLES H. GROVER, OF NEW HAMPSHIRE
ROBERT S. HAGEN, OF ILLINOIS
BRADFORD E. HANSON, OF CALIFORNIA
PATRICIA M. HASLACH, OF OREGON
JAMES THOMAS HEG, OF WASHINGTON
MICHAEL STEPHEN HOZA, OF SOUTH CAROLINA
JOHN MELVIN JONES, OF VIRGINIA
SANDRA LYNN KAISER, OF WASHINGTON
IAN CRAWFORD KELLY, OF NEW JERSEY
JAMES J. KENNEY JR., OF FLORIDA
JOHN MONROE KOENIG, OF WASHINGTON
THOMAS CHARLES KRJESKI, OF MASSACHUSETTS
LISA JEAN KUBISKE, OF VIRGINIA
HUGO LLORENS, OF NEW YORK
HAYNES RICHARDSON MAHONEY III, OF MASSACHU-
SETTS
SCOT ALAN MARCIEL, OF VIRGINIA

RONALD K. MCMULLEN, OF IOWA
DAN MOZENA, OF IOWA
GERALDINE H. O'BRIEN, OF VIRGINIA
JAMES A. PAIGE, OF OHIO
CAROL ZELIS PEREZ, OF TEXAS
JAMES D. PETTTT, OF IOWA
KEITH POWELL II, OF OREGON
PHYLLIS MARIE POWERS, OF TEXAS
MARGUERITA DIANNE RAGSDALE, OF VIRGINIA
RICKY LYNN ROBERTS, OF MISSISSIPPI
THOMAS BOLLING ROBERTSON, OF VIRGINIA
DANIEL A. RUSSELL, OF MAINE
LARRY SCHWARTZ, OF WASHINGTON
DAVID BRUCE SHEAR, OF NEW YORK
JOHN T. SHEELY, OF VIRGINIA
DANIEL BENNETT SMITH, OF CALIFORNIA
DANIEL ALAN SPIKES, OF FLORIDA
DERWOOD KEITH STAEBBEN, OF WISCONSIN
GRACE CAROLYN STETTENBAUER, OF VIRGINIA
TEDDY B. TAYLOR, OF FLORIDA
ROSA E. TRAINHAM, OF ALABAMA
JAMES B. WARLICK JR., OF CALIFORNIA
MARY BURCE WARLICK, OF CALIFORNIA
RUFUS A. WATKINS, OF FLORIDA
EDWARD J. WEHRLI, OF TEXAS
MARY JO WILLS, OF VIRGINIA
JOHN L. WITHERS II, OF MARYLAND
MARCIA KIM WONG, OF VIRGINIA
MARK F. WONG, OF MARYLAND
ROBERT T. YAMATE, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE,
CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND
SECRETARIES IN THE DIPLOMATIC SERVICE OF THE
UNITED STATES OF AMERICA:

MARY L. BOONE, OF NORTH CAROLINA
TERRY LEE BRANSTNER, OF WYOMING
TIMOTHY W. BURCHFIELD SR., OF VIRGINIA
EMILE CORNELLE CORNELLE JR., OF VIRGINIA
CRAIG P. DECAMPLI, OF VIRGINIA
RAYMOND M. DECASTRO, OF FLORIDA
PATRICK D. DONOVAN, OF VIRGINIA
PAUL W. EICKMAN, OF NEBRASKA
JANICE J. FEDAK, OF PENNSYLVANIA
JOHN PATRICK GADDIS, OF TEXAS
GARY M. GIBSON, OF MARYLAND
BARRY K. GOULD, OF WASHINGTON
STEPHEN J. MERGENS, OF VIRGINIA
ERICK G. MORIN, OF NEW HAMPSHIRE
SUSAN W. MUSSER, OF CONNECTICUT
ANTHONY JOSEPH RICHARDS, OF VIRGINIA
DOUGLAS J. ROSENSTEIN, OF CALIFORNIA
MICHAEL L. YOUNG, OF COLORADO

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES
INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OF-
FICERS OF THE CLASS STATED, AND ALSO FOR THE
OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF
CLASS THREE, CONSULAR OFFICER AND SECRETARY IN
THE DIPLOMATIC SERVICE OF THE UNITED STATES OF
AMERICA:

DEPARTMENT OF STATE

JON CHRISTOPHER KARBER, OF ARIZONA
SALVATORE PIAZZA, OF ARIZONA

DEPARTMENT OF COMMERCE

GREGORY M. WONG, OF HAWAII

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF
CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN
THE DIPLOMATIC SERVICE OF THE UNITED STATES OF
AMERICA:

DEPARTMENT OF STATE

ANGELA PRICE AGGELER, OF THE DISTRICT OF COLUM-
BIA
LORI ELLEN BALBI, OF OREGON
KATIA JANE BENNETT, OF IOWA
CATILIN DOROTHY BERGIN, OF NEW HAMPSHIRE
JOHN DANIEL BOYLL, OF TEXAS
CARLETON MYLES BULKIN, OF CALIFORNIA
DEANGELA BURNS-WALLACE, OF NEW JERSEY
MARK JOSEPH CASSAYRE, OF CALIFORNIA
MARC DOUGLAS DILLARD, OF CALIFORNIA
PAUL MICHAEL FERMOILE, OF NEW YORK
SUMONA GUHA, OF MARYLAND
JOSEPH ALEXANDER HAMILTON, OF NEW JERSEY
JAMES ROBERT HELLER, OF VIRGINIA
MATTHEW G. JOHNSON, OF CALIFORNIA
DEANNA GENTRY KIM, OF FLORIDA
ROBERT DAVID LEE, OF MARYLAND
WILLIAM GLOVER LEHMBERG, OF CALIFORNIA
RYAN COURTNEY LEONG, OF CALIFORNIA
CHRISTOPHER S. MACHIN, OF MARYLAND
MARIA KATRINA MEYLER, OF NEW JERSEY
LISA DANIELLE MILLER, OF CALIFORNIA
RAMON A. NEGRON, OF PUERTO RICO
CLARISA PEREZ-ARMENDARIZ, OF COLORADO
AMY SUE RADETSKY, OF KANSAS
DEMETRIA CANDACE SCOTT, OF VIRGINIA
THOMAS B. SELINGER, OF FLORIDA
JEFFREY CRAWFORD VICK, OF TEXAS
MARK ALAN WELLS, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN
SERVICE OF THE DEPARTMENTS OF STATE AND COM-
MERCE TO BE CONSULAR OFFICERS AND/OR SECRE-
TARIES IN THE DIPLOMATIC SERVICE OF THE UNITED
STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIP-
LOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

TERRY A. ALSTON, OF SOUTH CAROLINA

BRIDGET ALWAY, OF IDAHO
DANNIELLE R. ANDREWS, OF CALIFORNIA
DARIAN LAWRENCE ARKY, OF NEVADA
ELIZABETH MCGEE BAILEY, OF TEXAS
NOLAN E. BARKHOUSE, OF TEXAS
HEIDI-HAKONE L. BARRACHINA, OF VIRGINIA
JOHN FREDERICK BENDER, OF VIRGINIA
GREGORY K. BERTIN, OF VIRGINIA
JOHN E. BRIGHAM, OF VIRGINIA
RACHEL L. COOKE, OF VERMONT
C. AMANDA CRANMER, OF PENNSYLVANIA
DAVID JUDE CUMMINGS, OF COLORADO
RICHARD CHRISTOPHER WHITTING DAVY, OF TEXAS
PATRICIA DE LA SOTA, OF TEXAS
MELISA MARIE DOHERTY, OF THE DISTRICT OF COLUM-
BIA
WILLIAM REB DOWERS, OF FLORIDA
ABIGAIL L. DRESSEL, OF CONNECTICUT
STEVEN M. DYOKAS, OF ILLINOIS
KENNETH J. EGAN, OF VIRGINIA
PATRICIA ELLIS, OF PENNSYLVANIA
BARBARA I. ENSSLIN, OF FLORIDA
LISA L. FICEK, OF SOUTH DAKOTA
DAVID B. FOLEY, OF CALIFORNIA
ANNE MARIE GATES, OF VIRGINIA
SHARON ELIZABETH GORDON, OF CALIFORNIA
MICHAEL ANDREW GRAHAM, OF MISSOURI
KATHLEEN K. GRANDY, OF IDAHO
KRISTEN KAROL GRAUER, OF MICHIGAN
MICHAEL THOMAS GREER, OF NEW YORK
NICHOLAS CASSELL GRIFFITH III, OF ARKANSAS
GEORGIA J. GRUBE, OF VIRGINIA
MARY K. GUNN, OF CALIFORNIA
MAUREEN HAGGARD, OF WASHINGTON
JULIANA HAMILTON-HODGES, OF TEXAS
SARAH ELIZABETH HANKINS, OF NORTH CAROLINA
STACIE RENEE HANKINS, OF NORTH CAROLINA
MARLIN JOHN HARDINGER, OF WISCONSIN
KIMBERLY DANA HARRINGTON, OF NEW JERSEY
ROYNDA E. HARTSFIELD-NACK, OF VIRGINIA
LINDSAY N. HENDERSON, OF OREGON
NATASHA M. HENDERSON, OF PENNSYLVANIA
DAVID ANTHONY HENRY, OF RHODE ISLAND
THOMAS RICHARD HINES, OF MINNESOTA
DOVIE HOLLAND, OF GEORGIA
NEIL W. HOP, OF OREGON
LAURA PHIPPS HRUBY, OF THE DISTRICT OF COLUMBIA
AMANDA L. JOHNSON, OF MONTANA
DENISE LYNNETTE KNAPP, OF TEXAS
THADDEUS L. KONTEK, OF VIRGINIA
LALE KUYUMCU, OF THE DISTRICT OF COLUMBIA
GEORGE EDWARD LEARNED, OF COLORADO
CHERIE J. LENZEN, OF ILLINOIS
JOHN A. LEWANDOWSKI, OF MISSOURI
ANNE LINNER, OF MINNESOTA
TIMOTHY EDWARD LISTON, OF VIRGINIA
CHRIS J. LONG, OF VIRGINIA
R. BRYAN MARCUS, OF ALABAMA
FRANCISCO MARTINEZ JR., OF VIRGINIA
KIRK E. MCCLAIN, OF VIRGINIA
MARK G. MCGOVERN, OF NEW JERSEY
BRIAN GERALD MCINERNEY, OF INDIANA
LEE MCMANIS, OF CALIFORNIA
SUZANNE MCPARTLAND, OF NEW YORK
GENEVE ELIZA MENSCHER, OF NEW JERSEY
KENNETH LEE MEYER, OF OHIO
DEBORAH A. MILLER, OF MINNESOTA
ALLISON MARGARET MONZ, OF CALIFORNIA
JUDY S. MOORE, OF TEXAS
MARY CLARE MOORE, OF VIRGINIA
JOHN PAUL MOPPERT, OF FLORIDA
CHARLES H. MORRILL, OF NEW HAMPSHIRE
LANGDON G. MORRISON, OF FLORIDA
CHRISTOPHER M. NEWTON, OF CALIFORNIA
VALERIE C. O'BRIEN, OF VIRGINIA
JOSEPH JAMES O'CONNOR-FITZGERALD, OF WASH-
INGTON
MYRNA M. ORTIZ KERR, OF NEW YORK
NICOLE IRELAND OTALLAH, OF VIRGINIA
AMY MUDD PATEL, OF MISSOURI
KIMBERLY JOY PENLAND, OF FLORIDA
CHAD SAYLOR PETERSON, OF WASHINGTON
SUZANNE K. PHILION, OF NEW HAMPSHIRE
QUINN N. PLANT, OF WASHINGTON
JOHN ANTHONY REGAN, OF PENNSYLVANIA
STEVEN M. RIDER, OF SOUTH DAKOTA
ISABEL E. RIOJA-SCOTT, OF ARIZONA
MICHAEL ROMAN ROUSEK, OF OHIO
ADAM WILLARD SCARLATTELLI, OF NEW JERSEY
AARON MICHAEL SCHWOEBEL, OF TEXAS
NICOLE E. SPECIANS, OF ILLINOIS
TANYA K. SPENCER, OF TEXAS
MARK ANDREW STEPHENS, OF MARYLAND
KRISTIN M. STEWART, OF COLORADO
GUY T. STRANDEMO, OF MINNESOTA
CODY CORINNE TAYLOR, OF CALIFORNIA
TIMOTHY SHAWN TIMMONS, OF WASHINGTON
AARON D. TRIMBLE, OF VIRGINIA
EDWARD L. WATERS, OF NEVADA
GREGG D. WENZEL, OF VIRGINIA
CATHERINE J. WESTLEY, OF ILLINOIS
ANTJE WEYGANDT, OF VIRGINIA
SHERON D. WILLIAMS, OF MARYLAND
LAGRANGE WORTHINGTON, OF VIRGINIA
CHRISTOPHER THOMAS ZIMMER, OF ILLINOIS
EARL JAY ZIMMERMAN, OF FLORIDA

DEPARTMENT OF COMMERCE

CHRISTOPHER T. CLOUTIER, OF THE DISTRICT OF CO-
LUMBIA
MARY AILEEN CROWE, OF NEW HAMPSHIRE
CHERYL DUKELOW, OF WASHINGTON
HELEN L. PETERSON, OF CALIFORNIA
MARK RUSSELL, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE
FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR
FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DEPARTMENT OF STATE

EARL A. FERGUSON, OF INDIANA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER COUNSELOR:

DEPARTMENT OF STATE

JOHN E. LANGE, OF NEW YORK

DEPARTMENT OF AGRICULTURE

PETER FERNANDEZ, OF NEW YORK

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D.W. CORLEY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BURWELL B. BELL III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JERRY L. SINN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD A. HACK, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL H. SUMRALL, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

TANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES T. CONWAY, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. LOWELL E. JACOBY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID L. BREWER III, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSORS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333 (B) AND 9336 (A).

To be colonel

DANA H. BORN, 0000

JAMES L. COOK, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES R. KIMMELMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN E. JOHNSTON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JANET L. BARGEWELL, 0000

EDMUND K. DALEY III, 0000

STEVEN H. DAVID, 0000

MICHAEL R. SMITH, 0000

MITCHELL E. TOLMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LELAND W. DOCHTERMAN, 0000

MOHAMED S. IBRAHEIM, 0000

BEVERLY R. SMATHERS, 0000

ROBERT M. SMITH, 0000

DOUGLAS R. WINTERS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GLENN E. BALLARD, 0000

NANCY L. ELLWOOD, 0000

JAN C. JONSON, 0000

CAROLYN L. MAYNARD, 0000

JANE M. MORRICAL, 0000

MARION J. YESTER, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT D. BOIDOCK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

DERMOT M. COTTER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

CONNIE R. KALK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

MICHAEL J. HOILLEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ROMEO NG, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

THOMAS E. PARSHA, 0000