

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ

MARKUP BEFORE THE COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

H.J. Res. 114

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AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ

WEDNESDAY, OCTOBER 2, 2002

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 5:10 p.m. in Room 2172 Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order.

Pursuant to notice, I now call up House Joint Resolution 114, Authorization for the Use of Military Force Against Iraq for purposes of markup and move its favorable recommendation to the House.

It is the intention of the Chair to recognize Members to make opening statements on the resolution tonight. I do not intend to recognize anyone for the purpose of offering an amendment, and accordingly, I do not anticipate any votes in the Committee this evening.

The Chair will now recognize Members to strike the last word on the pending—I am sorry. The Chair will recognize Ranking Member Tom Lantos to strike the last word.

Mr. LANTOS. Thank you, Mr. Chairman.

Let me first commend you for calling today's markup of this historic resolution. You have insisted, with my full support, that our Committee's prerogatives be respected.

I think every Member of our Committee on both sides of the aisle deeply appreciates it. I know we will have a lively and spirited debate, both today and tomorrow.

I also support your decision to allow every Member to make an opening statement. The question of authorizing the use of force against Iraq is one of the most important issues that Members of Congress will vote for, and I think every Member must be given a full opportunity to express his views.

Let me also say at the outset, Mr. Chairman, that not only every Member of this Committee, but every Member of Congress in both the House and the Senate is viewed by me as a patriot whose views are fully entitled to respectful listening; and I deeply deplore some recent statements questioning the loyalty of some Members of Congress because of their views. This is a democracy where the widest diversion of views prevails. Our ability to express our views freely and openly and without anybody questioning our loyalty or patriotism is critical.

The compromise resolution we are considering today is the product of true patriotism and statesmanship shown by the bipartisan leadership. In particular, I applaud Democratic Leader Gephardt for the pivotal role he played in shaping and, indeed, dramatically strengthening the original resolution which was before us. And I urge all of my colleagues to join me in strongly supporting this resolution, as crafted and agreed to by the bipartisan leadership.

Mr. Chairman, Saddam Hussein and his weapons of mass destruction, both the ones he possesses and the ones he is in the process of developing, pose an intolerable military threat to the United States, to our friends and to our allies, to Iraq's neighbors and indeed to the Iraqi people.

In 1981, our ally, Israel, spotted the growing danger posed by Saddam Hussein and attacked Iraq's Osirac nuclear reactor. Had that action not been taken and had Saddam Hussein been allowed to develop nuclear weapons, the United States and our coalition partners would have undoubtedly faced a horrendously difficult decision 10 years ago.

Had we gone to war, we would have suffered vastly more casualties than was in fact the case during the Gulf War, or conceivably, if Iraq's possession of nuclear weapons would have prevented military action, we would now see Saddam Hussein controlling the oil resources, not only of Iraq but also Kuwait, Saudi Arabia, and the oil-rich sheikdoms of the Gulf. He would be controlling well over half of the oil resources of the world.

With Iraq again on the verge of developing nuclear weapons, we again must take action. Such action is necessary to prevent Saddam Hussein from making a mockery of the United Nations, of the United States, and indeed the entire international community. Enough is enough.

Saddam Hussein had 11 years to live up to the commitments he assumed after his defeat in the Persian Gulf War. He now must be stopped before he continues developing his arsenal of weapons of mass destruction or before those weapons fall into the hands of terrorists who might be targeting the United States. There is little time to lose.

Now is the time, Mr. Chairman, for the United States to confront this challenge and to seize this opportunity. It is also the time for the United Nations to rise to the occasion and to live up to its founders' expectations by enforcing the resolution Saddam Hussein has systematically flouted. I call upon Russia, China and France, and indeed all members of the U.N. Security Council to join the United Kingdom and the United States in compelling Iraq's compliance with its assumed obligations.

If we are convinced of Saddam Hussein's intention to develop and use weapons of mass destruction, we must disarm him before he becomes stronger and before he becomes a full-fledged nuclear power. Postponing this painful action will only increase the danger and increase the price of the inevitable bloodshed.

Saddam's dictatorship, Mr. Chairman, is the antithesis of the democracy we desire and we must promote in the Middle East. If Saddam is removed from power, we must ensure that his regime is gradually replaced by a democratic order.

We cannot be content to see Saddamism without Saddam. A democratic Iraq surely would change the Middle East's strategic calculus, and would send a powerful message of deep hope to Arabs throughout the region living currently under all totalitarian regimes.

Mr. Chairman, I fervently hope that Saddam can be disarmed through the inspection process which may commence in a few weeks, and I earnestly pray that war can be avoided.

I am among the handful of Members of this Committee and indeed of this Congress who experienced the horrors of both ground war and air war for protracted periods of time. I know all too well the painful human cost of war, which must be avoided. But I am also aware of the unbearable costs of the price of appeasement, because the price of appeasement is greater destruction, greater suffering and an infinitely greater loss of innocent life. Had Hitler's regime been taken out in a timely fashion, the 51 million innocent people who lost their lives during the Second World War would have been able to finish their normal life cycles.

Mr. Chairman, if we appease Saddam Hussein, we will stand humiliated before both humanity and history. We are all deeply committed on this Committee and in this Congress to protecting U.S. national security interests, to promoting peace worldwide and to authorizing the use of armed force in pursuit of those ends only as the very last resort. All among us weigh our words and cast our votes in these momentous days in accordance with the dictates of our conscience, and we are therefore deserving of each other's respect.

It is in this spirit, Mr. Chairman, that I welcome today's debate and look forward to the views of all of my colleagues.

Chairman HYDE. I thank you, Mr. Lantos.

The Chair is going to request, since it is my intention that everybody have an opportunity to make an opening statement, that the time constraints of 5 minutes be respected. And if you watch up at the desk, you will see a yellow light; then you can try to bring your remarks to a close.

I do not mean this remark as a correction for Mr. Lantos, because he is the Ranking Democrat, and he speaks for his party as well as himself.

But we have many hours of opening statements if everybody uses their 5 minutes, and so I would respectfully ask you to be mindful of time constraints.

Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. And I will heed your admonition.

And I commend Chairman Hyde for bringing this historic resolution before our Committee today in such a timely manner.

Mr. Chairman, my colleagues, I fully support the President in his efforts to demand Iraqi compliance with the previously adopted U.N. resolutions. Since expelling U.N. inspectors from Iraq, Saddam Hussein has had 4 years to rebuild and rearm his country's weapons stockpiles.

It is imperative that a united front take his threats seriously, and take preventive action against the tyranny of the Iraqi Government to disarm before any events of September 11th are repeated.

By not taking decisive action to require Iraq to comply with U.N. Security Council resolutions, relevant to its programs aimed at developing weapons of mass destruction, risks perverse political and legal consequences. It would suggest that an outlaw state has only to engage in a diplomatic war of attrition to be able to be released from its legal obligations and be freed from the threat of military action to enforce compliance with international law.

Saddam's continued breaches of those resolutions constitute a real threat to our Nation and to other nations in that region, and to our interests in that part of the world, a threat that we must no longer ignore. If Saddam is allowed to retain and expand his possession of weapons of mass destruction, of chemical and biological weapons, even if they are unable to threaten the U.S. by conventional means, will make it exceedingly difficult to respond to future acts of Iraqi aggression.

In the same manner that we respond to Saddam Hussein's continued threats, we must be fully committed to the reconstruction of Iraq as a unified democratic state.

Chairman HYDE. The Committee will come to order. The Committee will stand in recess until the police restore order. I ask the police to restore order.

[Recess.]

Chairman HYDE. The Committee will be in order. This is a very serious matter, and I would appreciate order in the Committee room.

Let Mr. Gilman finish his important statement.

Mr. GILMAN. Thank you, Mr. Chairman.

In the same manner that we respond to Saddam Hussein's continued threats, we must be fully committed to the reconstruction of Iraq as a unified democratic state in the event that a military strike topples Saddam Hussein.

And I want to thank my colleagues for their patience, and thank you, Mr. Chairman. I regret we had the interruption.

Chairman HYDE. Thank you very much.

Mr. Berman of California.

Mr. BERMAN. Thank you, Mr. Chairman. I don't have a prepared opening statement, but I just wanted to make a couple of points.

It is probably no surprise that I am a supporter of this resolution. Ironically, to the extent there is a chance that the issue of Saddam's weapons of mass destruction can be dealt with and can be disarmed without the use of force, I believe—somewhat counterintuitively and ironically—that it comes from a strong bipartisan, bicameral show of support for providing this Administration with the authorization contained in this resolution. Because whatever people want to say, the fact is, the issue of meaningful, comprehensive inspections on demand—unfettered, unlimited by Saddam's continuous evasions, denials and lies—has not been on the world's agenda or on the Security Council agenda until such time as this issue has risen to this level. And I believe that we should play this card out all the way.

I am skeptical that his disarmament can come through inspections, but like Mr. Gephardt has said and like the President is now saying, I think it is right to exercise all diplomatic options first.

I just want to make a couple of points. I truly believe that Saddam's arsenal of weapons of mass destruction is worse than we know. He has more than we can prove. He is closer to achieving what he wants than we think. And the reason I say that is, every time this has occurred in the past, we have learned that.

I will never forget that our own briefings from our own intelligence agencies in the late 1980s and 1990 indicated that, at best, Saddam had a primitive nuclear weapons program that was years away from fruition. And it wasn't until after the Gulf War that our inspectors, somewhat serendipitously, learned and discovered clear evidence that he was within 6 months to 1 year from having nuclear weapons.

So I go into this believing, perhaps as an article of faith, but based on past indications, that he has worse than we know of. I think we are headed to a confrontation with him on this issue if we cannot deal with it through the inspection regime sooner or later. And I believe, for America and for the world and for the Iraqi people, the costs in life and in devastation and in destruction and in economic costs will be less dealing with it sooner than procrastinating and postponing it until later. And I think that also should factor into our thinking in terms of timing.

And to my Democratic colleagues in the House who are struggling with this issue, I would like to make a couple of points very specifically addressed to you.

We talk now about preemptory strikes and unilateral action. It wasn't but a few years ago that we were asked to give authorization for air strikes in Kosovo against the Yugoslav regime, notwithstanding the fact that there was no U.N. Security Council resolution, and could not be one for the Russians were sure to veto it. Notwithstanding the fact that the national security threat to us there, such as it was, was clearly less than what Iraq's arsenal of weapons of mass destruction relates to the region. And to us now—a country, Iraq, led by a war criminal even more brutal than Milosevic, with far greater U.N. security interests and far greater threats to the stability of the international system than was posed there—but we Democrats overwhelmingly voted for that authorization to use force at that time.

The second point in this area that I want to make—

Chairman HYDE. The gentleman's time has expired.

Mr. BERMAN. All right.

Chairman HYDE. If you want another few seconds.

Mr. BERMAN. Thirty seconds to make, if I may, to make this point. Talk to the Clinton Administration security people—Jim Steinberg, Deputy Director of the NSA; Richard Holbrooke, U.N. Ambassador; and probably the Secretary of State if Florida had turned out differently Martin Indyk, the author of the dual containment strategy, and Assistant Secretary for Near East Affairs; Ken Pollack, the Iraqi specialist at the NSC working in implementing the containment policies; Walter Slocombe, Deputy Secretary of the Department of Defense.

Nearly every one of the Clinton Administration people directly involved in Iraq policy, State Department, NSC or Defense Department thinks that this is the right decision, a "yes" vote on this authorization both to maximize our chances of pursuing a successful

diplomatic policy through the Security Council or, in the alternative, to deal with something that we have to deal with.

I thank you, Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Iowa, Mr. Leach.

Mr. LEACH. Thank you, Mr. Chairman. As all Members know, this resolution involves a difficult set of decisions that neither the Congress nor the executive can duck. And anyone who is not conflicted in their judgments isn't thinking seriously.

For myself, I have enormous regard for the President and great respect for his foreign policy advisors, but I have come to the conclusion that this resolution misfits the times and the circumstances. There may be a case for regime change, but not for war against Iraq and its people.

Because time is brief, I would like to emphasize three points. First, given the events of 9/11, a doctrine of preemption has a modicum of legitimacy. But the greater our power, the more important it is to use it with restraint. Otherwise, it will be seen as hubristic, with a strong prospect of counterproductive ramifications. Engaging in war the wrong way can too easily jeopardize the underlying conflict against terrorism and undercut core American values and leadership around the world.

Two, there are many so-called end-game elements that have not been adequately addressed. They range from the dilemma of street combat, to problems of postwar government governance, to worldwide Muslim reaction.

Three and most profoundly, this resolution is based on a misunderstanding of modern science as it applies to weapons of war. The assumption is that there is a compelling case to preempt a nuclear weapons program. But what is underestimated is the volume and the danger of the biological agents Saddam possesses and the nature of his likely response to outside intervention.

The tactical assumption is that Saddam will be on the defensive with an American-British attack. But, the likelihood is that, as troubling as end-game problems are, the beginning conflict issues may be the most difficult ever confronted in the region and possibly in all of modern warfare.

When a cornered tyrant is confronted with a use-or-lose option with weapons of mass destruction and is isolated in the Arab world unless he launches a jihad against Israel, it is not hard to imagine what he will choose. Israel has never faced a greater challenge to its survival. The likelihood is that weapons of mass destruction, including biological agents, will be immediately unleashed in the event of Western intervention in Iraq.

In the Gulf War, Saddam launched some 40 SCUD missiles against Israel, none with biological agents. Today, he has mobile labs, tons of such agents, and an assortment of means to deliver them.

It is true that his stockpiles could be larger in years to come. But Members must understand that the difference between a few and a few hundred tons of anthrax or plagues may not be quantum. These are living organisms that can multiply; they endanger the region and, potentially, the planet.

We used to have a doctrine of MAD, mutually assured destruction, between the United States and the USSR. No one seriously

contemplated aggression because of the consequences. Today, for the first time in human history, we have a doctrine of mutually assured destruction between two smaller countries, Iraq and Israel, one with biological weapons, the other nuclear.

The problem is that British and American intervention could easily trigger an Iraqi biological attack on Israel, which could be met by a nuclear response. Not only would we be the potential precipitating actor, but our troops could be caught in crosswinds and cross fire.

This is a circumstance we should pack from. Thank you.

Chairman HYDE. Mr. Ackerman, the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, on the subject of Iraq, there is really no question about any of the facts the President has cited in making the case for urgent action against the threat posed by the current Iraqi regime. Only the deliberately obtuse can doubt that Saddam Hussein is a murderous, rapacious dictator with an addiction to aggression and a long record of gross miscalculations. Since seizing power and killing all of his domestic rivals, Saddam has spent the entirety of his rule committing acts of gross, unproved aggression, preparing for war, or brutalizing his own countrymen.

There is also no question about Iraq's appetite for weapons of mass destruction. The single question we must answer, the single decision from which all other decisions will naturally descend is, what to do about this threat. It is grave, it is immediate, and it will not satisfactorily resolve itself without action.

We cannot simply hope that Saddam Hussein will be deterred. He has shown himself to be in inveterate and dangerous gambler. We cannot simply hope that Saddam will not share weapons of mass destruction technology with terrorists. We all know al-Qaeda elements have already been at work soliciting Iraqi aid in this field. We cannot simply hope that U.N. inspectors will root out Saddam's weapons of terror. We know he has defeated inspections for 10 years and is prepared to risk his regime to preserve them.

Mr. Chairman, hope is not a plan, nor is hope a method that we can depend upon to ensure our national security. I believe that we all want a nonviolent resolution to this problem, and I believe that authorizing the President to use force, if necessary, is the best way to preserve that option. But if we must use force, then the central issue, to my mind, is how to secure the greatest and broadest international endorsement for our proposed course of action.

Mr. Chairman, since World War II, the United States on the basis of broad, bipartisan consensus has been leading the world through the creation of a system of international security based on shared norms and institutions. The international order our Nation has established and sustained since the Presidencies of Roosevelt, Truman and Eisenhower, the so-called Pax Americana, has succeeded for decades because it has been perceived internationally as legitimate and not just self-interested, the peace of the Americans, not the peace for the Americans.

The idea that we are all in this together has enabled our country to lead for decades without any significant backlash. The key questions that remain are about the international order and our relationship with the rest of the world. The President's speech to the

U.N. seemed to be the first public step in our effort to build a coalition. I hope it will not be the last.

A preventive war devoid of any sort of international consensus is not a precedent that we want to establish. Our Nation used to refer to that kind of project as aggression. Like it or not, we will need the international community, when and if the time comes for the reconstruction of Iraq. Beyond Iraq, we will continue to need international support for the war on terror. We cannot scorn international concerns and reservations without lasting harm to our larger and longer-term objectives.

While I am prepared to endorse the President's request for authorization to use force to respond to the threat posed by Iraq, I continue to have grave reservations about the Administration's complete failure to explain what an unsupported war on Iraq will do to our efforts to establish a stable global order. I continue to have grave concerns about the Administration's complete failure to explain how an unsupported war in Iraq will advance international cooperation in the war on terror. And I continue to have grave concerns about the Administration's complete failure to explain how we will have help restore a post-Saddam Iraq to the family of nations.

I have grave concerns about those who claim the flag which enwraps them as their exclusive province, seeking to hold patriotism and nationalism as theirs alone in an attempt to inoculate themselves against criticism and to stifle debate. These are tactics and tools of Saddam Hussein. And if we adopt them, he wins.

Mr. Chairman, I will support the resolution. But I fear that defeating Iraq and deposing Saddam are likely easier than repairing a potential breach in the international perceptions about our Nation's intentions and values.

Chairman HYDE. Thank you.

The gentleman from Indiana, Mr. Burton.

Mr. BURTON. Thank you, Mr. Chairman. I don't think anybody in the Congress wants war. But, you know, if history doesn't teach us anything, it teaches us that an appeasement, as Mr. Lantos said, simply doesn't work.

Winston Churchill, prior to World War II, was a lone voice in the wilderness talking about the threats that faced them; and nobody listened. And as a result, war ensued, Hitler wasn't stopped short of moving into Poland and moving throughout Europe, and 50 million people died.

Now, I don't know that that is going to be the case in this particular situation, but the fact of the matter is, you know, Saddam Hussein does have chemical and biological weapons, maybe not as many as he will have in a few years, but he has them.

How many does it take? How much does it take to kill a bunch of people? How much does it take to kill more people than September 11th did? Do we wait?

What if we wait, and he does develop a nuclear weapon shortly, and he does use it, and he does kill a lot of people—50,000, 10,000, 5,000—or he uses biological and chemical weapons. What do we say to our kids and grandkids after those things have happened? Why didn't you do something, Dad? Grandpa, why didn't you do something before that happened?

In my opinion, we have to preempt this sort of thing from happening.

We have to send a very strong message to Saddam Hussein and to all of the terrorists and would-be terrorists in the world that there is going to be a terrible price to pay if you start using terrorist tactics throughout this world. And I think that that is a signal that we have to send very quickly.

Now, when we talk about Israel, as one of my colleagues just did—I just got back from Israel. I talked to Shimon Perez, the Foreign Minister. I talked to Benjamin Netanyahu and others, as members of our CODEL did. And the Likud and Labor Parties all agree that they have to do something now.

They are passing out gas masks, and they have asked us to give them inoculations against the kinds of diseases that they might face. So they know what the threat is; they are right next door. But the one thing that they say that they can't wait on is for Iraq and Saddam Hussein to develop nuclear weapons, because once he does that, they have no defense, and they will be destroyed if he launches them with a nuclear device.

So Israel is on board. They are the ones that are threatened first, as my colleague just said. They know what the threat is; they know what has to be done. It is my opinion that if we want to stop the terrorist activity in this world, if we want to send a very strong signal, then we must act and we must act quickly.

These centrifuges—according to the intelligence people I talked to in Israel, the centrifuges that they use to develop nuclear weapons are no larger than a refrigerator. Iraq is a big country. You can hide these things all over the place. And so, if you send these inspectors in there, they will never find them if they get there and do have the ability to look around.

Saddam Hussein has used chemical weapons on his people in his own country, on the people in countries right next to him, and he will use anything at his disposal if we let him.

It is my opinion that we have to act and act quickly. That is why I support this resolution.

Chairman HYDE. The gentleman from American Samoa, Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. Chairman, thank you for calling this meeting or hearing to mark up the proposed resolution, to determine whether the Congress will grant the President the authority to utilize military forces, if necessary, to protect our national security as well as the security of the Middle Eastern region.

I admit, the proposal or revised resolution now before our Committee for consideration is indeed an improvement from that proposed previously by the Administration. And I certainly want to thank the gentleman from California, Mr. Lantos, for making emphasis of the fact that each one of us here as a Member of the Committee is never to question the integrity and the patriotism of each other in terms of whatever decisions that we will make as a Member of this Committee regarding this resolution. But—out of our own personal consciences we will make that decision, but never question the patriotism of anyone here in this Committee.

Mr. Chairman, when Secretary Powell appeared before our Committee about a week ago, I raised a couple of questions with Secretary Powell.

One, if and when the time comes, if the United States will declare war against Saddam Hussein, will the President or the Administration take all necessary military action to win this war and nothing less?

Secretary Powell's response was a firm "yes."

Mr. Chairman, for those of us who served in Vietnam, I don't want another Vietnam, with half-baked plans and policies where enemy soldiers can shoot at you, but you can't shoot back.

I also asked Secretary Powell if our Nation is prepared to take up additional responsibility with the consequences of a post-Iraq takeover, where millions of refugees from Iraq are going to severely impact the social and economic conditions of other Arab nations, let alone the tremendous costs that will be borne, presumably primarily by our own Nation.

Secretary Powell's response was, again, "yes."

Mr. Chairman, the gentleman from Iowa has just shared with us the same concerns that I also have. I do not believe that our ability to have a preemptive strike capability is going to prevent Saddam Hussein from releasing the horrors of all of the biological and chemical—tons of biological and chemical agents that he has in his possession.

I am torn about what we did in Vietnam, and I am torn again of what we are going to do—we are about to do, if we do it—against Iraq. I am torn of what will happen to the good citizens of Israel. And again, as the gentleman from Iowa has shared with us this afternoon, the losers of this war are going to be Israel and Iraq, the people of Israel and Iraq.

I want to say that I do support the resolution. Reluctantly, I support the resolution. I feel that we need to move forward with this action in this Committee, but at the same time, I want to share with the Members of this Committee my concerns. I sincerely hope to God that we will be able to resolve those problems that I have raised.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you.

The gentleman from California, Mr. Gallegly.

Mr. GALLEGLY. Thank you, Mr. Chairman.

I support this resolution. I want to commend Speaker Hastert and Minority Leader Gephardt for working in a bipartisan manner with the White House to develop what I believe to be a very strong and balanced resolution.

I also want to commend you and Mr. Lantos for scheduling this markup, which will allow this Committee to carry out its rightful role in shaping United States foreign policy.

September 11th has tragically taught us the price of not acting when faced with a clear and present danger; and there should be no doubt that today we face a clear and present danger in the form of weapons of mass destruction in the possession of Saddam Hussein.

We know, after the 1991 liberation of Kuwait, Iraq unequivocally agreed to eliminate its nuclear, biological and chemical weapons

programs, and agreed to allow international weapons inspectors to ensure that that be accomplished. But, as we all know, Iraq has willfully and in direct violation of its own agreements, thwarted over and over again the efforts of the U.N. inspectors to find and destroy these weapons. This can only mean one thing: Saddam intends to hold onto these weapons and use them at the appropriate time and in the manner he deems necessary.

As early as 1998, U.N. Secretary General Kofi Annan, in a letter to the Security Council, stated,

“No one can doubt or dispute that Iraq’s refusal to honor its commitments under the Security Council resolutions regarding its weapons of mass destruction constitutes a threat.”

That remains even more true today in light of the new efforts of global terrorism.

Today, the threat to the national security of the United States and to international peace and security continues to grow. It is especially serious because we know that Saddam supports terrorist organizations such as al-Qaeda; and he could very well be working with their agents this very moment, as we speak, developing the expertise to use chemical and biological weapons against the U.S. and others.

In 1991, in the aftermath of the Iraqi invasion of Kuwait, I led a group of our colleagues in the House in introducing a resolution authorizing then-President Bush to use all necessary means to force Iraq from Kuwait. There were dissenters who felt that we should not go to war, but in the end we were proven right.

In 1998, I strongly supported the House resolution which declared Iraq to be in breach of its international obligations and which urged the President to take appropriate actions to bring Iraq into compliance. But significant penalties for noncompliance were not invoked. So here we are, back again, confronting the same serious issue, and with not an inch of change in Saddam’s attitude or actions.

Mr. Chairman, this time around we must have an absolute commitment not to allow Saddam Hussein to have chemical or biological weapons anymore. But the enforcement of Security Council resolutions this time must include significant penalties for noncompliance which are immediate and automatic.

The resolution we are debating today is forceful in that we again give the President the authority to use whatever means necessary, including force, to rid Iraq of its weapons of mass destruction. But this resolution is balanced in that it encourages the President to pursue diplomatic avenues to achieve international support for enforcing U.N. mandates. And, it provides an important role for the U.S. Congress.

I believe the gravity of this issue mandates that we act now to give the President the tools he should have to deal with this threat. The potential terror that weapons of mass destruction in the hands of a madman present to the world must be addressed and must be addressed decisively.

Mr. Chairman, I urge my colleagues to support this resolution, and I yield back the balance of my time.

Chairman HYDE. The gentleman from New Jersey, Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman.

Mr. Chairman, as one with a particularly strident aversion to the abuses of dictators of any stripe or ideology, I have thought long and hard about this resolution. But I am seriously troubled by the Administration's, in my view, inability, whether in public or in private, to give this Congress and the American people, a reason. What is the compelling reason, why now, this time, this moment, the United States—maybe, very well unilaterally—should go to war in Iraq?

I listened to the distinguished Secretary of State before this Committee last week make a series of statements, as the President did before the United Nations. Those statements were all about Iraq and Saddam Hussein's violation of the United Nation's resolutions in the past.

And, yes, those statements are true. But they were true when President Bush took office nearly 2 years ago, and they were true prior to President Bush taking office.

This is not about, I would hope, avenging the potential risk against, you know, a former President's life. This is about sending young men and women into harm's way. This is about making a compelling case as to why the national interests of the United States, the national security of the United States, right now, has an imminent clear and present danger against it.

To talk about all of the resolutions that have been violated in the past does not make the compelling case right now.

Does Saddam Hussein have biological and chemical weapons? Yes. Did he have them 2 years ago when President Bush took office? Yes. Did he have them before that? Yes.

Does he seek nuclear weapons? Yes. Does he have it at this point? From everything that I have heard, no. Did he want it 2 years ago? Yes. Was he trying to accomplish it? Yes.

Do we have any sense whatsoever now that he has a plan to strike against us as a country, or our interests abroad, our embassies or our troops or our allies? Not that I have seen.

And so why, all of a sudden in September, did Iraq become, and Saddam Hussein become, the central concentration of this Administration?

After September 11th, who did we pursue? We pursued Osama bin Laden, and we pursued al-Qaeda. They were the number one threat to the national security of the United States. I remember President Bush said, "Wanted, dead or alive, Osama bin Laden." We don't even know what has happened to him.

And al-Qaeda, we don't even hear anymore about the fight against that effort, which I think is very important, and I think that is a clear and present and imminent danger to the security of the United States. Yet we hear nothing about that.

We are talking about a series of issues here which we have not had answers to. If you are talking about regime change, which is what this Administration continually says, that means removing Saddam Hussein, not just merely his chemical and biological weapons. And when you have told him that upfront, he is more likely

to use his chemical and biological weapons against our troops and our allies, which he did not do in the Gulf War.

What is our post-Saddam view? What are our plans?

I asked the Secretary of State that. He didn't have an answer for that. With Kurds and Shi'ites, how long are we going to be in Iraq? And what is the cost, a couple of hundred billion dollars? And what is the exit strategy, which I have often heard many of my colleagues cite in the past when President Clinton had military initiatives? What is the exit strategy. I haven't even heard what that exit strategy is.

And when and if they fire against Israel, this administration in Israel has spoken quite differently about this than in the past. What are the consequences there and the rest of the Middle East? What are the consequences to Musharraf in Pakistan? Can he withstand it? If not, you have fundamentalists having access to nuclear weapons.

And where is our ability to keep an international effort in this regard, both in the fight against al-Qaeda and then in the fight for disarming Saddam Hussein?

None of these questions have been answered. There has been no clear and compelling evidence presented to this Committee, or to Members in private—in intelligence briefings—to say that something is different today than it was 2 years ago when President Bush took office, or before that.

So I really have concerns of, how did this become, suddenly, the imminent threat to the United States? And how do we continue to prosecute a war in an economy that is down the tubes, in which you need the money to defend yourself at home and abroad?

And finally, Mr. Chairman, if, God forbid that we get involved in this endeavor without serious answers to these questions and something else happens in the world, I know we are the greatest superpower, the only superpower left in the world, but we are not omnipotent. How will we have the ability to face some other challenge in the world at the same time that we are pursuing al-Qaeda and the same time that we are pursuing Saddam Hussein? Without answers to these questions, I think makes a very compelling case not to be pursuing this course of action at this time.

It doesn't mean it can't be had at another time when a compelling case is made, but I don't see it happening at this time.

Thank you, Mr. Chairman.

Chairman HYDE. The gentlelady from Miami, Ms. Ileana Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you very much, Mr. Chairman. I am proud to support this resolution, and why now? Our world changed after September 11. I think it is an easy explanation and this is a comprehensive measure which addresses our immediate short-term concerns about Iraq's weapons of mass destruction program, our long-term priorities of assisting and facilitating regime change in Iraq, and our overall imperative to defend our Nation and to protect the American people by acting in accordance with our national security interests.

Much has been heard and read lately accusing the President and his Administration of exaggerating or deceiving the American people on the status of Iraq's nuclear program. However, the British

dossier detailed also Iraq's capabilities, and the former Deputy Chairman of the U.N. inspection team was quoted on Friday, September 27, as saying that the Bush Administration is, quote, in the ballpark, end quote, with its estimate on when Iraq might possess nuclear weapons, which is fairly soon.

The U.S. concerns about Iraq's weapons of mass destruction program is not a new phenomenon. As the resolution before us underscores, in 1998, Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, and it urged the President to, quote, take appropriate action to bring Iraq into compliance with its international obligations, unquote.

The situation in the last 4 years has deteriorated. There should therefore be no question on the compelling need to act on these grounds.

The resolution before us also relates to the goals delineated by the President regarding regime change in Iraq. It does so by referencing the Iraq Liberation Act and the U.N. Security Council resolutions concerning Iraq's repression of its civilian population.

Why should the U.S. support opposition forces in Iraq and help facilitate transition to democratic rule in the country to replace the oppressive Hussein regime? Because democratic governments do not target their neighbors with weapons of mass destruction. Democracies do not threaten nor seek to destabilize neighboring countries because democracies are averse to terror. They place a high value on human life and the dignity of man. Because we should help the Iraqi people free themselves from the subjugation and the shackles of oppression of the Hussein regime.

Regime change in Iraq is also a compelling U.S. national security interest and one which adheres to our country's principles and our commitment to help those who are suffering the most heinous abuses under totalitarian rule. The resolution provides extensive history on the President's authority to use military action against Iraq, substantiated further by U.N. Security Council resolutions authorizing the use of all necessary means to compel Iraq to cease its threatening activities. The actual authorization uses the same language as the use of force resolution which passed overwhelmingly a year ago.

This is a carefully crafted resolution, and I urge my colleagues to render their full support to it.

And I yield back the balance of my time. Thank you, Mr. Chairman.

Chairman HYDE. Thank you. The gentleman from New Jersey, Mr. Payne.

Mr. PAYNE. Thank you very much, Mr. Chairman. Over the past few weeks, America has commenced debating the situation in Iraq earnestly. We were offering opinions from numerous perspectives, collecting input from constituents, conferring with fellow countries at the United Nations and even having Members of Congress visit Iraq firsthand. Through this very involved process, one typical of America, we are carefully developing informed public policy regarding what the United States should do with respect to Iraq. By design, we seek a policy process that is inclusive and well-reasoned.

Throughout this process, however, Americans are in agreement about the need to contain terrorism and weapons of mass destruction. I think we all agree with that. Several important points have been made this past week that bear mentioning. I think former Vice President Gore opened up the whole situation when he started to question the timing, started to question whether we were totally on the right track, started to question whether this regime change first strike is where our Nation ought to be. And I think since then, he has opened it up where other persons now stepped forth.

Senator Kennedy stated that al-Qaeda offers a threat more imminent than Iraq and we wanted, as has been mentioned, Osama bin Laden dead or alive. We are going to smoke him out, we are going to find him, we are going to bomb him, we are going to get him and we are still looking for him. The Senator also underscored that our first objective should be to get U.N. inspectors back to the task, without conditions, as Senator Kennedy said. Only when all responsible alternatives are exhausted should we discuss military action, which poses the risk of spurring a larger conflict in the Middle East.

Further, Senator Kennedy correctly observed one's view on how to handle the Iraqi situation and that it should not reflect on one's loyalty to the United States by virtue of the position that that person takes, which I think "disgraceful" was alluded to with some U.S. Senators, many of them disabled veterans, a week or so ago.

Senator Dodd noted that international cooperation is necessary to counter terrorism. This cooperation should not be diminished by our unwillingness to address Iraq through multilateral channels.

Senator Feinstein questioned the immediacy of the threat posed by Iraq and argued that there was time to build support within the international community.

Representatives McDermott and Bonoir are so seized with the matter they are in Iraq to gain the perspective that only an in-country view can provide. Their presence is reinforcing the importance to the United States of unrestricted, unfettered weapons inspection.

Senator Breaux observed that with America so divided on this issue a strong burden remains on the Bush Administration to demonstrate the need for military action to address the threat posed by Iraq.

All of these opinions and observations bear testimony to the belief that the United States should confront the evidence on Iraq directly and should make a decision based on that information that we have.

The Congressional Black Caucus said last weekend unanimously that we oppose a unilateral first strike action by the United States without a clearly demonstrated and immediate, imminent threat of attack on the United States.

Only Congress has the authority to declare war. Every diplomatic option must be exhausted and a unilateral first strike would undermine the moral authority of the United States, resulting in substantial loss of life, destabilize the Middle East region, and undermine the ability of our Nation to address our domestic priorities.

Further, any post strike plan for maintaining stability in the region would be costly and would require long-term commitments.

With that, Mr. Chairman, I think we need to very carefully weigh this amendment and, in conclusion, we must keep our eyes on the main objective, and this calls for communication, cooperation, consensus and careful calculation.

Chairman HYDE. Thank the gentleman. The gentleman from North Carolina, Mr. Ballenger.

Mr. BALLENGER. Thank you, Mr. Chairman. I know there are very few of us here that were around—a couple of white haired guys like you and me can remember a fellow by the name of Adolf Hitler. A lot of people in those days were talking about whether he was a threat. No, he's not very dangerous. We don't need to worry about him. All of a sudden he decided he wanted Alsace-Lorraine and he took it. Everybody said, well, you know, those are mostly Germans anyhow, so it is really not that big a deal. A little while later he took Austria and everybody said, well, you know they are just Germans, too. They speak the same language, so there is nothing bad there. And then he took the Sedetenland of Czechoslovakia. And everybody said, well, you know, those are mostly Germans, too. So we shouldn't worry a great deal about that.

Then he took Czechoslovakia, and there was a gathering at that time to make some kind of a decision, international decision, of some sort, and a fellow named Chamberlain, who happened to be the Prime Minister of Great Britain, he and his umbrella went to Hitler and they sat down and they discussed it and he came back with a statement that we had made a settlement that was going to bring us peace in our time.

Most of these folks are too young to even remember or to have been around then. I don't know how long it was after that, but he decided he wanted Poland. And so he and Russia cut up Poland, and 51 million people died, and some of them were my classmates in school. I don't know how many people could have been saved if Britain and France had shown the leadership that they—and their positions at that time were somewhat similar to our position at this time—if they had shown the leadership that was necessary and they had been willing to stop him at Alsace-Lorraine. Obviously 51 million people would not have been killed.

And this resolution that we have, we hope that we are assisted by the United Nations. We hope to give them a little bit of a backbone to be willing to speak up and step out. I personally am going to vote for this resolution. But also I have a great deal of worry. I have grandchildren that are boys that happen to be the proper age that would bring forth the possibility they could be involved in this. So it is a big decision to make. But many is the time because we have been so lacking in leadership in this world that a lot of people have been killed before somebody really decided to do something substantial about it.

And so thank you, Mr. Chairman, and I appreciate the opportunity.

Chairman HYDE. Thank you, Mr. Ballenger. Mr. Brown of Ohio.

Mr. BROWN. Thank you, Mr. Chairman. I remain extremely concerned about the direction this Administration is taking our Nation. From the Kyoto Treaty to the International Criminal Court to

the ABM Treaty, the Bush Administration has shown its willingness to go it alone. This is a distressing trend that may have tragic consequences if applied to Iraq. I believe, as all my colleagues do, that Saddam Hussein poses a threat to peace unless he readmits United Nations inspectors to root out weapons of mass destruction, aggressive, comprehensive, thorough inspections. We must exhaust every option to achieve our goals by diplomatic means before we consider military action.

President Bush has stated that if the U.N. will not stop Iraq, we will do it on our own. For years our policy in this country has been one of containment, of deterrence, of collective security, of diplomacy. We contained and we deterred Stalin and the Soviets for decades. We have contained and deterred Castro and the Cubans for 40 years. We have contained and deterred China and its communist expansion for 5 decades. Now this President, who lost the popular vote, wants to radically change our decades old foreign policy, our foreign policy from containment and deterrence and collective security and diplomacy to a policy of preemptive strikes.

What does that tell the world? Does it embolden Russia to attack Georgia to better deal with Chechnya? Does it set an international precedent for China to go into Taiwan or to deal even more harshly with Tibet? Does it embolden New Delhi to go to Kashmir? Does it embolden Pakistan to go to Kashmir? Two countries with nuclear weapons both emboldened by the example of the United States in preemptive strikes and where that might lead the world?

The whole point of the Security Council is to prevent members states, including veto wielding permanent members, perhaps especially veto wielding permanent members, from launching unilateral, unprovoked war. Resolution 678, which authorized the Gulf War, called explicitly for countries cooperating with the exiled Kuwaiti royals to create a coalition to use force. No country has a unilateral right to decide that Iraq has not complied with U.N. requirements let alone what the U.N. response should be.

Couple of weeks ago, three retired four star generals testified in the Senate, stating that attacking Iraq without a U.N. resolution supporting military action could eliminate our allies, could energize recruiting for al-Qaeda. One general actually said it would super charge al-Qaeda recruiting and undermine our war on terrorism. They did ask the question what happens if we win or what happens after we win because I think all of us figure that we would if we commit our troops and our military fire power to this venture. If we are unilaterally attacking Iraq, it means we must unilaterally rebuild Iraq. Do we have the political commitment in this country for 10 years of rebuilding? Do we plan to spend hundreds of millions of dollars every year for 10 years to rebuild that country? Can we at the same time wage our war on terrorism as we use many of our resources and many of our soldiers and many of our civilians in Iraq rebuilding that country?

Those are difficult questions, as my friend Mr. Menendez asked difficult questions. Those are questions to which we need answers. I ask the President and this Congress and this Committee to slow down, to bring in the United Nations, to do aggressive, complete, thorough inspections and then make our decision.

Mr. Chairman, I yield back my time.

Chairman HYDE. The gentleman from California, Mr. Rohrabacher.

Mr. ROHRABACHER. Mr. Chairman, I prefer to reserve my time and speak a little bit later, please.

Chairman HYDE. Very well. The gentlelady from Georgia, Ms. McKinney.

Ms. MCKINNEY. Thank you, Mr. Chairman. I share the same revulsion that many others have toward Saddam Hussein. We know that he is brutal and that his regime has terrorized the Iraqi people and people of nearby countries. There was a time not so long ago when despite all of this we chose to allow him to be our friend. There was a time we supplied him with chemical weapons and with military technologies. If our Nation really cared about Iraq's neighbors, we would have never supplied him the military arsenal that we did. And if we really cared about his people, we would have done something to alleviate the suffering of the Kurds, who for years have been brutalized by the Iraqi military. If we cared about the Iraqi people, we would have done something to lift the burdens imposed on them by the U.N. sanctions, which today have claimed in excess of an estimated 500,000 Iraqi children.

But the truth is we didn't really care about any of that suffering. Madeleine Albright even said the price of 500,000 dead children was worth it. Now, however, we claim to care. Now Saddam Hussein has just become another name on a long list of other tyrants who we once aided and abetted but who now we oppose.

But what to do? In the past, other tyrants that we have grown tired of were assassinated like Jonas Abinde or charged with war crimes, Slobodan Milosevic, or forced from power through U.S.-backed uprisings like Mobutu Sesi Seko. President Bush is confronted with the "what to do" question. He appears to be choosing war to get rid of this tyrant, and of course he has to justify it. That is the public relations part of this question.

The words "Gulf of Tonkin" have echoed around Washington this last month, with many people concerned that the Bush Administration is now manufacturing an international crisis in order to launch a preemptive military strike against Saddam Hussein. In 1964, there were some courageous Members of this House who knew that the Gulf of Tonkin incident was a political ruse being used by the Johnson Administration in order to justify the United States going to war in Vietnam. For their courage to speak out and resist, they suffered a tidal wave of public ridicule. And we now know that they were right and that the Vietnam war was a monumental mistake that cost the lives of some 60,000 brave young Americans and hundreds of thousands of Vietnamese. And still we have many Americans and Vietnamese who suffer the health effects of Agent Orange and other toxins faced on the battlefield. And all across the American and European landscape today, veterans still suffer from Gulf War Syndrome and exposure to depleted uranium.

Will we let this President create yet another generation of veterans to whom we will break our promises? I see too many of these veterans sleeping on our streets. The President can see them, too, if he would just look. They sleep on the sidewalks, the benches, the heating vents just across the street from the White House.

Mr. Chairman, do we give the President the green light to go to war on Iraq based on evidence which many weapons experts believe to be exaggerated? Are we now turning a blind eye to another Gulf of Tonkin type incident? Shouldn't we trust the legal diplomatic means of the United Nations? Do we give the President the green light to go to war in Iraq because it has refused to comply with U.N. Security Council weapons inspections resolutions while at the same time Israel refuses to comply with U.N. resolutions with respect to the occupied territories? Do we have different standards for different countries?

Mr. Chairman, if the Cuban missile crisis and the Gulf of Tonkin taught us anything, they taught us the dangers of choosing the military option over diplomatic and legal alternatives. The current terrorist crisis confronting our Nation is so much bigger and more complicated than this call for war in Iraq. Should we miscalculate our military actions in Iraq? We could cause many American servicemen and women to lose their lives. Needless to say, we could also cause untold numbers of Iraqis to be killed or injured. Worse still, instead of solving the current threat of terrorism against us, going to war in Iraq might well make things far worse for us both at home and abroad.

I hope and pray that we choose our options very carefully. Thank you, Mr. Chairman.

Chairman HYDE. I thank the gentlelady. Gentleman from California, Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman, and I want to thank you and I want to thank the Democratic leadership as well for its bipartisan work in preparing this resolution. I also want to thank you for the Committee work on the Iraqi threat and on the terrorist threat to our country in general, and I believe that those hearings have been of great service to the American people. And I think when we discuss what is different about Iraq, I think the thing that drives our intent to engage on this issue and to do something about a weapons system is the fact that here we are talking about smallpox, we are talking about nuclear capabilities, we are talking about waiting for someone who is building a delivery system with missiles that have greater and greater capacity over time.

I thought I would just take a minute and discuss some of the dissenting arguments, and I would like to start with the argument made by some that we don't have a right to attack Iraq, that it is a sovereign state. And it seems to me that Saddam Hussein long ago by his actions declared war on the United States, and I think that is expressed in this resolution in the sense that this is a regime that attempted to assassinate a former U.S. President and it is a regime that aids and harbors terrorist organizations, terrorist organizations that threaten the lives and security of American citizens. It has long been shooting at U.S. and British planes that patrol the no-fly zone over Iraq. In that sense, the Gulf War has never ended.

And I guess to me, most importantly, when you talk to the weapons inspectors, they say the strategic goal of Iraq is one thing, to develop nuclear weapons, to develop other weapons of mass destruction and to get a delivery capability. Now that is what is different about Iraq.

Also, I think few argue that the state system gives a dictator carte blanche to make war on his own people. It is justified to act against tyranny in cases where action can be effective. It is mandatory to act when such a tyranny poses a grave threat to our national security, as it does in Iraq.

And to me it is strange that some of the organizations that are the most aggressive proponents of promoting human rights abroad, and I applaud them for that, that are proponents of intervening to defend human rights with force, but at this time some of those same organizations are the most vocal in opposing this Iraqi intervention to defend the security of the American people.

While the hurdle must be high, the use of force can be justified on several grounds and certainly an effort to defang an avowed enemy working quickly to develop weapons of mass destruction is one such justification. I would say that the Iraq threat mandates us to act, and I can't for the life of me imagine why we would wait while he works on his missile delivery systems.

Lastly, the last argument is why now. Why should we act now? Is Saddam an imminent threat? Well, last week in a hearing in this Committee, one of our witnesses, former CIA Director Jim Woolsey, responded to a question that I asked him and his response was Saddam could have his first nuclear weapon within a few months of the time he has 40 pounds of highly enriched uranium, and he pointed out there are poorly guarded enriched uranium facilities in Africa.

Now, I chair the Africa Subcommittee and I can tell you that unfortunately there are men in Africa who would sell most anything for \$5 million, and that is the street price, as there are in Central Asia, as there are many shady characters worldwide. And there is one individual with the cash and with the intent upon obtaining that enriched uranium. And so I think President Bush's National Security Advisor Condoleezza Rice put it best when she said there will always be some uncertainty about how quickly he can acquire nuclear weapons but we don't want the smoking gun to be a mushroom cloud. I don't want the smoking gun to be some suitcase bomb, and after we have acted, let me say it will be incumbent upon our country to stay the course to see that the new Iraq no longer threatens us, and that means ridding the country of weapons of mass destruction.

Chairman HYDE. The gentleman's time has expired.

Mr. ROYCE. If I could ask for 30 seconds. It also means seeing that Iraq is a successful state, and this is our current challenge in Afghanistan. Helping to give these two countries a chance for stability and a decent government will require a substantial U.S. commitment. And given the threat to our security that these countries pose, we must make that investment.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you. Before I recognize Mr. Wexler, I want to make a unanimous consent request, which has been cleared with Mr. Lantos and he supports it. Due to the importance of this measure and taking into consideration the necessity of Members needing to carefully review any amendments and consider their implications, I ask unanimous consent that all amend-

ments to the pending resolution be submitted to the Clerk of the Committee by 11 a.m. tomorrow.

Is there any objection? If not, so ordered, and the Chair recognizes the gentleman from Florida, Mr. Wexler.

Mr. WEXLER. Thank you, Mr. Chairman. I will vote in favor of the resolution authorizing the use of military force in Iraq because I strongly support the policy of regime change and disarmament of Saddam Hussein. Since the Gulf War the threats posed by Saddam Hussein have not dissipated. They have only increased, making it all the more clear that we should have gotten rid of him in 1991.

In the past decade, Saddam has demonstrated his contempt for the international community, hostility toward the United States, intent to develop weapons of mass destruction and an unbridled willingness to use them. Given his despicable track record of aggression, including the use of chemical weapons against his own people, there is no reason to believe that he would not use biological, chemical or nuclear warfare in the future.

Unfortunately, it has become painstakingly clear that Saddam Hussein represents the epicenter of hostility and conflict throughout the entire Middle East. There is no doubt in my mind that the world would be safer without him. I would not, however, want my support for this resolution to be misconstrued as an endorsement of the manner in which the President has conducted our foreign policy in Iraq. I am heartened that steps have been taken to revise the original resolution submitted by the President to Congress that address the concerns of the American people, including many of my constituents in Florida who have time and again expressed their profound reservations concerning the President's rush to engage military action in Iraq.

I share the deep misgivings of many Americans that President Bush has shown poor leadership in forcing Congress to accept an unprecedented plan for unilateral preemptive military action that could potentially jeopardize America's international prestige, undermine our success in the war against terror, and upset the stability of the entire world.

While engagement is clearly in the best interest of the security of the United States, I believe that American unilateral action is a grave mistake. Just as we have united the world in the war against terror, President Bush must make every attempt to build support in the United Nations and among our allies for regime change in Iraq. Ultimately, we will best achieve our goals in Iraq, not through division and alienation, not through threats, but rather through determined diplomacy and some good old-fashioned American humbleness. This has been America's legacy, not unilateral engagement, and I would argue we owe it to our future children, our future generations to continue along this path.

Following the changes to the resolution presented by the House leadership this morning, it is clear that Congress has taken significant steps to unify the Nation. Finally, we have incorporated language in the resolution that narrows the scope of military authorization to Iraq and ensures that military force is the last resort. These changes, which were originally dismissed by the President as irrelevant to our mission of a regime change in Iraq, represent the will of the American people for their government to proceed with

caution and pragmatism, two elements that have been ominously missing from the President's demeanor and policy toward Iraq.

As I stated earlier, I will vote for this resolution before the Committee today in part because the absolute truth is the President has handcuffed us. For all the people who contacted me to express their reservations about supporting the President, imagine what would happen if the Congress actually voted no, if we actually turned the President down. President Bush would be extremely weak in the places of the world where America needs the most credibility in the Arab world. In the Far East, in Iran, in Sudan, we would be weakest, we would be crippled. America wouldn't be able to do anything constructive with respect to the war against terror. So I am voting yes on this resolution tonight as an American, not as a Democrat, not as a Republican, because I think ultimately the box that the President has put us has forced us to do one thing and one thing only, vote in the national security interest of the United States, which means regime change in Iraq, which means disarmament of Iraq.

But on behalf of the extraordinary history of the United States of America, I would beg President Bush not to look at this vote tonight, assuming he gets a good support here, presuming that a number of Democrats will vote for this, for him not to think that this is an endorsement of unbridled use of military force. It is not.

Chairman HYDE. The gentleman from New York, Mr. King.

Mr. KING. Thank you, Mr. Chairman. Let me at the outset commend you and Mr. Lantos and the bipartisan leadership of the House of Representatives for working so closely with the President to bring about this resolution. Let me commend President Bush and his Administration for the tremendous leadership they have shown in turning around a policy of inaction and malaise, which allowed Saddam Hussein to remain in this position for so long.

I also want to commend the President for having the courage and the foresight that America's interest should always be first, even if it involves preemption, such as when Israel launched a preemptive attack against Iraq 20 years ago, and thank God they did; such as President Kennedy, when he actually brought about an act of war and instituted a blockade against Cuba, against missiles which were not operational and posed no immediate threat to the United States. Yet President Kennedy had the foresight and the courage to realize that America must take strong action even if it is not always popular with certain elements of the media or certain opinion makers who think that Americans should always follow rather than lead.

I also, Mr. Chairman, must say it is not often that I turn to the Washington Post for advice or for direction, but I think their editorial today entitled "A Shallow Disagreement" really sets forth the debate and sets forth the parameters of the debate very clearly. It makes reference to certain speeches that were made in recent weeks being critical of President Bush's policy. And the Washington Post, certainly no friend to President Bush, said the one striking feature of the criticism of President Bush's Iraq policy is the absence of suggested alternatives. It says that the critics of President Bush, these leading Democrats, argue in effect the President should do exactly what he is doing only don't do it now or not

so fast. And it points out that this paradoxical position is the logical outcome of a decade of failure in dealing with Iraq. President Bush, the editorial goes on to say, has simply insisted that the United States and the United Nations act on long accepted conclusions about Saddam Hussein.

Critics both here and abroad tend to respond by reaffirming the principles while arguing that the old policy of "head in the sand" neglect is preferable. Mr. Chairman, we had too much "head in the sand" policy toward Iraq over the period of 8, 9, 10 years. The fact is that the critics have no other course to offer. They talk about process. They talk about style. But the fact is we are only in a position right now with the U.N. Security Council even considering a resolution and they are only doing that because of the leadership President Bush has shown.

Thank God, we do have people who can reach across party lines, people such as Senator Lieberman, who said very clearly that we can conduct a war against al-Qaeda, a war which is going very well, a war that is going far better than critics said it would a year ago, and also carry out if we have to attacks against Saddam Hussein. America is strong enough to walk and chew gum at the same time. Thank God, we have a President who is bringing this together. Thank God, we have Members of this House and the Senate who are willing to put aside partisan differences and stand with the President and vote for this resolution.

But I would say that we do vote for the resolution and we do go forward. It is not enough to do it reluctantly because we have to assume that any war—there is no such thing as an easy war, that any war can be difficult and there can be difficult times and it is not going to serve any purpose to go into this sort of grudgingly and then if things go bad or we have some rough moments, then say I told you this wasn't the right way to do it.

If we are going to go in, we have to go in. If we are going to vote for this resolution, we have to vote for it. We have to stand with the President and we have to stand with our Armed Forces and we can't be making excuses before we go in. We can't be critical of the process. We have to support the goal, we have to support the end, and the end is the elimination of weapons of mass destruction. If that involves a regime change, then we have to do it.

In 1998, this Congress voted for a regime change. President Bush believes the words have meaning. If that resolution is going to mean anything, if a policy is going to mean anything, we have to go forward. We can't be bound by those in other parts of the world who wouldn't agree. The Europeans wanted to take no action against Bosnia. I gave President Clinton credit at the time for taking the action by forcing the Europeans back in Bosnia and Kosovo. If we waited for other countries to finish their debating, to circulate petitions and resolutions through the European Parliament, nothing would ever get done.

We have to assert leadership. President Bush is doing that. I am proud to support him and am especially proud to support this resolution this evening.

Chairman HYDE. The gentleman from New York, Mr. Engel.

Mr. ENGEL. Thank you, Mr. Chairman. I want to say at the outset that I was here in 1991, I guess the majority of the Members

of this Committee were not here in 1991, when we debated the Persian Gulf War and Operation Desert Storm. In 1991, I supported giving then President Bush the authorization and I will support the current President Bush in what he is trying to do today and will vote for the resolution.

I must say in all honesty, though, I feel less comfortable today than I did in 1991. Saddam Hussein is a terrible guy. It has been said by a lot of our colleagues. He has weapons of mass destruction and regime change, disarmament, whatever it is, he deserves it. The world will be much better off without him, and that is why we really need to support this resolution in ensuring that he complies with the U.N. resolutions and everything that he needs to do. I must tell you for me, after September 11, as a New Yorker, the equation changed, the old Cold War deterrence and containment philosophies no longer apply. We have to be proactive, and if pre-emption is something we need to do, then we need to do it.

I agree that we have to do what is in our best interest for our Nation, for our Nation's survival, for the survival of our allies, for the survival of the world. But if, indeed, our main thrust, as well as it should be, is in fighting terrorism and in fighting al-Qaeda and those who would conduct terrorism, then it seems to me that frankly there are other regimes in the Middle East that are far more dangerous in terms of supporting terrorism than Iraq. Iran and Syria are two that come to mind, and I have some questions as to how Iraq got pushed to the top of the list.

I have some questions, frankly, about the timing. I have heard, I have read, we have been briefed, I really question at this time why it is right now that is so important. Why not 3 months ago, why not 3 months from now, why not 6 months from now? I really haven't seen anything specific that would tell us that right at this moment we need to do this.

Having said that, though, and I think it is important to put all the reservations up front, I think it would be a monumental mistake if this Congress were not to support the President in this. I think it is very important that we show a united front and we say to these dictators, to the people that have weapons of mass destruction, people that flaunt U.N. resolutions and are a danger to us and our allies, that we will not tolerate it and that we are not going to sit back and let it continue.

It was a mistake in 1991, frankly, not to finish the job. I said so then, I will say it now. But we can't let mistakes drive our policy. What we need to drive our policy is to ensure that weapons of mass destruction and terror are diminished, and again I want to emphasize that after September 11 the equation changed. And I think that in our interest, whether it is Kosovo, whether it is fighting terrorism, whether it is ensuring peace, I make no apologies for the United States doing what is in our best interest to protect our citizens and to protect the world. And so I will support this resolution, but I think that those of us in Congress that are elected by our constituents have an absolute right to ask hard and tough questions.

I support this resolution. I won't support a blank check, and I think this resolution strikes the right balance. And I yield back the balance of my time.

Chairman HYDE. Gentleman from Ohio, Mr. Chabot.

Mr. CHABOT. Thank you, Mr. Chairman. Before I get into the gist of my statement, I think we should not let go unchallenged one of the allegations of our soon to be former colleague who alleged that the United States is responsible for the deaths of 500,000 Iraqi children. It is a totally bogus allegation and we have heard this allegation before. The deaths of any Iraqi children are the responsibility, the fault of one person, and that is Saddam Hussein. It is Saddam Hussein who has used the available resources of Iraq for building more and more palaces under which there may well be facilities that are making weapons of mass destruction or storing them, of using those resources for the Iraqi military, specifically the Republican Guard, living a lavish lifestyle for him and his cronies. This knee-jerk reaction by some to blame America first in my view is disgusting.

The resolution itself deserves our support. I intend to support this resolution. It clearly lays out the case for the use of the United States Armed Forces against the Iraqi regime under Saddam Hussein. President Bush has stated that Saddam's continued reign poses an unacceptable risk to the United States and that a change in regime is essential. The President's position I believe is logical and it is prudent.

By all accounts the immediate threat posed by Iraq's possession, creation and/or acquisition of weapons of mass destruction is a substantial one. The President's request for congressional authorization to eliminate the threat is entirely appropriate. Saddam has already used chemical weapons against Iran and against his own people. He has launched an ethnic cleansing campaign against the Kurdish people, killing thousands of civilians. He has invaded Kuwait, and he has conducted an unprovoked missile attack on Israel. All the while Saddam Hussein has thumbed his nose at the world community. He has made a mockery of the United Nations resolutions and has repeatedly rejected the pleas of the United States and others to comply with the agreements he made when the United States ceased military action against Iraq back in 1991.

Following his defeat in the Gulf War, Saddam agreed to eliminate his nuclear, chemical and biological programs and end the support of international terrorism. He has done none of those things. We know that Iraq has worked to rebuild its weapons of mass destruction program since international weapons inspectors were thrown out back in 1998. We know that Saddam would like to acquire nuclear strike capability, and many of us believe that given that capability, he would no doubt use it against his enemies, including and perhaps especially the United States, for which he has shown nothing but disdain.

We also know that the Iraqi regime continues to serve as a supporter and sponsor of international terrorism and that members of al-Qaeda, the terrorist group responsible for the murder of thousands of Americans on September 11 are known to be in Iraq. Saddam Hussein of course praised those attacks on innocent people. We know that Iraqi military forces continue to fire upon American and British military aircraft as they seek to enforce the no-fly zone in northern and southern Iraq. The Pentagon notifies us today that

since April 1991 Iraq has fired on our coalition aircraft some 2,500 times, 406 times this year and 67 times in the last 2 weeks.

As long as Saddam Hussein remains in power, the Middle East remains a potential powder keg and countless innocent people throughout the world face imminent danger. Saddam has had ample opportunity to comply with the United Nations resolutions and rejoin the world community. He has chosen instead to remain an international outlaw who poses a grave threat to civilization. It is time for him to go.

Mr. Chairman, I urge support of this resolution by my colleagues on this Committee and then on the Floor, and I yield back the balance of my time.

Mr. KING [presiding]. Gentleman from Florida, Mr. Davis.

Mr. DAVIS OF FLORIDA. Thank you, Mr. Chairman. I would like to direct my comments to the Members of the Committee as opposed to a public statement. I am reserving judgment on how I will vote on the resolution tomorrow, but I want to comment on two sides to this that I see.

I agree with what Congressman Wexler has said. I am very disturbed at the way the President and his representatives have handled this, and I detect from talking to both Democratic and Republican Members of this Committee that that is a broad and persistent concern. All of us want the President to succeed in this situation because if the President does not succeed, we do not succeed as a country.

The original argument that was presented was that there was additional information that supported the assertion that there was an imminent risk to this country associated with Saddam Hussein. I reject that argument. I waited for the additional information. It has not come. I do not believe that it exists. I think what is a truer statement is that the Bush Administration has arrived at a well-intentioned judgment that the standard by which the existing information we have had for some time, it should be judged by a different standard since 9/11.

The speech the President gave at West Point when he described a new doctrine of preemptive attacks on other countries based on a standard of grave and gathering danger, I do not accept that, and I think it would be a serious error for this Congress to pass a resolution that could be reasonably interpreted as supporting a preemptive attack and regime change against a country in the absence of clear and compelling evidence that that country represented an imminent risk to our country. I don't think that is the case we are dealing with.

Now the reason this is not simple for me is that I do believe, as has been said by both Democrat and Republican Members of this Committee, that we need a credible threat of force to maximize the chances of negotiating a successful disarmament through the United Nations. One of the things that nobody disagrees about on this Committee—one of the few things—is what type of person Saddam Hussein is to his own people, to us and to anybody in the world, and this is a person that only understands force, unfortunately. So I do believe that it is important that we consider how we might write a resolution that provides a credible threat of force.

And as Congressman Wexler said, we need to think about the implications of voting against that.

I would not choose this as the time to vote, but unfortunately we do not have that choice. It is important to me that any resolution I would choose to support is painfully clear that the goal here is disarmament. As the Carnegie people have said, ultimately regime change may be the means by which we have to achieve disarmament. But I think the goal here is disarmament. I think it is very important we continue to work through the U.N. in good faith. I do not think the Bush Administration has taken steps that represent the level of good faith I would have liked. I think it mostly has been a contradiction between different representatives. It depends upon whether the Secretary of State has been speaking or members of the Defense Department.

One of our jobs is to try to arrive at a clear single voice on this issue. This resolution must be perfectly clear that we should exhaust every conceivable opportunity at the United Nations. We do not need to rush through that because I don't believe it is an imminent risk, and force should be the last resort.

The last thing I want to say is to urge everybody on the Committee to take the time this evening to review the Lugar-Hagel-Biden proposal because I think there may be some things in there that we would like to add by way of amendment tomorrow in this Committee to match this resolution more closely to the best things, the most honorable and noble things the President has said as far as what our intentions ought to be as a country in building a coalition and, as was said earlier, using force only as a last resort. That is the kind of strength I want to be remembered for, as somebody who is so powerful they used their force only when they had to and the threat of that force helped us achieve peace.

Those are my views today, and I look forward to working with you tomorrow in trying to craft a better resolution. Thank you, Mr. Chairman.

Mr. KING. Gentleman from Colorado, Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman. I don't know if there are many other issues that I have looked at for as long as I have looked at this one, studied as much as I have studied this one, and still feel as conflicted as I do about this one. I in a way envy those of my colleagues who are here and have spoken so adamantly and so passionately in support of one side of this debate or the other. They have, in fact, come to that—apparently they have come to that conclusion in their own mind that their position merits this very, very serious vote that they are going to take. I do not mind telling you I am still conflicted. On the one side of the ledger that we keep as we listen through all of this or as I did here, you have to deal with a number of realities, one being that this conflict will increase the threat that exists to the civil liberties in this Nation. It will undeniably move us in the direction to reduce the number of civil liberties that I believe all of us feel so strongly about. Certainly when we are in a fight for our lives, as we are told that this is and I do to a large extent believe that that is true, there will always be this balancing act we have to go through between what is an appropriate measure—what is the appropriate balance between individual liberty and collective security. This is a constant

dilemma for us all certainly, not just on this issue but many. But certainly it highlights it when we come to this debate.

There is no way of assuring that the outcome of regime change in Iraq will be definitive in the peace process. That we do not know, that there is no one that can say what will happen after Saddam Hussein is gone, what will happen in Iraq, what will happen to the countries surrounding it, what will happen in the Middle East. We do not know and there is no way of predicting it. We can all hope for the best, but it is no more than that.

I worry about the establishment of a first strike precedent. This is an enormous change in our foreign policy and our policy as a Nation. It is unique. There are many ramifications to this, as has been already identified by a number of our colleagues here. This is scary stuff. I don't know that all the dots have been connected for me so that I can say that absolutely I am convinced that with Saddam Hussein, the dot is here, the line goes over here to al-Qaeda, over here to the rest of the fundamentalist Islam and the threat that it poses to the United States. I don't know that those dots have been connected.

And I will tell you the other thing that has been incredibly disconcerting to me and that is this, that we are placed in a situation where the action that we may be about to take in Iraq will also ratchet up the incredible danger we are in in the United States. No one believes Saddam Hussein—no one believes that we will lose on the battlefield of Iraq. No one thinks so. We will win. We will certainly win on the battlefields of Iraq. The danger is not there so much, it is there certainly but there is even a greater danger here in the United States because of course our borders are porous, because the threat that will be posed to us by an increased activity level in the Middle East can hardly be ignored.

How can anyone really believe—does anyone really believe that there will not be an increased danger to the United States of people who are infiltrating into the country for the purposes of doing us great harm if we go to war in Iraq? Does anybody think that is not a legitimate concern? And yet I have not heard a single person mention that on their list of issues to be concerned about because our borders are still certainly porous. I will have an amendment that I will perhaps offer tomorrow to address this if it is allowed to be offered.

Now, all this on the one side of the ledger is juxtaposed against this: Do you believe the President of the United States? Do you believe in the veracity of the United States? And, really, almost everything we have talked about here boils down to that. Do you believe that he would actually put the men and women of this country into harm's way for any reason other than, he feels in the bottom of his heart that it is absolutely necessary for the security of this Nation?

There have been Presidents that I would challenge that, for whom the veracity test, I think, has failed.

Mr. KING. The gentleman's time has expired.

Mr. TANCRED. Thirty seconds.

Mr. KING. Without objection.

Mr. TANCRED. I will say that, in fact, I do believe that this President is truthful in his desire. I believe that what he says is

true, that the dangers are great, and therefore it probably outweighs everything else.

But I will tell you this, that my vote to go to war, the vote I will take as to whether or not to send somebody else's child to war, is whether or not I am willing to send mine. And that is a higher standard than I can possibly establish for anything else I do. And so that is why it is a tough, tough vote to take.

Mr. KING. The gentleman from Massachusetts, Mr. Delahunt.

Mr. DELAHUNT. Mr. Chairman, when this Nation was attacked last September 11th, the entire world responded with grief and sympathy and anger. I remember a headline in the French newspaper, *Le Monde*, the next morning which read that "Today, we are all Americans." From that sentiment came an international coalition to defeat terrorism. The cause was just and the evidence certainly was not in dispute.

And progress has been made in the year since, yet the war against terrorism is certainly unfinished and the threat remains.

Now the Administration is asking Congress to authorize another war against a foe whose capacity and inclination to threaten the United States remains a matter of guess and conjecture in a war whose links to the present one are tenuous at best; for the truth is, Saddam and al-Qaeda are natural enemies. One of the goals of the Islamist revolutionaries is the destruction of secular Muslim regimes such as Iraq, regimes which, according to their world view, have corrupted Islam and are responsible for its decline.

Now, there is no question that Iraq's acquisition of weapons of mass destruction is a potential threat to peace and stability. But if that is our concern, why are we focused only on Iraq? The other two members of the "axis of evil" club, Iran and North Korea, possess equally deadly arsenals, and both are considerably further along than Iraq in the development of nuclear devices, as well as the capacity and technology to deliver them. According to our own intelligence, North Korea already has enough plutonium to construct one or more nuclear bombs.

Now, make no mistake, Saddam Hussein has committed savage atrocities against his own people and ruthless aggression against his neighbors. But if we are to authorize a preemptive unilateral military strike, the evidence should be clear and convincing that Saddam poses such a tangible and imminent threat to our interests that we must act without delay, and that he is prepared to use them in the face of our overwhelming ability and superiority.

For it is important to remember that Saddam Hussein possessed such weapons during the Gulf War, and when informed by Secretary of State Baker that their use could provoke a devastating American response, he chose not to use them. Indeed, it is possible that the only time Saddam Hussein will unleash his arsenal is when he himself is facing annihilation with nothing left to lose.

America, on the other hand, has a great deal to lose. If our cause is just and the evidence is clear and compelling and there is no alternative, the American people will do what needs to be done. But before we risk the lives of our soldiers and countless innocent Iraqi civilians, before we divert hundreds of billions of dollars from our own pressing needs, before we risk the moral authority that historically has distinguished America among the family of nations,

we must take every reasonable step to resolve this crisis short of war.

Now, President Bush took such a step before the U.N. General Assembly. His speech was a masterful indictment of Saddam Hussein for his acts of aggression and crimes against humanity. It is my view that while the President has failed to make a convincing case for a preemptive unilateral American military strike, he did make a powerful case for bringing Saddam before the international community to answer for his crimes.

During our debate it is my hope to offer an amendment urging the Security Council to establish a war crimes tribunal against Hussein and other top Iraqi officials. A duly constituted tribunal would be firmly grounded in a core democratic value, the rule of law. It would isolate Saddam and rally other nations to our side like the Hague Tribunal that is now hearing evidence against Milosevic. It could pave the way for regime change without forcing us into a war.

A war crimes tribunal would not only yield justice for Saddam's victims, but also yield a legal and moral rationale, based on evidence, for appropriate international response.

And with that, Mr. Chairman, I yield back.

Mr. KING. The gentleman from Texas, Dr. Paul.

Mr. PAUL. Thank you, Mr. Chairman.

Mr. Chairman, I welcome the opportunity to speak out in opposition to this resolution. Let me very briefly state what the essence of the whole resolution says. And it is in section 3, and it is really—it is 10 pages long, but it is narrowed down to two sentences:

We are giving the President the authority to defend the national security of the United States against the continuing threat posed by Iraq. In other words, we are transferring the power to declare war to the President. He can declare the war and fight the war when he pleases. And that is number one.

Number two, equal to number one, enforce all relevant United Nations Security Council resolutions. In this bill that we are working on, they mention United Nations 32 times—I am sorry, 25 times. They never mention article 1, section 8, once.

I have three main concerns. One is, first, the merits of the war itself—that has been addressed rather extensively so far. Two is, the constitutional process, which I think we have totally neglected. And three is also something else that we don't talk about much, but gets us to these places so often, and we wonder why we are here, and that is the philosophy of our foreign policy.

Lately, in dealing with this resolution, we deal with the technical aspects of it. We have long forgotten about what the morally just war was all about, defined more than a thousand years ago. And I don't think this one meets up to this.

It has been stated that we are starting something historically different, and I believe we are. We are institutionalizing the concept of preemptive war. We are embarking on something brand-new and different. It is not part of our traditions and it is not part of our Constitution.

War, and a morally just war, should be defensive, after you have been attacked and aggression has been committed against us. Also, it should be of last resort. Negotiate, negotiate, negotiate. It should

be the last resort. And also the legitimate authority has to be there to institutionalize the war, and I think we come up short with this.

We do not have any evidence that aggression has been committed by Saddam Hussein against us, no matter how bad a guy he is. And there are a lot of bad guys around the world. There is no clear-cut evidence that there is an imminent threat right now. Even Secretary Powell admits the military of Iraq is much weaker than it was 12 years ago. And so far there is nothing brand-new compared to 2 months ago, 2 years ago, or even 12 years ago that says that we must send our kids over there to fight this war.

The constitutional process, I think, has been sadly neglected. It is very clear in the Constitution and it is very clear in our history about where this power to wage war and declare war resides. And it resides in the U.S. Congress.

Now, the answer so often that I hear when I raise this is, but we have done it before. Of course, we have done it before. But does that make it right? Oh, we have the War Powers Resolution, and that permits war for 60 to 90 days. That is an illegal, unconstitutional transfer of power.

If we want the President to make these decisions, the Constitution should be amended, and it hasn't been. And that is what we are doing with this resolution, we are circumventing the Constitution to allow the President to make a decision that falls on our shoulders that we are neglecting. And I think we should think about that seriously, because I think it fits into the philosophy of the last 50 or 60 years.

The last half of the last century we did evolve our foreign policy to the point where now we have become the self-appointed world policeman. We have accepted not the foreign policy of the Founders and the foreign policy of the Constitution, where you have a strong national defense and you defend our country while being friends and trading, but we have involved ourselves in entangling alliances and involved ourselves in the internal affairs of so many nations.

But now we have allowed this to happen to the point where we are responsible for everything and yet the Congress is responsible for nothing. Congress is there to rubber-stamp what is happening, and our—not only are we derelict in our duty in transferring this power to the President, both the executive branch and the legislative branch are derelict in allowing this power once again to be transferred to the United Nations.

We should take this very seriously, because the policy of foreign intervention has a poor record. It hasn't worked very well. I believe because we have avoided the Constitution in the way we declare war, we have had so many failures, we don't win wars anymore. And we should be very cautious to follow the rule of law.

Mr. KING. The time of the gentleman has expired.

The gentleman from New York, Mr. Meeks, is recognized for 5 minutes.

Mr. MEEKS. Thank you, Mr. Chairman.

Members of the Committee, the resolution we are considering today is not only important to our national security, it has implications for how we as a Nation relate to the United Nations, and indeed the entire world, implications which can either change or reinforce many of the negative perceptions our allies and friends

have about our Nation, perceptions which no amount of public diplomacy will change.

Mr. Chairman, the safety of Americans at home and abroad is my top priority and concern. It is why I supported and will continue to support all actions taken by our government to apprehend and to bring to justice all of those involved in the attack against America on September the 11th. But I fear our approval of this resolution will not result in making Americans at home and abroad safer, and may even make Americans less safe in an increasingly smaller world.

What I know, subsequent to September the 11th, is that global cooperation with other countries, countries like Malaysia, Indonesia, Singapore, Pakistan and others, that because of that global cooperation, we have caught and arrested various terrorist cells who are hell-bent on destroying America and having another terrorist attack here at home.

I would argue that we are more vulnerable to nonconventional weapons today than we are to conventional weapons today; and I fear, if we are vulnerable—if we are vulnerable to these nonconventional weapons, that if we lack global cooperation, then therefore we will be subject to another attack in the near future.

Our threat—and what will we do to our allies, these countries—Malaysia, Indonesia, Singapore, Pakistan—those countries that have become our allies who have moderate Islamic governments? We will be undermining them and allowing a stronger foothold by the fundamentalists within those governments, thereby giving us or putting us and our people in greater threat, it is my belief.

But the fact of the matter is, this Congress can pass whatever its Members want to pass regardless of our international considerations. We have done it before and we are likely to do it again. But I want all of us to remember, just because we democratize and democratically authorize the Administration to utilize the most powerful military in the world does not make it legitimate in the eyes of the international community or under the current rules of international law.

The United States, no more than any other country, does not have the right to use military force to implement any U.N. resolutions on its own. Only the Security Council can make a decision regarding what is needed to implement its own resolutions.

Congress may support the use of all necessary means to achieve the goals of Resolution 688, but that does not mean it has the international right to do so. A congressional finding of support for the use of all necessary means to achieve the goals of Resolution 688 does not mean the U.N.'s requirements for such action.

The United States can unilaterally define what is in the national interests of the U.S. However, just because we have the power does not mean we have the right to impose our own version of peace and security in a region any more than another nation does.

I truly hope we, as Members of Congress, are prepared to address a wide range of issues which could materialize from this resolution. I hope we are ready to comfort those loved ones who may have friends or family put in harm's way to protect us from an unproven, imminent threat. I hope we are able to explain to Americans, if they become less safe from the use of force against Iraq,

why are we authorizing action which could reduce the cooperation we are currently receiving from others in the world.

I hope we can explain to the world how in the name of peace and our security we authorize the use of force which potentially could destabilize an already unstable region of the world.

And I yield back.

Chairman HYDE. The gentleman from California, Mr. Rohrabacher.

Mr. ROHRABACHER. Mr. Chairman, thank you very much.

This is a very serious debate. Mr. Paul raised some very important issues constitutionally. We have had other issues raised. But let me suggest that one thing that I have heard in this debate that disturbs me is the necessity of some of our Members to attack the way the President of the United States has handled this situation. Frankly, I find it to be unconstructive nitpicking, by and large, what has been said here.

The President of the United States has done an excellent job since 9/11 in meeting a very serious challenge to the safety of our people and our country. The President of the United States has dislodged the Taliban from Afghanistan with very few military casualties. He has sent al-Qaeda running into the hinterlands, looking behind their back, with very few casualties. And I think he has done a terrific job since 9/11.

And part of his task is to see to the long-term security interests of our country. Now that we have been alerted to the fact that we can no longer wait, as we did two centuries ago, to be attacked before we look out for the national security interests of our country, the President of the United States has set us on a course to try to eliminate what is a horrible threat to our security and the safety of each and every one of us and our families. And that is, that we have a gangster regime in Iraq led by a man, a monster, who has murdered his own people, who has a blood grudge against the people of the United States.

This man was taken down 12 years ago, or a decade ago, by American troops, and we didn't finish the job; and now, if he gets his chance, he will hurt us. And it is ridiculous for anyone to say that we should wait until we are attacked by a man who is trying to get his hands on chemical and biological weapons that can kill hundreds of thousands of Americans. That is absurd. And the President of the United States sees this threat to us, and I think that we should tip our hats to him and congratulate him that he is willing to take this kind of guff in order to try to see to the security of our country when it is a very real and recognizable threat.

And, yes, it is the same threat we had 2 years ago. But what we didn't have 2 years ago was a recognition by the American people that if we don't act on such threats, their lives are in danger. So, yes, the President now has a consensus since 9/11. That is why it is different than it was 2 years ago. That is why we are able to act now. And congratulations to President Bush for leading us in a way that will make us safer when we rid ourselves of this monstrous threat.

And it is a monstrous threat. A Saddam Hussein with chemical and biological weapons, a Saddam Hussein with nuclear weapons in his hand, and a Saddam Hussein with rocket technology that

can deliver those weapons to the United States or to Israel or other parts of the world, that is a threat that we can't wait to see come to fruition. We need to cut it off now. And that is what the President of the United States is suggesting. God bless him for it, for his leadership and his courage.

Now, we have heard here—and by the way, again, we hear nitpicking on the President. He has gone to the United Nations. That was a demand on the other side of the aisle, have him go to the United Nations.

Now, I happen to know the United Nations has a lot of kooks and nuts and crooks there, and despots, in the United Nations. I don't care if he goes to the United Nations. But to go out and to meet our colleagues halfway, yes, he went to the United Nations.

Now he has come to us. We demanded he come to some sort of recognition, and that is right. Our constitutional system, you know, suggests he has to come to us for approval. That is terrific. He has now come to us. We should not turn him down.

He has gone—he has jumped through hoops to make sure that we can conduct this operation to free ourselves from this threat in a very professional way. And, as I say, the nitpicking is certainly not appreciated on this side of the aisle and, I would hope, by many people on that side of the aisle as well.

Let me just suggest this. No one is asking anyone to go to a war—to go to war against Iraq or the Iraqi people. We are talking about liberating the people of Iraq from Saddam Hussein, this monster who has murdered them, who holds them in an iron grip. They will be dancing in the streets of Baghdad and waving American flags when American troops and their own people come to liberate them. This is a liberation.

And I would ask an additional 30 seconds to finish my remarks, Mr. Chairman.

Chairman HYDE. Without objection.

Mr. ROHRABACHER. So the bottom line is, no, we don't want disarmament, because Saddam Hussein can rearm just the very next day with the very worst chemical and biological and nuclear weapons. What we want is a more peaceful world. What we want is a free people in Iraq. And none of that will happen, and we will not be safe, until Saddam is gone.

Saddam Hussein has to go if we are to be safe, if the people of Iraq are to be free, and if our children are to live lives free from the threat of the type of damage that was done to us on 9/11. We should never wait for that to happen again. Thank God President Bush is acting to see that it doesn't.

Thank you.

Chairman HYDE. The gentlelady from California, Ms. Lee.

Ms. LEE. Thank you, Mr. Chairman.

Today, we are confronting one of the most important questions we face as Members of Congress, whether or not to wage war. Now, I am strongly opposed to this resolution which authorizes a possible first strike against Iraq. Such an action could destabilize the Middle East and set an international precedent that really could come back to haunt us all. President Bush's doctrine of preemption violates international law, the United Nations' charter and, really, our own long-term security interests.

We do not have to rush to war. In fact, we really don't need this resolution. If the United States indeed faces an imminent attack from anywhere, the President already has all of the authority in the world to defend our country. The Constitution gives the President the power, as commander in chief, to respond to an imminent attack, as does a larger body of international law, the United Nations charter, in the case of clear and imminent danger.

We have not received proof of clear, present, and imminent danger. You have heard that today from many Members. President Bush called on the United Nations to assume its responsibilities, but today Secretary of State Colin Powell, he announced that the United States is now opposed to immediately undertaking inspections.

Now, we have been calling for these for months, for years, and now we are resisting them. What kind of international cooperation is that? What kind of leadership is that?

Now, it really doesn't take leadership to go drop bombs or go to war. It takes real leadership to negotiate and develop peaceful resolutions to conflicts.

So I call on the United States to assume our responsibilities by working with the United Nations to ensure that Iraq is not developing weapons of mass destruction. That is how we protect our country. That is how we ensure our national security.

Now, when Secretary Powell came before this Committee, I asked him, If Iraq had not responded with an affirmative on the return of the weapons inspectors, what would have been the United States' response, and how would our strategy differ from where we are now? Secretary Powell answered that he didn't know that it would have been any different, and in fact, it didn't really matter whether or not Iraq allowed inspectors.

So I keep asking the question, is our goal the elimination of the weapons of mass destruction because they pose a potential danger, or is it regime change because we oppose the Iraqi Government?

Now, for all of these reasons, I have cosponsored H.Con. Resolution 473 which currently has 35 cosponsors. This resolution calls on the United States to work with our allies to disarm Iraq through U.N. inspections and other diplomatic means.

Those inspections succeeded in destroying thousands of tons of weapons in the 1990s despite Iraq's attempts at obstruction, and they can work again. But today we are being asked to authorize the unlimited use of force before inspections have even had a chance to succeed.

And, Mr. Chairman, I would like to reread the statement by the Congressional Black Caucus, which was unanimously adopted; and I would like to ask for unanimous consent to insert it into the record.

[The information referred to was not submitted.]

Chairman HYDE. Without objection.

Ms. LEE. Thank you, Mr. Chairman.

We recently held our Congressional Black Caucus weekend, and the theme was a voice for global understanding. We adopted this resolution, and it says, once again:

"We oppose a unilateral first-strike action by the United States without a clearly demonstrated and imminent threat of attack on the United States.

"Only Congress has the authority to declare a war.

"Every diplomatic option must be exhausted.

"A unilateral first strike would undermine the moral authority of the United States, result in substantial loss of life, destabilize the Middle East region, and undermine the ability of our Nation to address unmet domestic priorities.

"Further, any post-strike plan for maintaining stability in the region would be costly and require a long-term commitment."

There are many questions that remain unanswered. Where is the proof that Iraq poses an imminent threat to the United States? What is our objective here, regime change or the elimination of weapons of mass destruction? What would this doctrine—where would this lead our country? How could we strike first and then claim the moral authority to tell China not to do so with Taiwan? What about India and Pakistan? What about Russia and Georgia? Is this the precedent that we want to set?

President Bush said that Iraq, Iran, North Korea were all members of the so-called "axis of evil." Will we attack Iran next, then North Korea? Who will come after that?

The Bush doctrine of preemption takes away our moral authority in ensuring that conflicts around the world are resolved without using the weapons of war. It sets a new and dangerous precedent.

And how does this make American people safer? Are our airports safer today? Are our seaports secure?

We had better be able to answer these questions before we spend \$200 billion to create a new regime in Iraq. Remember, weapons of mass destruction were not used on 9/11.

So let me just say, I believe that this path to war, this blank check to authorize a first strike will not restore peace and security. It will inspire hatred and fear and increase instability and insecurity. As General Zinni said, we need to quit making enemies that we don't need to make enemies out of. The majority of the world is opposed to a unilateral first strike. Our friends and almost all of our allies——

Chairman HYDE. The gentlelady's——

Ms. LEE [continuing]. Ask us not to go down this disastrous path.

Thank you, Mr. Chairman, for the time.

Chairman HYDE. Thank you.

The gentleman from Michigan, Mr. Nick Smith.

Mr. SMITH OF MICHIGAN. Mr. Chairman, thank you.

I think we all agree that the matter we take up today is of great importance. After more than a decade of deceit, though, and evasions from the current Iraqi regime under Saddam Hussein, the United States and our allies are now brought to the brink of war. By passing this resolution, we make it clear that the United States will defend itself and our allies against threats from Iraq, including Iraqi efforts to develop weapons of mass destruction and Iraqi support for terrorism.

At the same time, the passage of this resolution will put Iraq on notice, I hope for the final time, that it must allow comprehensive

and unlimited inspections or face the consequence. H.J. Res. 114 is entirely appropriate, number one, to encourage the United Nations' action and to get the serious attention of Saddam Hussein.

One important point should be emphasized, however. Our quarrel is not with the Iraqi people. The Iraqi people did not choose to invade their neighbors; that was the work of Saddam Hussein. Nor did they flaunt a dozen U.N. resolutions, commit human rights abuses, fund terrorism, or develop weapons of mass destruction. A pre-Iraqi people would not have done any of those things. The aggression and buildup of weapons have happened because the Iraqi Government was seized by Saddam Hussein, who has used Iraq and the Iraqi people for his own delusional purposes.

I hope to make it clear today that the United States does not consider the Iraqi people its enemy. In fact, I believe that they will be our allies against Saddam Hussein's regime, as the Afghan people were our allies against the Taliban.

I plan to offer an amendment today and tomorrow that would make this essential distinction clear in the text of the resolution. This morning, I and about a dozen other Members met at the White House with George Tenet, the Director of the CIA, and Condoleezza Rice, the National Security Adviser. They related classified information about what we know about Saddam Hussein's buildup of chemical, biological, radiological weapons and the potential for nuclear weapons, and the technology and equipment that they have been developing to deliver those weapons. It seems to me that it would be better, and I have suggested to the White House, to consider declassifying some of this information, so the American people understand the threat if some of this—of the potential use and aggression of these weapons.

Let me say, Mr. Chairman, that for the last 10 years Saddam Hussein has been eluding inspectors and continuing to develop weapons of mass destruction. Who thinks, if not for President Bush and his demand for change, that the United Nations would be talking about a new, tough resolution and consequence if Iraq did not comply? Who thinks, if not for this President and, if you will, a gun to the head of Saddam Hussein, that this person would be starting to suggest that inspectors could come back in?

Saddam Hussein is a bloodthirsty bully who has already used chemical weapons to kill Iranians and his own people.

It has been said that an attack on Iraq could hurt us. That is true. But it seems obvious that doing nothing and allowing this Iraq dictator to become even more powerful with more weapons could hurt us and our allies more in the future.

Mr. Chairman, I think what this President has done is make the world pay attention to a real threat to our humanity and to our freedom and to our liberty, and I would certainly like to thank the Chairman also for holding this markup today.

I look forward to the debate to come.

Chairman HYDE. I thank the gentleman.

The gentleman from Pennsylvania, Mr. Hoeffel.

Mr. HOEFFEL. Thank you, Mr. Chairman. And thank you for making sure this Committee is considering this resolution.

We face a toxic mix in Iraq of dangerous weapons controlled by a dangerous tyrant. From the beginning of this debate, I have been

convinced that we must focus our efforts to stop Hussein through the United Nations and through multinational support, and that we should focus on the weapons of mass destruction and disarming Hussein.

Clearly, we must rid Iraq of weapons of mass destruction and the means of producing future weapons of mass destruction, and we must impose a tough monitoring program on that country. If Saddam resists, we must be prepared for what happens the day after regime change inevitably would occur.

Accordingly, I was very concerned about the initial resolution that the President sent to Congress. It gave credence to the fear that our country's first step in this crisis would be a preemptive unilateral military strike, which I do not and would not support in the absence of a threat of imminent danger to the United States. The resolution was too broad, did not require the President to work through the United Nations, and did not address our plans for the future of Iraq.

Since then, the House and the Administration, on a bipartisan basis, have negotiated a compromise resolution which addressed many of these concerns. I salute the President, the Speaker, and the Minority Leader for their leadership; and I support the resolution.

The President has promised congressional leaders he will exhaust all options at the United Nations before taking military action. At a White House briefing this morning, that the prior speaker alluded to, the National Security Adviser and CIA Director repeated those assurances. I urge the President, in the strongest terms, to adhere to the letter and spirit of this resolution in exhausting the avenues open to us in the United Nations in order to disarm Saddam Hussein. In this challenge, we will be strongest when we act multinationally.

I also call upon the Administration to give great thought and commitment to peacekeeping and nation-building and those challenges in Iraq in the event of regime change. There are important, important unanswered questions regarding post-Saddam events. Will our Armed Forces become an occupying army that must rule Iraq if no acceptable local government emerges? If a government does form locally, will our forces be needed as peacekeepers? How long will this last, in either event, and how much will it cost? What kind of rebuilding and redeveloping assistance will we offer?

Frankly, it is long past time for a modern-day Marshall Plan in this part of the world. That Marshall Plan, after World War II, involved 14 countries, \$13 billion, 4 years of expenditures. And it rebuilt a war-ravaged world. We need to give consideration now to a modern-day Marshall Plan that can address problems that are, frankly, much more serious and much deeper in these parts of the world.

If we are serious about establishing a representative and democratic government in Iraq and other troubled spots around the world, we must address the hopelessness that people in many countries face every day, not just the grinding poverty, not just the lack of opportunity, but day-in-and-day-out hopelessness. We must empower people through a new Marshall Plan and offer them hope—hope of liberty, hope of opportunity, hope of self-government.

Thank you, Mr. Chairman. And I yield back.

Chairman HYDE. Thank you.

Mr. Cantor, the gentleman from Virginia.

Mr. CANTOR. Thank you, Mr. Chairman.

Mr. Chairman, I would first like to commend you for your leadership on bringing this resolution forward today. And I would also like to take the opportunity to commend President Bush on providing unparalleled leadership on the issue of protecting America, our people, and our institutions.

Before speaking directly to the resolution, Mr. Chairman, I would like to first respond to an earlier statement made by our colleague from Georgia on the other side of the aisle. I think she posed the question, Do we have different standards for different countries? My answer is an emphatic "yes." Yes, we should support countries that choose democracy, that honor the rights of individuals and protect the basics of human rights. Yes, we should help and support countries which popularly elect their governments and honor the will of their people.

At the same time, Mr. Chairman, we must stand up and oppose oppressive, tyrannical regimes such as that of Saddam Hussein. We must oppose despots who kill their own people with chemical weapons and attack their neighbors. We must stop dictators whose principal aim is the development of weapons of mass destruction to the peril of the well-being of his own people. We must remove dictators who harbor and support international terrorist organizations such as those responsible for the attacks of 9/11.

And on that day, Mr. Chairman, the United States was attacked; then the war began.

And to those of my colleagues posing the question, where is the imminent threat, I ask, how many more innocent Americans need to die in order for the threat to be imminent? We face an enemy that will stop at nothing to kill Americans, including taking their own lives. This enemy could not survive without the state sponsorship it receives from Saddam Hussein, a sworn enemy of the United States. In order to win the war on terror, we must effect regime change in Baghdad.

As we consider the resolution before us, Mr. Chairman, we must consider two fundamental questions: Does Saddam Hussein have the desire to harm the United States of America? And, does Saddam Hussein have the ability to carry out that objective?

In answering the first question, we must be mindful that he has aligned his regime with the world's most unsavory characters, who continue to seek the destruction of freedom and democracy around the world. We has openly praised the attacks of September 11th, attempted to assassinate a former United States President, and directly ordered acts of terror on foreign soil. Our national security requires us to conclude that he aims to threaten the lives of American citizens.

Saddam Hussein is an oppressive tyrant who, with each passing day, increases his ability to terrorize the world with the most destructive weapons known to man. He currently has chemical and biological weapons and is actively pursuing a nuclear capability. The accumulation of these weapons is transforming Saddam Hussein from a regional threat into a global menace. Whether we act

to prevent him from acquiring such weapons or act to prevent him from using them once he has them, action is required.

Although the United States is a peace-loving Nation, there will never be peace and security so long as Saddam Hussein is in power. Effecting a regime change and liberating the people of Iraq is the official policy of the United States Government. This resolution gives the President the authorization necessary to address this threat to our national security and carry out that policy.

I applaud President Bush for his leadership in this time of national crisis, and wholeheartedly support this resolution. And, Mr. Chairman, with that, I yield back the balance of my time.

Chairman HYDE. Thank you.

Mr. Blumenauer, the gentleman from Oregon.

Mr. BLUMENAUER. Thank you, Mr. Chairman. And I appreciate your leadership and commitment to the Committee's doing its job, as we are doing here this evening.

Since becoming a Member of Congress, I have been struck by how often there is a gap between the needs and concerns of the public and the ability of Congress to hear and give voice to those needs and concerns. I have talked to dozens of Members of Congress from many States, from both parties, and without exception, we are all hearing the same reactions. The people at home are asking very hard questions about the wisdom of our past actions.

There is, to be charitable, little enthusiasm for unilateral American action. People suspect that part of the instability in the Middle East is the result of our past missteps and miscalculations, giving aid and comfort to Saddam Hussein and the Taliban, not thinking it through fully at the front end, and then walking away when our attention is diverted or we become fatigued.

People want to know, what is the rush? What has changed now? And they are skeptical about what appears to be political timing. The responses from constituents who bother to formally contact our offices are overwhelmingly opposed to war with Iraq, often by ratios of 100 to 1, even 500 to 1.

I think the American public has it right; we are not finished with the war on terrorism. And this is highly distinct from our ongoing conflict with Iraq. We are not yet finished in Afghanistan. President Karzai is barely the mayor of Kabul and owes his life to the American Delta Force bodyguards. It is not clear that we or the countries who supported us in Afghanistan are ready to do what it takes to finish the job here.

Indeed, we are not even finished yet in the Balkans.

It has been an open secret on Capitol Hill that contrary to some of the Administration's formal pronouncements, there has been much greater caution and skepticism from the leaders in the Pentagon. Former generals have openly declared their concerns before Congress. Some of the voices that have expressed concern and, in some instances, opposition have been those of distinguished political leaders in both parties, names familiar to the public—Armedy, Gore, Lugar, Hagel, Kennedy. But there are many more leaders whose voices may not be quite as well known, and they are the voices of our colleagues who don't need focus groups and more famous politicians to validate their own deeply held convictions.

My bottom line is that no President deserves a blank check when it comes to waging war. And despite some important additional verbiage, the authorization before us is delegated to the President's unfettered judgment.

Some claim that the strong words of our President got the United Nations engaged, and I think that is probably true. And that is his job and his prerogative. Now Congress needs to do our job.

I am not opposed to the use of force. I have supported it in the past and could do so in the future. However, I don't think this is a situation where either the case has been made or the foundation established. It is terrorism that is the greatest threat to America. Inappropriate action against Iraq right now could actually expose Americans to greater risk.

I urge the leadership and the diverse membership of this Committee to be part of a diplomatic solution internationally and to engage honestly with the American public here at home. Congress and the American public have a right to know the costs and consequences before following this path. We should reject the notion of a preemptive, unilateral, go-it-alone attack on anyone we deem a threat.

A unilateral preemptive strike without direct provocation is both wrong and dangerous, especially when undertaken by the most powerful Nation the world has ever seen. If we can't live up to our own principles, how can we expect other countries to obey the rule of law?

To respect the integrity of a reasonable, strategic, diplomatic and moral position of the United States is not to imply any sympathy for Saddam Hussein and his brutal regime. There is a bipartisan consensus in Congress to work with our allies, not tell them what to do beforehand; to use the United Nations to lay the foundation for a muscular, aggressive regime of effective inspections and enforcement of United Nations resolutions. Such an approach will be most likely to produce the results the Administration wants. It is entirely consistent with where the American public is, and based on the most accurate measurement, it is what we actually hear from our citizens when we take the time to listen to them.

The situation in the Middle East is the most volatile it has been in our lifetime. Iraq is but one troubling part of that equation.

I hope that this can be the beginning of a new chapter of diplomacy and thoughtful action by the United States. And I appreciate your leadership, Mr. Chairman and Mr. Lantos, in helping us get there.

Chairman HYDE. Thank you, Mr. Blumenauer.

Mr. Flake, the gentleman from Arizona.

Mr. FLAKE. I thank the Chairman for holding this markup and for allowing all the Members the opportunity to speak.

First of all, let me just say that I identify with many of the comments made by Ron Paul. I would feel more comfortable voting for a formal declaration of war. However, that is not what is on the table today. Like it or not, we are in the situation that we are in.

Of course, all of us want to avoid war, but not avoid war at all costs. I think we have seen what can happen when we seek to do that.

Now, the scientific world speaks of necessary and sufficient conditions in order to bring about change. This resolution is a necessary condition to bring about change in Iraq, to rid Iraq of weapons of mass destruction. Only time will tell if this is a sufficient condition. I fear that it will not be.

There is nothing that has been done so far with regard to U.N. resolutions and Saddam's unwillingness to abide by them that gives me any confidence that this will be a sufficient condition. That is why this resolution is so important. It puts forward necessary conditions. But also, if those are not sufficient, we give the President the authority to go in and actually use the means of force to bring about our objective.

I applaud the President, Speaker, the Minority Leader and others who have sought to put this together in a way that it could bring support from the Congress. I urge support of the resolution. And yield back the balance of my time.

Chairman HYDE. I thank the gentleman.

The gentlelady from Nevada, Ms. Berkley.

Ms. BERKLEY. Thank you, Mr. Chairman, for holding this very important hearing. Much of what I have to say has been said by others, and said quite eloquently, but I would appreciate the opportunity to put my thoughts on the record.

Iraq, under the tyrannical dictatorship of Saddam Hussein, has been in violation of 16 different United Nation resolutions over the past decade, resolutions passed to ensure that Iraq dismantle its chemical and biological programs, and destroy any remaining weapons of mass destruction.

Ensuring compliance with these U.N. resolutions, which represent the will of the international community, is essential. Iraq has demonstrated its willingness to use these horrific weapons in battle and against its own people. One particularly gruesome example occurred in the late 1980s when Saddam Hussein's military unleashed deadly chemical gas attacks over entire villages in Iraq, killing thousands of innocent men, women, and children.

Given Saddam Hussein's 11-year record of defying and misleading the international community, I believe the United States, its allies, and the United Nations are justified in their efforts to rid Iraq of biological and chemical weapons. Month by month, Saddam Hussein increases his arsenal of chemical and biological weapons, while he aggressively works to build nuclear weapons.

September 11th taught us that there are those who would use any means to harm innocent Americans. I am increasingly concerned about weapons of mass destruction being transferred from Iraq to terrorists like Osama bin Laden's al-Qaeda network, bent on attacking Americans.

The United States should seek to achieve this objective with as little risk to Americans and the Iraqi civilian population as possible. However, we must act, and act decisively, to permanently disarm Saddam Hussein, because the cost of lives and misery if we don't act will be incalculable. It is not a matter of choosing between war and peace. It is a matter of choosing between war on our terms or war on Saddam Hussein's terms.

Before any action is taken, the President is right in seeking approval of Congress, and I appreciate that and applaud that. I com-

mend him for that. Further, it is important that we continue to make every effort to marshal international support. The changes to the original proposal, that have been agreed to by the Administration, have improved the original resolution.

I am mindful of my duty and responsibility on this occasion, and I shall be voting in favor of the resolution before us. I yield back the balance of my time.

Chairman HYDE. Thank the gentlelady.

The gentlelady from the Mother of Presidents, Virginia, Ms. Davis.

Mrs. JO ANN DAVIS OF VIRGINIA. Thank you, Mr. Chairman.

Mr. Chairman, as you know, I very rarely give opening statements, but I appreciate the patience to be able to give one on such an important matter.

Let me start by saying that, from the beginning, I have had reservations about this decision, and I share the same concerns as my colleague from Colorado, Mr. Tancredo, with regards to retaliation on our own soil, as well as the possibility of the state of Israel. Both I believe to be very, very strong possibilities.

What we are about to undertake is of monumental proportions, and as a Member of the House Armed Services Committee and one who represents a very heavy military district, I know all too well the effect that our decision to take military action against Iraq will have on the course of our Nation—for decades, I am afraid. However, we must move forward with this resolution against Iraq for the preservation of our own way of life. We cannot and shall not and will not live in fear.

This decision will, however, impact the lives of the men and women who serve our Nation. We must assure them that this war will be fought swiftly, with all intent to win, to win decisively, and to have a clear exit strategy. I don't take this vote lightly because I do represent the very men and women who will leave the ports in Virginia to face evil and risk their lives for our freedom.

With all that said, Mr. Chairman, after eight or nine classified and open briefings in the Armed Services Committee and many hearings in this Committee, I believe that we must move, and we must act and pass this resolution. I believe we must do it now. And for that reason, I will be voting "yes" on this resolution.

And I thank you for your time, Mr. Chairman.

Chairman HYDE. I thank the gentlelady.

The gentleman from California, Mr. Sherman.

Mr. SHERMAN. Thank you, Mr. Chairman.

Saddam Hussein has killed hundreds of thousands of people. He has gassed his own people, he has risked his life several times, all in an effort to expand his power. If he had a nuclear weapon, he could smuggle it into an American city, because after all, a nuclear weapon is about the size of a person. He could hide it in an apartment and then could invade Kuwait or Saudi Arabia with impunity.

We must prevent Saddam Hussein from developing nuclear weapons. The question is, what resolution will best achieve that goal?

I will vote for final passage of whatever resolution this Committee finally agrees to, but I hope that we will come up with a

different resolution than the one presented by the Chair, although as I say, I will support that if that is the final vote of this markup.

There are two approaches that can be taken to try to prevent Saddam from developing nuclear weapons. One is what I call the Powell-Blair approach, which is to authorize the use of force only if inspectors are thwarted. The other is what I would call the Cheney or Richard Perle approach, which is to invade Iraq regardless of whether Saddam will allow unrestricted inspections.

I think this Committee and this Congress should choose and authorize one of them. Instead, we have a resolution which, while it gives some advice to the President, authorizes the President to either use the Powell-Blair approach or the Cheney approach.

Accordingly, I will introduce an amendment in the nature of a substitute which will differ from the Chairman's mark in several respects.

First, the "whereas" clauses will describe only the nuclear threat and threat of other weapons of mass destruction that Iraq poses. It will not mention those U.N. resolutions that call upon Saddam to treat his own people with justice and fairness. That is because we should not give as a reason for the use of force the abuse of human rights by Saddam, which will raise the question in the world, what about other countries that are not democracies or that violate human rights? We must have reasons for the use of force that relate exclusively to the weapons of mass destruction.

Second, the amendment I will put forward will authorize the use of force only if Iraq fails to promptly agree and allow an effective weapons inspection and disarmament program, and—or if Iraq interferes with that program after agreeing to it. It will define an effective inspection and disarmament program as requiring immediate, unobstructed, and unannounced entry into all facilities, including, of course, those so-called "presidential palaces."

Finally, the amendment will direct the President to seek a U.N. resolution to achieve these inspections, but it will not condition the President's authority to use force on the U.N.'s action, because we should not endanger the security of the United States just because we can't get France or China or Russia to vote for a particular resolution.

I hope we go to the U.N. I hope we get the kind of U.N. resolution that Powell is seeking. But we will have to act as if we have that support from the United Nations whether we get it or not, unless we are willing to perhaps risk American cities based upon the vote of one of the other members of the Security Council.

As a matter of the technical rules of this Committee, I may have to offer this amendment in the nature of a substitute in two parts, one part changing the "whereas" clauses of the Chairman's mark, and the other changing the "resolved" questions or action of provisions of the Chairman's mark. I hope to be able to present it—in the interest of time, to present it as a single amendment.

We need to give the President the tools necessary to prevent Saddam Hussein from developing nuclear weapons. Those tools are to be able to go to the United Nations, to be able to go to Saddam Hussein and say, either we will have the most incredibly invasive inspections program or we will use force. That is the approach I think we should take, because it will show the world that while we

are anxious to prevent Saddam from developing nuclear weapons, we are also anxious to avoid war.

The approach that I fear might be taken by this Administration and one of the two approaches authorized by the Chairman's mark would be to invade, whether or not Saddam agrees to intrusive inspections. That approach will not have the support that we ought to get from other countries around the world.

Chairman HYDE. The gentleman's time has expired.

Mr. SHERMAN. Nor will it demonstrate our dedication to peace. I thank the Chairman for his indulgence.

Chairman HYDE. The gentleman from Wisconsin, Mr. Green.

Mr. GREEN. Thank you, Mr. Chairman.

As one of the last speakers tonight, I would like to step back a little bit as we look at this resolution. I would like to begin by thanking the Chairman, as so many others have, for this markup. I think, thanks to this markup and to the hearings that we have had and the briefings that we have had, I can say, Mr. Chairman and Members, that we are ready. I think we are ready for this debate today, and I think we are ready to make some final decisions.

Now, in the end, some of us will vote "yea," some of us will vote "nay." But despite those differences, I think we can all safely say that we have cast our votes after a full and healthy debate based firmly on the best, the most complete, information that we could possibly have.

As so many others have said, we are about to tackle the most difficult decision that any public official can ever make, the decision to authorize the use of military force. Of course, that is high-sounding language, but what it really means is placing people, young people, our young people, in harm's way. It is a decision that weighs on every one of our hearts and one that must be treated with extraordinary caution and care.

I can say confidently that I have spent the last 3 months preparing for this day. I have traveled to the Middle East, I have spoken with military personnel from Marine Corps corporals to Army generals. I have heard from constituents on both sides of this issue, passionately on both sides of this issue. I have been briefed, as other Members have, by CIA Director Tenet, by National Security Adviser Condoleezza Rice, and others. I have read everything I could get my hands on and I have heard from expert after expert at the hearings that have been convened.

Mr. Chairman, like others, I have been in so many ways conflicted, but I can finally say that I feel ready to make some of the difficult decisions that our work will require. I must say I have been surprised by the number of our colleagues on both sides of this subject who have pledged their votes before even seeing this resolution, before even getting some of the information that I have received, that has been offered to us, that I think is too important to ignore. This is too serious a matter for knee-jerk reactions and closed minds.

Of course, like everyone, I have my biases, I have my leanings; and in my view, history—both decades-old history and fairly recent history—shows the flaws and defects in a policy of appeasement in the face of a dangerous tyrant, a tyrant who clearly has designs on power and empire. There can be no doubt that Saddam Hussein

has routinely violated agreements, resolutions and, most significantly, human rights.

With this resolution, it is clear that our Committee is not debating peace versus war. I take issue with how some have framed this. I am for peace. We all must stand for peace. The question we debate is how we secure that peace in the long run, and how we avoid having a potentially devastating attack or conflict thrust upon us. The question is, what should we do in the face of a gathering storm, a gathering threat?

Some, including some here, would put their faith in diplomacy alone. Others of us would truly like to have faith in diplomacy alone, but we cannot; we dare not ignore the history of the current Iraqi regime.

In any case, the time has come for us as Committee Members and Members of this institution to use our preparation, to use our knowledge and, Lord willing, our sound wisdom and judgment to make these tough calls. I know we are ready.

Thank you, Mr. Chairman, for your role in making us ready. And I yield back my time.

Chairman HYDE. Thank you, sir.

The gentleman from California, Mr. Schiff.

Mr. SCHIFF. Mr. Chairman, I would like to address one question that has been central to the debate over Iraq. It is a question that has been raised in one form or another in every concern that has been expressed on the use of force. And that is, is the threat to the United States from Iraq imminent enough to warrant an invasion of Iraq?

Part of the difficulty we have all had in answering this question is owing to the fact that the nature of the threat to the United States has changed. As long as we are the world's lone superpower, we will never face hostile troops amassing on our borders. We will not likely to find a military colossus built on world domination threatening our allies in Europe or attacking us in the East.

The threat we now face comes from terrorists and from states that support them. The threat comes from those who cannot be adequately contained and cannot be deterred.

Even with the benefit of the hindsight we now possess, with all the intelligence we have gained since September 11th about what we knew before September 11th, we might ask of ourselves, then, the same question we now ask today.

When, prior to September 11th, was the threat from al-Qaeda imminent enough to warrant an invasion of Afghanistan? After all, we all knew that al-Qaeda was a threat prior to September 11th. We knew that al-Qaeda was involved in attacking American interests at home and around the world. We knew the Taliban served as host and sponsor for this terrorist filth.

Were we having this debate on September 10th, over a year ago, would we have adjudged that the danger from al-Qaeda was imminent enough to justify military action? And yet surely we need not wait, we cannot wait until 3,000 Americans lie in their grave to decide that present danger is imminent enough.

There are certain facts in my judgment that are indisputable:

First, that Saddam Hussein has chemical and biological weapons and is developing a nuclear weapons capacity.

Second, that an inspection regime in which hundreds of acres of so-called palace grounds are off limits is no inspection regime at all. It is worse than nothing, for it gives the false impression of safety and effectiveness.

Third, that Saddam Hussein will never submit to a real inspection regime without the credible threat of force.

Fourth, that we cannot continue to allow Saddam Hussein to fire on American pilots.

And, fifth, that the threat posed by Saddam Hussein's weapons program will only grow over time and that in time he will get the atomic bomb.

The narrow question before us today is whether the threat from Iraq is imminent enough to support a resolution authorizing the use of force to compel disarmament if persuasion fails. I believe it is, and I am concerned that the failure of such a resolution at a time when the Commander in Chief is before the United Nations will be deleterious to our efforts to engage that body.

My support for this resolution must not be taken as an unequivocal endorsement, however, of the Administration's handling of Iraq over the last year. It is not. I believe the Administration must make every effort to gather support at the U.N. for a rigorous and meaningful inspections program. The Administration must not go about this alone or unilaterally, but must redouble its effort to enlist the support of our allies until it is successful, as I believe it can be.

The Administration must change the nature of its rhetoric, rhetoric which on a host of issues has shown too great a willingness, at times an eagerness to go it alone on a whole range of issues, a policy and a tone which has made the process of gathering international support much more difficult than it should have been.

I share the concerns expressed by hundreds of my constituents that this country not rush to establish a precedent that every country is justified in unilateral military action against all perceived threats, and that the best way to distinguish our actions from other nations considering their own preemptive actions in the future is to persevere in our determination to build international support for international action.

And I urge the President to go before the American people, to make the case for international action directly, as did his father. I urge him not to wait until inspections have failed or been thwarted and military action is imminent, but now to appear before the American people and demonstrate his commitment to make every effort to enlist our allies and the United Nations in an effort to disarm Iraq peacefully if at all possible.

And I urge the Administration to share the evidence with the American people of Saddam Hussein's ongoing weapons program, as President Kennedy did so graphically in the Cuban missile crisis.

And finally, I urge the President to demonstrate his commitment to the establishment of democratic institutions in the Iraq of the future. In the end our only true path to peace and security lies in the propagation of freedom and democracy around the world. Democracy, not oil, will be the ultimate guarantor of our future.

The germ of terrorism is difficult to eradicate completely. We will never eliminate every last terrorist. But we can, in concert with fellow democracies around the world, change the soil. The Administration must embrace a broader vision, one that works to democratize the Middle East, to secure its rebirth and prosperity, a vision comparable in its breadth and audacity as the Marshall Plan at the of World War II.

The circumstances call for nothing less. As Lincoln once said, as our case is new, so we must think anew and act anew. Only then, Mr. Chairman, do I believe we can secure our Nation.

I yield back.

Chairman HYDE. I thank the gentleman. And now, truly I recognize the next person with great joy, not because she is the last of a long line, but because she always has something instructive to say. The gentlelady from California, Ms. Watson.

Ms. WATSON. Thank you so much, Mr. Chairman. I want to thank you for the opportunity to debate and engage an exchange of views on the new compromise resolution language. You have great patience.

Debate and exchange of views are critical to the democratic process. And perhaps the greatest underpinning of democracy is the freedom to question. While it is a foregone conclusion that the resolution will receive the votes to pass, I still have serious reservations about the timing and justification for the use of force against Iraq.

The resolution still gives the President wide authority to act unilaterally and preemptively. A presidential determination section has been added to the new resolution, which requires the President to certify to Congress that all diplomatic options have been exhausted and that the Administration's actions are consistent with the United States' ongoing war on terrorism.

I believe that the resolution must contain language that specifically calls upon the United Nations to reimpose its inspection system, and that the U.S. should consider the options of the use of force, preferably with the backing of the United Nations, only after all deliberate measures have been taken, and only after it has been established that the U.N. inspectors have been hindered in their work.

It is only by working through the United Nations that the United States can establish a real justification for the use of force. Preventative or preemptive war, which is still an option for the President in this resolution, is not sufficient justification. Moreover, it is bad and a dangerous policy. It will only alienate and isolate the United States in the world community, and undermine our Nation's commitment to international order and the rule of law.

I would also note that recent polls suggest that the American people overwhelming support a war against Iraq with allied backing. However, support among Americans for intervention in Iraq drops off sharply when they are asked to support unilateral action in Iraq.

Mr. Chairman, I cannot support this resolution and will vote against it. Not a shred of new evidence has been offered by the Administration to demonstrate that Iraq is any more of a threat than it was a year ago. When I heard the President in his State of the

Union speech say the axis of evil, Iraq, Iran and North Korea, then it brings home that Iraq would be the first invasion, then it will be followed by Iran, and then North Korea.

So we set a precedent here. And I just have to call attention to something that I saw in the Nation on Monday September 30th, as it was describing a rally here in Washington, DC, and their mantra was inspections, not war, and they say there has been enough killing in the past year. Killing a bunch of Iraqis won't help anything.

And they also go on to say that the President has made the world less secure by asserting, in a new foreign policy doctrine, that the United States may strike first against hostile states developing weapons of mass destruction.

They further say, but we cannot have a world run by preemptive strikes. That would indeed be a world of perpetual war.

So, Mr. Chairman, I heard the word "peace" used too few times, and my constituents have come to me and said no war. I have had not one request to go to war against Iraq. I have had multiple requests to discuss a peace initiative. It is time that we start that.

Thank you so much, Mr. Chairman for your patience.

Chairman HYDE. Thank you, gentlelady. And without objection, the Committee stands adjourned until 9:30 a.m. tomorrow morning. [Whereupon, at 8:10 p.m., the Committee was adjourned.]



AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ

THURSDAY, OCTOBER 3, 2002

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
WASHINGTON, DC.

The Committee met, pursuant to call, at 9:35 a.m. in Room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order.

Yesterday we began consideration of H.J. Res. 114, authorization for use of military force against Iraq. Without objection, the resolution will be considered as read and open for amendment at any point, and the Chair recognizes himself to strike the last word.

[The resolution, H.J. Res. 114, follows:]

.....
(Original Signature of Member)

107TH CONGRESS
2D SESSION

H. J. RES. 114

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following joint resolution; which was
referred to the Committee on _____

JOINT RESOLUTION

To authorize the use of United States Armed Forces against
Iraq.

Whereas 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;

Whereas 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;

Whereas 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;

Whereas Iraq, in direct and flagrant violation of the ceasefire, 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;

Whereas 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);

Whereas 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;

Whereas 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;

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Whereas 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;

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Whereas 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;

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself;

Whereas United Nations Security Council Resolution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949;

Whereas Congress in the Authorization for 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";

Whereas 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”;

Whereas 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;

Whereas 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”;

Whereas 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 rel-

evant United Nations Security Council resolutions be enforced, including through the use of force if necessary;

Whereas 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;

Whereas 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;

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107–40); and

Whereas it is in the national security of the United States to restore international peace and security to the Persian Gulf region: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE.**

4 This joint resolution may be cited as the “Authoriza-
5 tion for the Use of Military Force Against Iraq”.

1 **SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EF-**
2 **FORTS.**

3 The Congress of the United States supports the ef-
4 forts by the President to—

5 (1) strictly enforce through the United Nations
6 Security Council all relevant Security Council resolu-
7 tions applicable to Iraq and encourages him in those
8 efforts; and

9 (2) obtain prompt and decisive action by the
10 Security Council to ensure that Iraq abandons its
11 strategy of delay, evasion and noncompliance and
12 promptly and strictly complies with all relevant Se-
13 curity Council resolutions.

14 **SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES**
15 **ARMED FORCES.**

16 (a) **AUTHORIZATION.**—The President is authorized to
17 use the Armed Forces of the United States as he deter-
18 mines to be necessary and appropriate in order to—

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

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

24 (b) **PRESIDENTIAL DETERMINATION.**—In connection
25 with the exercise of the authority granted in subsection
26 (a) to use force the President shall, prior to such exercise

1 or as soon thereafter as may be feasible, but no later than
2 48 hours after exercising such authority, make available
3 to the Speaker of the House of Representatives and the
4 President pro tempore of the Senate his determination
5 that—

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

13 (2) acting pursuant to this resolution is con-
14 sistent with the United States and other countries
15 continuing to take the necessary actions against
16 international terrorists and terrorist organizations,
17 including those nations, organizations or persons
18 who planned, authorized, committed or aided the
19 terrorists attacks that occurred on September 11,
20 2001.

21 (c) WAR POWERS RESOLUTION REQUIREMENTS.—

22 (1) SPECIFIC STATUTORY AUTHORIZATION.—
23 Consistent with section 8(a)(1) of the War Powers
24 Resolution, the Congress declares that this section is
25 intended to constitute specific statutory authoriza-

1 tion within the meaning of section 5(b) of the War
2 Powers Resolution.

3 (2) APPLICABILITY OF OTHER REQUIRE-
4 MENTS.—Nothing in this resolution supersedes any
5 requirement of the War Powers Resolution.

6 **SEC. 4. REPORTS TO CONGRESS.**

7 (a) The President shall, at least once every 60 days,
8 submit to the Congress a report on matters relevant to
9 this joint resolution, including actions taken pursuant to
10 the exercise of authority granted in section 3 and the sta-
11 tus of planning for efforts that are expected to be required
12 after such actions are completed, including those actions
13 described in section 7 of Public Law 105–338 (the Iraq
14 Liberation Act of 1998).

15 (b) To the extent that the submission of any report
16 described in subsection (a) coincides with the submission
17 of any other report on matters relevant to this joint resolu-
18 tion otherwise required to be submitted to Congress pursu-
19 ant to the reporting requirements of Public Law 93–148
20 (the War Powers Resolution), all such reports may be sub-
21 mitted as a single consolidated report to the Congress.

22 (c) To the extent that the information required by
23 section 3 of Public Law 102–1 is included in the report
24 required by this section, such report shall be considered

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H.L.C.

10

1 as meeting the requirements of section 3 of Public Law
2 102-1.

Chairman HYDE. The United States is once again confronted with the specter of Saddam Hussein armed with an arsenal of chemical, biological, and possibly even nuclear weapons. This is a sobering prospect. But we should not focus our attention solely on his instruments of destruction. Instead, we must recognize that the threat lies in Saddam himself.

We need not make a case against Saddam Hussein. He has condemned himself with a clarity far more stark than his most bitter opponent could pronounce.

In 1980, he attacked Iran and initiated a decade of warfare that killed and wounded more than 1 million people, a conflict that included his use of chemical weapons against Iranian troops.

In 1990, he invaded Kuwait and imposed a brutal occupation on that country, laying waste to everything within reach when his forces were finally driven out.

He has indiscriminately used chemical weapons on unarmed civilians in his own country, and he has slaughtered and tortured any who oppose him.

Given this record, there can be no doubt that once armed with weapons of even greater destructive power, he will have little reluctance to use them. The threat to U.S. interests is obvious, but we are not the only target. The entire world should understand the danger that Saddam poses to everyone, and should welcome any opportunity to end it before he is ready to strike.

Despite the extensive criticism that has been directed at the Administration, I believe the President and his advisers have gone to extraordinary lengths to enlist the cooperation of the world community, including that of our allies and the United Nations. The response, however, has been a disappointing one. Many of our critics apparently refuse to recognize the danger for what it is.

We can see this attitude in the eager reaction to Saddam's latest promise of cooperation which has, at least initially, accomplished its purpose of undermining the fragile beginning of a consensus that at long last something must be done. But we would be fools indeed if we believed that Saddam can be trusted. He has cynically broken all of his previous promises of cooperation, and there is no reason to believe that his latest statement is anything more than an attempt to delay and divide us. He will only use the time the world grants him to further his plans and his preparations.

This is hardly an unprecedented situation. Is it really necessary to remind ourselves that the world watched as Hitler boldly proclaimed his objectives and openly armed his forces, willfully blinded and seduced by hope, his intended targets only guaranteed the catastrophe they so greatly feared would descend upon them.

This is an undeniable reality, but we are confronted with an even greater danger than that posed by Saddam. Despite clear and repeated warnings, it appears that much of the world does not understand that we have entered a wholly new and increasingly perilous era, one with new and harsher rules. Through repeated usage, the term "weapons of mass destruction" has become almost banal, but the unimaginable destructive power these represent requires our constant focus and a determination to do what we must to defend ourselves.

The problem is not merely that a murderous tyrant such as Saddam may be in possession of these weapons. In the aftermath of September 11, we must accept that he has been joined by many others of an even more fanatical purpose. Terrorists willing to commit suicide in order to kill large numbers of innocents cannot be stopped by the familiar conventions of deterrence. Their possession of weapons of mass destruction must be equated with a certainty that these will be used against us.

To assume that these terrorists and others will remain unarmed by Saddam is an assumption with a deadly potential. A first strike could well be a last strike. We cannot shield ourselves with hope. We must not guess the world into annihilation.

What then must we do? The President has demonstrated his determination to act to remove this threat and has asked this Congress for an authorizing resolution. But we have yet to reach unanimity on that resolution. It is reasonable to ask for proof that Saddam is planning to attack us. The temptation to deny the boundless dimensions of the menace he poses to us is a strong one, but this must be abandoned in the recognition that he himself has broadcast his intentions. It is a matter of record that his relentless pursuit of weapons of terror and of mass slaughter is decades old.

But it was only in the aftermath of the Gulf War in 1991 that we were able to directly measure the intensity of that determination. The revelation that he was within 6 months of possessing an operational nuclear device, a fact that our best intelligence had been unable to uncover, was riveting in its implications. He is restrained in his efforts to do us harm only by the limits of his ability to do so, and he is rising to free himself from those limits.

With every day, the onslaught that he is preparing for us approaches ever closer. For those convinced of Saddam's murderous intentions, the debate has centered on whether or not we should focus our efforts on assembling the coalition of friends and allies and seek the enhanced legitimacy that approval by the United Nations might render to our actions.

But I believe that is the wrong debate. We all agree that these things are desirable and that we should do all in our power to secure them. I believe the President and his Administration have done and are doing just that.

But the real question, the one which should occupy us, is one of far greater consequence: On whom does the final responsibility for protecting ourselves rest? Is it ours, or do we share it with others? Are decisions regarding our faith to be made in common with others?

I believe the answer is unavoidable. We have no choice but to act as a sovereign country prepared to defend ourselves, with our friends and allies if possible, but alone if necessary. There can be no safety if we tie our faith to the cooperation of others, only a hope that all will be well, a hope that eventually must fail.

For more than half a century, whatever safety and security has existed in this world has been there largely because America has been unafraid to act against threats, and to act alone if necessary. The perception that we are resolved to do so has prevented many assaults on that security and continues to do so today.

On many occasions we have been joined in our efforts by friends and allies, and, more rarely, have enjoyed the world's approval. But often we have not, and still we acted.

If we are to have a chance of averting conflict in Iraq, a simple resolve on our part will not be sufficient to the task, for the great danger we face with Saddam is ambiguity. Saddam has often miscalculated in the past. His flawed judgments have resulted in wars that have killed hundreds of thousands of people. For that reason, any ambiguity regarding our course of action and our determination to act alone, if need be, risks yet another miscalculation on his part and a false grant of safety to call our bluff.

Vigorous debate in our deliberations is not only permissible, it is essential. The question before us and our country is too great to demand acquiescence. But the result of that debate cannot be to condition our actions on the approval of others, for we might wait for an approval that may never come.

Far more important is that we cannot even appear to be waiting for others, for to do so would be to fatally convince Saddam we might wait forever. The sight of dissension, of irresolution in the Congress, cannot but contribute to the potential for miscalculation. However desirable the cooperation of our friends and allies may be, the merest hint of any doubt that we will act alone, if necessary, cannot but reinforce Saddam's calculation that we will not act at all.

To risk giving him even the faintest hope that we can be restrained or delayed by others in our search for consensus may well be a deadly one, for his gamble might bring ruin upon us all.

I speak of the sight of dissension, for we must remember our debate is not for ourselves alone, and our audience is not confined to this room. The world is watching us. Our allies are watching us. Our enemies are watching us. Saddam is watching us. They are looking for signs of indecision in our resolve, searching for the fatal sign of weakness that will come from binding ourselves to act only in concert with others.

The voice of indecision would cut through any wording in which we might attempt to secrete it, however artfully phrased and cleverly contrived we might render it. We do not have the luxury of pretending not to see the danger confronting us. All of our choices are difficult, but our only real option is to act.

Over a century ago in another conflict Lincoln said,

"We cannot escape history. We of this Congress and this Administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down in honor or dishonor to the latest generation."

Those same words apply to us here today.

A century ago, Britain stood majestically at the height of her power. Within 40 years, the knife was at her throat, and she survived only because we were there to rescue her. But there is no one to rescue us. We cannot entrust our faith to others, for others may never come. If we are not prepared to defend ourselves and to defend ourselves alone if need be, if we cannot convince the world

that we are unshakeably resolved to do so, then there can be no security for us, no safety to be purchased, no refuge to be found.

In the name of those brave souls, both living and departed, who purchased our freedom, let us now act.

[The prepared statement of Chairman Hyde follows:]

PREPARED STATEMENT OF THE HONORABLE HENRY J. HYDE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS, AND CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

The United States is once again confronted with the specter of Saddam Hussein armed with an arsenal of chemical, biological, and possibly even nuclear weapons.

This is a sobering prospect, but we should not focus our attention solely on his instruments of destruction. Instead, we must recognize that the threat lies in Saddam himself.

We need not make a case against Saddam Hussein. He has condemned himself with a clarity far more stark than his most bitter opponent could pronounce.

In 1980, he attacked Iran and initiated a decade of warfare that killed and wounded over one million people, a conflict that included his use of chemical weapons on Iranian troops. In 1990, he invaded Kuwait and imposed a brutal occupation on that country, laying waste to everything within reach when his forces were finally driven out. He has indiscriminately used chemical weapons on unarmed civilians in his own country, and he has slaughtered any who have opposed him.

Given this record, there can be no doubt that, once armed with weapons of even greater destructive power, he will have little reluctance to use them.

The threat to U.S. interests is obvious, but we are not the only target. The entire world should understand the danger that Saddam poses to everyone and should welcome any opportunity to end it before he is ready to strike. Despite the extensive criticism that has been directed at the Administration, I believe that the President and his advisers have gone to extraordinary lengths to enlist the cooperation of the world community, including that of our allies and the United Nations.

The response, however, has been a disappointing one. Many of our critics apparently refuse to recognize the danger for what it is.

We can see this attitude in the eager reaction to Saddam's latest promise of cooperation which has, at least initially, accomplished its purpose of undermining the fragile beginnings of a consensus that at long last something must be done.

But we would be fools indeed if we believed that Saddam can be trusted.

He has cynically broken all of his previous promises of cooperation, and there is no reason to believe that his latest statement is anything more than an attempt to delay and divide us. He will only use the time the world grants him to further his plans and preparations.

This is hardly an unprecedented situation. Is it really necessary to remind ourselves that the world watched as Hitler boldly proclaimed his objectives and openly armed his forces? Willfully blinded and seduced by hope, his intended targets only guaranteed the catastrophe they so greatly feared would descend upon them.

This is an undeniable reality, but we are confronted with an even greater danger than that posed by Saddam. Despite clear and repeated warnings, it appears that much of the world does not understand that we have entered a wholly new and increasingly perilous era, one with new and harsher rules.

Through repeated usage, the term, "Weapons of Mass Destruction," has become almost banal, but the unimaginable destructive power these represent requires our constant focus and a determination to do what we must to defend ourselves.

The problem is not merely that a murderous tyrant such as Saddam may be in possession of these weapons. In the aftermath of September 11th, we must accept that he has been joined by many others of an even more fanatical purpose. Terrorists willing to commit suicide in order to kill large numbers of innocents cannot be stopped by the familiar conventions of deterrence. Their possession of weapons of mass destruction must be equated with a certainty that these will be used against us.

To assume that these terrorists and others will remain unarmed by Saddam is an assumption with a deadly potential. A first strike could well be the last strike.

We cannot shield ourselves with hope. We must not guess the world into annihilation.

What then must we do?

The President has demonstrated his determination to act to remove this threat and has asked the Congress for an authorizing resolution. But we have yet to reach unanimity on that resolution.

It is reasonable to ask for proof that Saddam is planning to attack us. The temptation to deny the boundless dimensions of the menace he poses to us is a strong one, but this must be abandoned in the recognition that he himself has broadcast his intentions.

It is a matter of record that his relentless pursuit of weapons of terror and of mass slaughter is decades-old. But it was only in the aftermath of the Gulf War in 1991 that we were able to directly measure the intensity of that determination. The revelation that he was within six months of possessing an operational nuclear device, a fact that our best intelligence had been unable to uncover, was riveting in its implications.

He is restrained in his efforts to do us harm only by the limits of his ability to do so, and he is racing to free himself from those limits. With every day, the onslaught that he is preparing for us approaches ever closer.

For those convinced of Saddam's murderous intentions, the debate has centered on whether or not we should focus our efforts on assembling a coalition of friends and allies and seek the enhanced legitimacy that approval by the United Nations might render to our actions.

But I believe that is the wrong debate. We all agree that these are desirable things and that we should do all in our power to secure them. I believe the President and his Administration have done and are doing just that.

But the real question, the one which should occupy us, is one of far greater consequence: On whom does the final responsibility for protecting ourselves rest? Is it ours or do we share it with others? Are decisions regarding our fate to be made in common with others?

I believe the answer is unavoidable.

We have no choice but to act as a sovereign country prepared to defend ourselves, with our friends and allies if possible, but alone if necessary. There can be no safety if we tie our fate to the cooperation of others, only a hope that all will be well, a hope that eventually must fail.

For more than half a century, whatever safety and security has existed in this world has been there largely because America has been unafraid to act against threats, and to act alone if necessary. The perception that we are resolved to do so has prevented many assaults on that security and continues to do so today.

On many occasions we have been joined in our efforts by our friends and allies and, more rarely, have enjoyed the world's approval. But often we have not, and still we acted.

If we are to have a chance of averting conflict in Iraq, a simple resolve on our part will not be sufficient to the task. For the great danger we face with Saddam is ambiguity.

Saddam has often miscalculated in the past. His flawed judgements have resulted in wars that have killed hundreds of thousands of people. For that reason, any ambiguity regarding our course of action and our determination to act alone if need be risks yet another miscalculation on his part and a false grant of safety to call our bluff.

Vigorous debate in our deliberations is not only permissible—it is essential. The question before us and our country is too great to demand acquiescence. But the result of that debate cannot be to condition our actions on the approval of others, for we might wait for an approval that may never come. Far more important is that we cannot even appear to be waiting for others. For to do so would be to fatally convince Saddam that we might wait forever.

The sight of dissension, of irresolution, in the Congress cannot but contribute to the potential for miscalculation.

However desirable the cooperation of our friends and allies may be, the merest hint of any doubt that we will act alone if necessary cannot but reinforce Saddam's calculation that we will not act at all. To risk giving him even the faintest hope that we can be restrained or delayed by others in our search for consensus, may well be a deadly one, for his gamble might bring ruin upon us all.

I speak of the sight of dissension, for we must remember that our debate is not for ourselves alone, and that our audience is not confined to this room. The world is watching us. Our allies are watching us.

Our enemies are watching us. Saddam is watching us. They are looking for signs of indecision in our resolve, searching for the fatal sign of weakness that will come from binding ourselves to act only in concert with others. The voice of indecision would cut through any wording in which we might attempt to secret it, however artfully phrased and cleverly contrived we might render it.

We do not have the luxury of pretending not to see the danger confronting us. All of our choices are difficult ones, but our only real option is to act.

Over a century ago, in another conflict, Lincoln said that "we cannot escape history. We of this Congress and this administration, will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation."

Those same words apply to us here today.

A century ago, Britain stood majestically at the height of her power. Within 40 years, the knife was at her throat, and she survived only because we were there to rescue her. But there is no one to rescue us.

We cannot entrust our fate to others, for others may never come. If we are not prepared to defend ourselves, and to defend ourselves alone if need be, if we cannot convince the world that we are unshakably resolved to do so, then there can be no security for us, no safety to be purchased, no refuge to be found.

In the name of those brave souls, both living and departed, who purchased our freedom, let us now act.

Chairman HYDE. The gentleman from Kansas, Mr. Bereuter.

Mr. LANTOS. Mr. Chairman, may I be permitted just to say a word before you recognize my friend from Nebraska?

Chairman HYDE. Surely.

Mr. LANTOS. I want to commend you for a powerful and eloquent statement, and I want to identify myself with your statement. I think you have laid out the case in a statesmanlike fashion and I want to congratulate you. Thank you.

Chairman HYDE. I thank you very much.

Mr. Bereuter.

Mr. BEREUTER. Thank you very much. Mr. Chairman, I was involved for 5½ hours yesterday afternoon in the Intelligence Committee deliberations. I could not miss those. I heard only perhaps two-thirds of the statements. I stayed until the end. I think that my colleagues gave a thorough explanation of the background of Saddam Hussein, Iraq, and the abuses against his own people, and presented their own points of view on the resolution before us.

It is the kind of debate that I think we should have in this Committee and in the Congress. It parallels the kind of extraordinary debate we had on the Gulf War resolution.

After what I would say is a little bit of a shaky start, I think the Administration has proceeded on the right track. As a preparatory comment, I am a former counterintelligence officer and serve on the Intelligence Committee, and I absolutely hate security leaks. But I think that what happened with leaks coming from the Administration, particularly the Pentagon, about the controversy regarding the use of force and the method in which it would be employed against Saddam Hussein, provoked a wide national debate about that subject, which was very salutary. It took place in this body, it took place when Members were back in their districts in August, and, despite the fact that earlier a White House counsel had said the President need not come to Congress for a resolution authorizing the use of force, in fact, he on September 4th agreed that seeking a congressional resolution was the proper course.

Within a week, he had gone to the United Nations and made the point to them that if the institution was going to be relevant—something other than a League of Nations, it could not avoid examining the fact that Saddam Hussein had violated repeatedly, continuously in some cases, 12 Security Council resolutions, and the President asked the U.N. if it was going to continue to be relevant, particularly worthy of the name "Security Council."

As a result, I think it is much more likely that we will have greater international support for intervention in Iraq and, more important perhaps, for a coalition of forces in the aftermath of a victory in Iraq. That very difficult task remains ahead, and we should not underestimate it.

Given the background my colleagues have gone into, I think I can cut my remarks a bit and focus on what I think is the case for the justifiable preemptive use of military force. The case has been laid out about Saddam Hussein.

We recall, of course, that without provocation he attacked and occupied Kuwait. Crucially, however, as we consider preemptive force, we must recognize that Saddam has used weapons of mass destruction, chemical weapons, against Iran and the Kurdish population of his own country. Is there any legitimate doubt he would be willing to use them again?

There also is, I think, no legitimate reason to doubt that he has a significant stock of both chemical and biological weapons. We recovered skewed warheads with traces of both such agents of weapons of mass destruction in 1991, and I can simply say in this forum that Saddam now has further ways to deploy such chemical and biological agents against his enemies.

The evidence is clear, too, obtained from numerous verifiable sources, that Saddam Hussein has attempted to develop nuclear weapons in the past. Ongoing attempts to acquire dual-use technology for use in a nuclear development program continues, notwithstanding the controversy about the intended use of one such attempted acquisition that you have all heard about.

Should any of us have any doubt that he attempts to procure plutonium to substantially shorten the time for developing nuclear weapons? These weapons of mass destruction remain a grave threat to a widening circle of his neighbors and our own forces and facilities in the area. However, again, what is crucial is whether we have any doubt that he would provide such weapons of mass destruction, chemical and biological—and perhaps nuclear in the future—to terrorist groups who would use them against our citizens and those of our allies. I don't doubt it in the slightest, and it is a risk we cannot accept.

In saying this, I do understand that the Administration cannot yet provide incontrovertible evidence of a link between al-Qaeda and Saddam. There are, of course, reasons for strong suspicion about such links. But that logically brings us I think to the question of why should we push for military action now?

Now, of course, in a post-9/11 world, we know all too well that mass terrorism against civilians in any country, in our country or abroad, is part of the equation that American Presidents and the Congress must responsibly consider. Do we now have a reasonable basis to conclude that Saddam is not an imminent threat against the United States? Is there a clear justification for attempting to override the conclusion of a Commander in Chief?

The answer is, unfortunately, no. Delaying action is a greater risk to our national interests, the security of our citizens, than are the uncertainties that always attend a war and its aftermath. The authorization of the use of force, or with reasonable adaptations from the executive/congressional negotiations that are ongoing in

this legislative process, such as this resolution—or in other words an adaptation of it—I think is an authorization that Congress should approve.

As we take this extraordinarily important step, fully mindful that we put members of our Armed Services in harm's way, and that now no citizen in this country is assuredly safe from related terrorist events either, this Committee and the Congress have important following responsibilities.

We need to take every step to assure that the Executive Branch has given adequate consideration and contingency planning and resources on the following questions beyond the adequacy of our military force and its combat deployment.

Question one: Has the U.S. taken adequate steps to broaden the international coalition for not only the military operations but especially for the more difficult and long-term task of developing a democratic regime in Iraq that won't threaten the security and stability of the region? We are giving encouragement in this resolution to the President to pursue that kind of international support through the United Nations and the other ways.

Two: Has adequate consideration been given to the fact that the use of weapons of mass destruction could be launched before or during a conflict by Saddam Hussein, directly or indirectly through terrorists, against nations in the area—against Israel, for example—and are we prepared to fully take into consideration and act accordingly for what might be an extraordinary response from Israel?

Three: Has the Administration taken steps to understand and prepare for the institutional and international consequences of such military action against Iraq in the region and elsewhere in the world? Will our actions strengthen the influence of Iran in the region, even in Iraq? Will our military action strengthen the demand for an independent Kurdish state in Iraq, including areas in neighboring countries like Turkey? Will a victory in Iraq unleash a Shiite bloodbath against the Sunni, or a large part of the Iraqi population that was perceived to have supported Saddam Hussein, and are we able to cope and control that kind of bloodshed? Has the Administration adequately considered the resources we will need in the war/peacekeeping scenario with Iraq to successfully pursue the ongoing American war effort against al-Qaeda and terrorism, including our far-from-finished peacekeeping and broad construction requirements in Afghanistan?

My colleagues, this list of questions is only illustrative. You know it could be much longer. The passage of H.J. Res. 114 today, momentous as it is, as necessary an action as it is, constitutes but the first step in the many important duties of this Committee and the Congress. We must pursue them. We must be ready and fully committed to accomplish them in a constructive, bipartisan effort with the Executive Branch.

I thank you, Mr. Chairman.

[The prepared statement of Mr. Bereuter follows:]

PREPARED STATEMENT OF THE HONORABLE DOUG BEREUTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA

The intense national debate that has developed in Congress, by the American public, and internationally since August about whether the United States should

use military force, if necessary, against the regime of Saddam Hussein—and to use such force preemptively—has served a very salutary, even necessary, purpose. As a former counter-intelligence officer and a member of the House Intelligence Committee, I hate security leaks. The massive leaking of sharp internal disagreements within the Executive Branch, especially the Pentagon, unfortunately preceded the necessary international diplomacy, essential consultation with at least key committees in Congress, and any concerted effort to inform the American public as to why an Iraqi regime-change is needed. It also seems clear that the discussions of U.S. military action for a regime change in Iraq had gotten ahead of the planning and decision-making for such possible action.

Many of my colleagues and I, in both houses of Congress on a bipartisan basis, with a sufficient number of voices from the American public, helped make it clear to the Bush Administration that a congressional resolution authorizing the use of force was an essential step before any pre-emptive military action against Iraq could be launched. Despite an earlier White House counsel's advisory opinion that a congressional resolution was not required, in a September 4th meeting with elected congressional leaders President Bush advisedly agreed that his Administration would first seek such a resolution. Thus, we are here today embarked on this gravely important duty.

Another very positive result of the leaking and resultantly intense controversy over the issue of military action on Iraq is what likely will be the outcome of the international communities' furor about a potential unilateral and pre-emptive American strike against Iraq. That strenuous opposition is especially the case among our traditional European allies and the Arab states. As was the case in the Gulf War, the Administration sought international support for action on Iraq through the United Nations. As a result of President Bush's exceptional speech to the U.N. General Assembly, the international community has become serious about demanding the re-introduction of United Nations weapon inspectors in Iraq with the unfettered access demanded to search out production and storage sites of chemical, biological, and possible nuclear weapons. The U.S. is right to insist upon an unconditional, time-certain demand for any new inspection regime to begin and to insist upon full compliance with unfettered access for U.N. inspectors. The international community now has this forceful proposition before it: either we have an effective U.N. weapons inspection program resume and continue in Iraq now, or the U.S. has established more forcefully the legitimacy of military action for regime-change—with the reasonable expectation of a supportive international coalition for military action against Iraq and for the perhaps more difficult task of Iraq reformation in its aftermath.

Because of an intensive public debate on the necessity of military action against Iraq and especially the involvement of Congress, the resolution Congress has before it today has evolved into a far more acceptable one, and the legislative process has not been yet completed. The broad language extending the authorization for the use of military force "to secure peace and stability in the Middle East" has been narrowed to "Iraq." The War Powers Act requirements, with reporting requirements to Congress are now included. A limited notification to Congress by the President about the intent to use or the use of the authorization for military force is now included. Also importantly, the requirement is now included to report to Congress under Section 7 of P.L. 105-338 about the U.S. planning and actions taken by America in Iraq after "the Saddam Hussein regime is removed from power"—humanitarian assistance, democracy transition assistance, and methodology for Iraq to repay its debts are all elements explicitly required. Before using military force, the President, now under the procedures specified in this resolution must make available to Congress his determination that "reliance 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 is not likely to lead to enforcement of all relevant U.N. Security Council resolutions regarding Iraq," and (B) that military action is consistent with the U.S. and international war against terrorism. These are among the important changes to a proposed congressional resolution that has evolved to the one before us today. It may well evolve further before the House and Senate vote on it.

What is the case against Saddam Hussein? Especially important, what is it that justifies the pre-emptive use of military force? We recall, of course, that without provocation he attacked and occupied Kuwait with the intent to annex it. *Crucially*, however, as we consider pre-emptive force, we must recognize that he has used weapons of mass destruction (WMD)—chemical weapons against Iran and against the Kurdish population in his own country. Is there any legitimate doubt that he would be willing to use them again? There also is no legitimate reason to doubt that he has a significant stock of both chemical and biological weapons. We recovered SCUD unused warheads with traces of both such types of chemical and biological

agents in 1991, and I can simply say that he now has developed further ways to deploy such chemical and biological agents against his enemies.

The evidence is clear too, obtained from numerous verifiable sources, that Saddam attempted to develop nuclear weapons in the past. On-going attempts to acquire dual use technology for use in a nuclear development program continue—notwithstanding the controversy about the intended use of one such attempted acquisition. Should any of us have any doubt that he has and is attempting to procure plutonium to substantially shorten the time for developing nuclear weapons?

These WMD remain a grave threat to a widening circle of his neighbors and our own forces and facilities in the area. However, again what is also *crucial and urgent* is whether we have any doubt that he would provide such WMD—chemical and biological, and perhaps nuclear in the future—to terrorist groups who would use them against our citizens and those of our allies? I don't doubt it in the slightest, and it is a risk we cannot accept. In saying this, I do understand that the Administration cannot yet present incontrovertible evidence of a link between al Qaeda and Saddam. There are, of course, reasons for strong suspicion about such links.

That logically brings us to the question of why, at this time, we should authorize the future use of military action by the Administration. I believe it is clear that the threat Saddam poses will only intensify. The United States, the western democracies, and Iraq's neighbors should never have permitted Saddam to hamper and then bar the reentry of United Nations weapons inspectors. In the eleven years since the end of the Gulf War and certainly in the four-year absence of such inspections, we are now in more danger because of that collective lack of resolve to enforce WMD disarmament and because of the commercial and foreign policy goals of some of our European allies and Russia.

Now, of course, in a post 9/11 world, we know all too well that mass terrorism has been waged against civilians—in our country or abroad. It is a terrible part of the equation that the American President and the Congress must responsibly consider. Do we now have a reasonable basis to conclude that Saddam is not an imminent threat against the United States? Is there a clear justification for attempting to override the conclusion of the Commander in Chief? The answers, unfortunately, are “no.” Delaying action is a greater risk to our national interests—the security of our citizens—than the uncertainties that always attend a war and its aftermath. The resolution authorizing the use of force (or one with reasonable additional amendments resulting from Executive-congressional negotiations or the legislative process) is an authorization this Congress should approve.

As we take this extraordinarily important step, fully mindful that we put members of our Armed Services in harm's way, and recognizing that no citizen in this country is assuredly safe now from related terrorist events either, this Committee and Congress has additional important responsibilities. We need to take every step to assure that the Executive Branch has given adequate consideration and provided contingency planning and resources on the following questions (beyond the adequacy of our military force and its combat deployment):

1. Has the U.S. taken adequate steps to broaden the international coalition for not only the military operations, but especially for the more difficult and long-term task of developing a democratic regime in Iraq that will not threaten the security and stability of the region?
2. Has the Administration prepared contingency plans to take into account that Saddam may use chemical and biological weapons of mass destruction, directly or through anonymous terrorists, against other nations in the region before or during the conflict which may ensue, e.g., used against Israel? Have we prepared for what could be a rather extraordinary Israeli response?
3. Has the Administration taken the steps to understand and prepare for the international consequences of such military action against Iraq in the region and elsewhere in the world? Will our action strengthen the influence of Iran in the region—even in Iraq? Will our military actions strengthen the demand for an independent Kurdish state in Iraq, including areas in neighboring countries? Will a victory in Iraq unleash a Shi'a Muslim bloodbath against the Sunni Muslim population or a large part of the Iraqi population that supported or are perceived to have supported Saddam? Are we ready to control it? Certainly, the Shi'a have suffered horrendous provocation for such retribution.
4. Has the Administration adequately considered the resources we will need in this Iraq war/peacekeeping scenario in order to successfully pursue the on-going American war effort against al Qaeda and terrorism—including our far-from-finished military, peacekeeping, and broad reconstruction requirements in Afghanistan?

My colleagues, this list of questions is only illustrative; you know it could be much longer. The passage of H.J.Res. 114 today, momentous as it is, as necessary an action as it is, constitutes but the first step in the many important duties this Committee and Congress must pursue. We must be ready and fully committed to accomplishing them in a constructive, bipartisan effort with the Executive Branch.

Chairman HYDE. I thank the gentleman. The gentlewoman from California, Ms. Napolitano.

Ms. NAPOLITANO. Thank you, Mr. Chairman. Unfortunately, I had to leave yesterday afternoon before the completion of my colleague's points which have been stressed over and over again in regard to the issue we are facing today.

Now more than of our national security must be viewed as our primary consideration in our interactions with other nations. Specifically, our decade-long conflict with Iraq over the acts of aggression in Kuwait, the inhumane treatment of Saddam Hussein's own people, as we are hearing, the gassing of the Kurds, and most importantly, the unending efforts to develop various weapons of mass destruction—the chemical, biological, and nuclear.

We also know that all previous efforts to rein in Iraq through various U.N. resolutions, sanctions, and inspections have not produced the results or the United Nations that we had hoped.

Iraq still poses a horrible significant regional and global threat, operating with impunity, and outside of the various resolutions adopted by the United Nations, the resolutions we supported. To us the fundamental issue before this body is the extent of the threat and how best to respond to it, keeping disarmament as a major focus. However, without the support of the other nations, it is going to be very chancey for me to vote.

I had considerable doubts about the original request. Our President asked us to provide him with any and all authority he deemed necessary to react to the Iraq threat. That authority was too broad and the case for a military action, either unilateral or in concert with our allies, had not been articulated clearly or conclusively. I still believe we need to quantify that threat more thoroughly.

I also believe our primary focus should be first and foremost on a diplomatic solution, working through the United Nations Security Council and with our allies to remove those weapons of mass destruction.

Our strongest ally, Prime Minister Tony Blair, at a Labor Party convention just a few days ago, agreed to a compromise resolution calling for Britain to obtain U.N. authority before taking military action. The resolution declares that British troops should participate in action against Iraq only after the exhaustion of all political and diplomatic means. This is the approach that is consistent with our national interests and it is one that the American public appears to support over unilateral action.

I must tell you, Mr. Chairman and Members, that I have had—as many of my colleagues had—quite a number of telephone calls, faxes, e-mails and letters from the people that we represent. And, in my particular case, overwhelmingly veterans groups, individuals, residents, immigrants, are saying no war. Do the best you can to find out a diplomatic solution before we have to go and send our children and our grandchildren into war.

That being said, the resolution before us appears to have a more moderate and thoughtful attempt to address our concerns about

pursuing military action before we have exhausted all other options. My concern is that we have not allowed for any amendments, and hopefully we will be able to reach that agreement soon.

The resolution does not seek compliance through the U.N. Security Council, and recognizes that we want all relevant Security Council resolutions strictly enforced. It does limit the scope of the Presidential authorization to Iraq. It does require the President to submit to Congress a determination prior to using force, within 48 hours of using force, that we have exhausted all our efforts.

I have a problem with 48 hours. However, again, hopefully we will reach some kind of an agreement that will allow us to have a better option. It does require our President to comply with the War Powers Act in regular consultation and reporting to Congress.

In the end, if Saddam Hussein continues to thwart efforts to open all sites to U.N. inspectors, as he has so many times before, we may be left with no option other than military force. I hope, I trust, I pray that this is not the case.

Saddam Hussein can act responsibly if he chooses to do so. He has chosen not to. But he can prevent destruction, remove current sanctions, and thereby improve the lives of his people and neighbors and the rest of the world. It is in his hands. But he must not misjudge our resolve to continue to ensure that he does not continue to develop or use weapons of mass destruction. There is not one person amongst us that wants war or would chose war without exhausting all other options.

I am pleased that the resolution before us provides a number of safeguards, rightly puts diplomacy first, and keeps Congress involved with the process. This is critical in all points.

Nonetheless, I continue to have doubts about the immediacy of the threat. Although there is no doubt that Saddam Hussein has developed some weapons of mass destruction and continues to further refine them, ultimately whatever action we take must be done deliberately and with broad support of our citizens, should not be viewed as a partisan issue, as we all know the consequences of war, and it is a heavy burden on each and every one of us. I trust God will guide our hands.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you. I believe everyone has had an opportunity to make an opening statement, and so we will move to amendments.

Are there any amendments?

Mr. SHERMAN. Mr. Chairman, I have an amendment at the desk.

Chairman HYDE. Mr. Sherman. The Clerk will report the Sherman amendment.

Ms. RUSH. An amendment in the nature of a substitute.

Mr. SHERMAN. I actually have three amendments at the desk. The longest of those amendments is the one I would like to bring up. I believe that is identified as Sherman 3. If there is any procedural problem with that amendment, then I will introduce Sherman 1 and 2 in order.

Please proceed.

Chairman HYDE. Do we have all three of his amendments?

Ms. RUSH. Yes.

Chairman HYDE. You want Sherman 3?

Mr. SHERMAN. Yes. That is a complete substitute, yes.
Chairman HYDE. The gentlelady will read that.
[The information referred to follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. J. RES. _____
OFFERED BY MR. SHERMAN

Strike the preamble and insert the following:

Whereas Congress in Public Law 105–235, approved August 14, 1998, concluded that Iraq was then in material and unacceptable breach of its international obligations and thereby threatened the vital interests of the United States and international peace and security, stated the reasons for that conclusion, and urged the President to take appropriate action to bring Iraq into compliance with its international obligations;

Whereas Iraq 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 and actively seeking a nuclear weapons capability, thereby continuing to threaten the United States and international peace and security;

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and in thousands of instances by firing on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Whereas the attacks on the United States of September 11, 2001, underscored the gravity of the threat that Iraq

could transfer weapons of mass destruction to international terrorist organizations that threaten the United States;

Whereas the United States has the inherent right, as acknowledged in the United Nations Charter, to use force in order to defend itself;

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the high risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States in order to defend itself;

Whereas Iraq could seek to smuggle what weapons of mass destruction it possesses, or those it might acquire, into the United States and either use such weapons of mass destruction or threaten to use them in an effort to affect the foreign policy of the United States; and

Whereas Iraq is in material and unacceptable breach of its disarmament and other obligations under United Nations Security Council Resolutions, and United Nations Security Council Resolution 678 authorizes use of all necessary means to compel Iraq to comply with these "subsequent relevant resolutions": Now, therefore, be it

Strike all after the resolving clause and insert the following:

1 **SECTION 1. AUTHORIZATION FOR USE OF UNITED STATES**

2 **ARMED FORCES.**

3 If the President certifies to the Congress that—

4 (1) the Government of Iraq has failed, after Oc-
5 tober 31, 2002, to agree to allow a robust weapons
6 inspection and disarmament program; or

7 (2) at any time after October 31, 2002, rep-
8 resentatives of the Government of Iraq in any way
9 have prevented or hindered such a program,

10 then the President is authorized to use all means that the
11 President deems to be appropriate, including force, in
12 order to defend the national security interests of the
13 United States against the threat posed by weapons of
14 mass destruction in Iraq.

15 **SEC. 2. DEFINITION.**

16 In this joint resolution, the term “robust weapons in-
17 spection and disarmament program” means a program
18 that meets at least the following requirements:

19 (1) A sufficient number of weapons and nuclear
20 experts are allowed immediate and unobstructed
21 entry, with impunity and without prior announce-
22 ment or consultation, into any and all locations in
23 Iraq, including, without limitation, palaces, govern-
24 ment offices, sacred locations, military bases, and
25 houses of worship, which these experts wish to in-
26 spect.

1 (2) The inspection team described in paragraph
2 (1) has the right to examine all documents and ma-
3 terials in Iraq which the team requests, and shall
4 oversee and verify the destruction of any item which
5 the team determines is a component of a weapon of
6 mass destruction or ballistic missile with a range of
7 more than 150 kilometers, or any item which the
8 team determines has as its probable use the cre-
9 ation, maintenance, or servicing of any weapon of
10 mass destruction or any ballistic missile with a
11 range of more than 150 kilometers.

12 (3) The number, composition, and leadership of
13 the inspection team described in paragraph (1) is ac-
14 ceptable to the President of the United States.

15 (4) The duration of the program described in
16 this section is for such period that the President de-
17 termines is necessary.

18 **SEC. 3. UNITED NATIONS RESOLUTION.**

19 The President shall seek the approval by the United
20 Nations Security Council of a resolution demanding a ro-
21 bust weapons inspection and disarmament program in
22 Iraq. Nothing in this section requires the President to seek
23 a roll call vote of the United Nations Security Council if
24 such a vote will fail to demand a robust weapons inspec-
25 tion and disarmament program in Iraq. The approval of

1 a resolution by the United Nations Security Council is not
2 a condition for the exercise of the authority contained in
3 section 1.

Ms. RUSH. Amendment in the nature of a substitute by Mr. Sherman. Strike the preamble and insert the following.

Chairman HYDE. Without objection, further reading of the amendment is dispensed with.

There was no objection.

Chairman HYDE. As they are distributing the amendment, we will recognize Mr. Sherman for 5 minutes in support of his amendment.

Mr. SHERMAN. Mr. Chairman, we need to authorize the President to use effective action to prevent Saddam Hussein from developing nuclear weapons. The question is whether we adopt the resolution that is before us that authorizes the President to select without congressional input either of two approaches.

The resolution, the Chairman's mark, lets the President decide whether to take the Powell-Blair approach of trying to get effective inspections, and, only if those inspections are thwarted, to use force. Or the President could embrace the rhetoric presented to this Committee by Richard Perle, and adopt the Cheney approach, declare that only an invasion of Iraq will protect American security, and use the authorization in the Chairman's mark to proceed in that direction.

What my amendment would do is select one of those courses and authorize the President to take the Powell-Blair approach.

In the "whereas" clauses, what the amendment would do is to strip out those references to U.N. resolutions that call upon Iraq to treat its own people fairly. Now, of course, we want Iraq to abide by modern notions of human rights. But if we have "whereas" clauses that say, Whereas Iraq is oppressing its own people, now therefore America is authorized to invade, then we open up a Pandora's box. There are 80 or 90 countries where that same logic could lead to that similar action. So the "whereas" clauses in my substitute focus exclusively on weapons of mass destruction.

Chairman HYDE. Would the gentleman desist for just a moment? We have a vote on approval of the journal. It is my intention to continue with the markup, because I don't think that is a significant vote at this time. What we are doing is more important.

And I don't want to urge those of you with perfect records—and I know most of you are that way—but I think it would be helpful if we could just proceed. So I intend to do so. For those of you who want to make this vote, I would ask you to hurry back.

Mr. WEXLER. You are not going to call any votes here?

Chairman HYDE. I will not call a vote. I would like to proceed.

All right, I am sorry. Thank you, Mr. Sherman. Please continue.

Mr. SHERMAN. Having a chance to address my comments to roughly half the Committee—

Chairman HYDE. But the quality half.

Mr. SHERMAN [continuing]. Mr. Chairman, my substitute authorizes the use of force only if Iraq fails to promptly agree to an effective and robust weapons inspection and disarmament program, or it also authorizes force if Iraq in any way interferes with that program.

The substitute also defines an effective inspection and disarmament program as requiring an immediate, unobstructed, unannounced entry into all facilities, including absolutely everything

without exception, and, of course, no exceptions for so-called "presidential palaces."

Finally, the amendment directs the President to seek a U.N. resolution in support of these robust inspection and disarmament approaches, but it does not condition the President's authority to use force on that U.N. action. That is because I believe that Saddam's nuclear weapons program poses a national security threat to the United States which we should not ignore, even if we are unable to win support from France or from Russia or from China.

So this amendment in the nature of a substitute authorizes force as plan B, and authorizes and directs as the first approach a demand, unequivocal, for an inspection program that is complete, thorough, and unimpaired in any way.

Now, I know that the Chairman's mark reflects negotiations at the White House, bipartisan negotiations, but I think that it is here in this Committee that Congress' role as a full partner in determining American foreign policy should take place, and that we ought to adopt a resolution that does not authorize the use of force if the objectives can be obtained without going to war.

Keep in mind that we could adopt this substitute today, and if in a month or two developments warrant, we could go back and adopt the stronger resolution. If, instead, we adopt the Chairman's mark today, then Congress is out of the decision-making process. We are in the report-receiving mode.

I would hope that, instead, we try to avoid war and that Congress decides that highly intrusive inspections are a substitute for the use of force.

Mr. Chairman, I don't know if I have any time remaining, but I would hope I would be able to address this amendment for 1 minute after our colleagues return and before a vote on the amendment.

Chairman HYDE. Yes, I think it is appropriate that you have a chance to address the voting Members, so we will certainly save a minute for you to do that. But meanwhile, we can discuss among ourselves the amendment.

The Chair recognizes Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman. As always, my friend from California submits a carefully crafted and thoughtful amendment, and under ordinary circumstances I would offer to work with him on his amendment, because I know that his basic position is parallel, if not identical, to those of us who support the resolution.

As the gentleman knows, as all Members know, the resolution we are considering was carefully crafted and agreed upon by the Republican leadership of this body, the Democratic leadership of this body, and the White House. And at this stage, amendments do not serve a constructive purpose because the complex process of reopening these negotiations is simply not pragmatic, realistic, or feasible.

I also have some substantive reservations about the gentleman's amendment. The resolution before us deals with basically two issues. It deals with weapons of mass destruction, and it deals with the subject of Saddam's support for terrorism.

The gentleman's amendment is silent on the subject of terrorism, which I believe is a severe oversight. My feeling is that the basic approach of the gentleman is parallel to the resolution before us. We all favor a diplomatic solution. We all favor full and unfettered inspections which, if in fact they are allowed to unfold in such a manner, would result in depriving Iraq of weapons of mass destruction.

But since the gentleman's amendment is silent on the subject of international terrorism and it would reopen complex, many-weeks-long negotiations, I am compelled to oppose it.

Chairman HYDE. Is there anyone who wishes to be heard? Mr. Delahunt.

Mr. DELAHUNT. Thank you, Mr. Chairman. I support the amendment. I think, as Mr. Lantos indicated, it is a well-thought-out amendment. I would suggest that the deletion of the "whereas" clauses that refer to terrorism, as Mr. Sherman indicated, are appropriate, given the fact that logic would demand, if pursued to a conclusion, that a precedent would be established whereby some 60 or 70 countries would be appropriate targets in the future for military invasion.

I have a quote here from the most recent report by the Department of State relative to terrorism and state sponsors of terrorism. Let me begin the quote:

"Iran remained the most active state sponsor of terrorism in 2001," the most active sponsor in state terrorism. "It continues to be involved in the planning and support of terrorist acts and supported a variety of groups that used terrorism to pursue their goals. Since the outbreak of the Intifada, support has intensified for the Palestinian groups that use violence against Israel. Iran continues to provide Hezbollah, Hamas, PFLP, with funding, safe havens, training and weapons."

Now, while Iraq allegedly and clearly does support some of the smaller terrorist groups, it has no relationships with the groups that I just enumerated—Hezbollah and Hamas—and as Senator Graham indicated in an op-ed piece that he wrote, the focus on Iraq is actually a distraction from the campaign against terrorism. It lists Syria and Iran as countries that should be at the front of any agency efforts against state sponsors of terrorism.

He went on to say,

"Iraq should not be the priority, given the President's own criteria: countries that were accomplices in the September 11 attack or provided a sanctuary for terrorist groups."

Again, now, I am quoting Senator Graham, who, by the way, is the Chairman of the Senate Intelligence Committee.

"By these two standards, Iraq does not make it very high on the list of a terrorist state. The focus should be on countries that have a significant al-Qaeda presence or terrorist training camps. These are primarily in Syria and in Syrian-controlled areas of Lebanon and in Iran."

I think we should be reminded of the fact that it was Saudi Arabia, Pakistan, and the United Arab Emirates that recognized the Taliban regime in Afghanistan, not Iraq.

So, again, I think that this is an amendment that makes sense, for the reasons articulated by the gentleman from California, Mr. Sherman, and if he wants any of my additional time, I would be happy to yield.

Mr. LANTOS. Would my friend yield to me?

Mr. SHERMAN. He has offered to yield to me and I would like to use a little of our time, and I will yield to our Ranking Member.

I would point out two things, and that is that while Iran has a nuclear weapons program that is also of concern, if we were to invade countries based on their support for terrorism, Syria would outrank Iraq, and various other countries have at least tolerated "private" support for terrorism, including the toleration of the Saudi Arabian regime.

Second, I would point out if we embark on an approach where we are demanding highly intrusive inspections, then either we get those inspections and avoid war while achieving disarmament, or Saddam refuses to allow for real inspections and then when we go to war, we do so with considerably more international support and considerably more domestic support than we would have otherwise. An approach that seems to say we want to invade no matter what Saddam does, I think puts us in a weaker diplomatic position.

Whatever time is left, with Mr. Delahunt's permission, I yield to Mr. Lantos.

Mr. LANTOS. Well, I merely would like to say to my good friend from Massachusetts that, as always, his logic is impeccable, and I largely agree with the points he makes. In the broader context, to argue that there are 60 countries in which there are terrorist cells, while accurate, does not indicate to me that the United States should simultaneously declare war on 60 countries. I trust that is not what my friend is recommending.

We are now dealing with Iraq. Iraq is developing weapons of mass destruction. Iraq has weapons of mass destruction. Iraq also is supportive of terrorist activities. The resolution that was agreed to by the bipartisan leadership and the White House makes both of these points. Leaving out matters of terrorism weakens our resolution. Iraq has many crimes to its credit, including its historic behavior, its current development of weapons of mass destruction, and its current support of terrorism, as exemplified by the payment of \$25,000 to families of suicide bombers. And to leave those aspects out of the resolution makes the resolution incomplete and inaccurate. Which compels me, in addition to the need to renegotiate the whole matter, which is palpably an infeasible undertaking, it makes me firm in my opposition to the amendment of my friend from California.

Mr. SHERMAN. If I can reclaim Bill's time, which I have partially yielded to Mr. Lantos, if someone is being executed for murder, we identify that that is the reason they are being executed. We do not read a list of their other crimes, because we want to make it clear that the reason that that capital punishment is being imposed is for capital murder. We don't want to indicate that any number of shoplifting convictions or burglaries or even attempts at murder are reasons to lead to capital punishment.

Saddam has committed many crimes, far more vicious than any crime a single individual could commit. These include the support

for terrorism. These include his gassing of his own people. But if we identify in this resolution—I would be happy to pass a resolution listing all of Saddam’s crimes. I think we passed several of them through this Committee—but if we identify in this resolution a host of crimes of Saddam that are not the reasons for the use of force, then we leave the image that oppressing one’s own people or providing money to suicide bombers, in attacking Israel, et cetera, that these are crimes that justify American invasion, and then we pass a resolution that begs the question: Why are we invading Iraq and not Syria?

If we have a simple resolution that draws that distinction, that says yes, Congress has passed many resolutions attacking Saddam’s many crimes, but it is the threat to the United States posed by his weapons of mass destruction, those that he possesses and those he is trying to develop. If we make this a simple resolution, then we do not beg questions and create inconsistencies.

I yield to Mr. Delahunt the remainder of his time.

Mr. DELAHUNT. I thank the Chair for his indulgence. I think my time might have expired. I will just take a moment just to even reinforce the points made by my friend, Mr. Sherman. I think it is important for us to remember that the rest of the world will be examining and parsing the language of this resolution.

Now, many of us, I am sure, have perused the “whereas” clauses that are abundant. But as the gentleman indicated, there is a certain precedent that is being established by our action here in this Committee, and to lay out the case against Saddam Hussein in the course of the preamble and referencing specific instances of violation of human rights, of crimes against humanity, and specific acts of terrorism, I daresay will cause great concern among the international community, with speculation as to who is next.

If we are concerned about the weapons of mass destruction and the behavior of nations that we find repugnant in terms of their ideology, in terms of their political system, in terms of how they treat their own citizens, and if we are willing to authorize preemptive, unilateral military intervention, what does that say about the United States? When can we expect a similar resolution before us dealing with Iran, dealing with North Korea? Both of those nations are further along in the development of nuclear devices than Iraq, and both of those nations possess weapons of mass destruction now.

Are their intentions any less hostile to the United States? Do they pose less of a threat to our national security than Iraq?

I daresay no. In fact, I would submit that both of those nations, original members of the axis-of-evil club, pose a significantly greater danger to the United States and to our interests in Iraq.

My friend Mr. Lantos talks about the terrorist acts that Hussein has committed. Yes. But I daresay in terms of regional stability in the Middle East, they are far less in terms of their magnitude than Iran. I don’t think there is significant dispute in terms of who is supporting those groups that are creating the tensions and the acts of terrorism in Israel today.

We know that Hamas is responsible for encouragement of suicide bombers. It is clear that Hamas is supported by Iran.

I think that we are making a terrible mistake if we don't adopt the Sherman amendment. I was unaware that the gentleman from California was going to propose this amendment, but I think it is of real significance and will encourage my colleagues to review it and give it careful consideration. I intend to vote in support of it, and compliment the gentleman for the amendment.

Chairman HYDE. The gentleman from Nebraska, Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

Actually, I would like to follow directly on the gentleman from Massachusetts's comments, because he makes some very interesting points about when it is we are going to use preemptive military force. Despite the fact that Saddam Hussein has violated a dozen U.N. Security Council resolutions, I think the only one that is relevant, the only one that justifies preemptive use of military force, is the demonstrated willingness to use weapons of mass destruction—not simply that he has them, because unfortunately, as the gentleman points out, North Korea and Iran also seek to have nuclear weapons, and in my judgment, North Korea has nuclear weapons. But we haven't witnessed that demonstrated willingness to use them that Saddam Hussein has provided us with respect to the Iran-Iraq war and the Iraqi Kurdish population itself.

Now, I think that the focus, therefore, the only logical, the only reasonable time that we have to consider the preemptive use of military force is when we have an adversary who is willing to use those weapons of mass destruction and has demonstrated it.

The focus of the gentleman's amendments, the gentleman from California is on the inspection process; and I would like to feel comfortable that an unfettered, unconditional weapons inspection program for weapons of mass destruction would be adequate. I don't. First of all, I cannot imagine—and we are seeing demonstrated now—that we will have unlimited, unconditional access for international inspectors in Iraq. Remember, too, that Iraq is a very big country and that Saddam Hussein has had 10-plus years now to conceal the stocks and the production capabilities he has for biological and chemical weapons and to conceal a nuclear development program.

We have important methods for determining where such stocks are; in some respects, if we are allowed to use them, we have capacities beyond what is publicly known.

Unfortunately, it is almost impossible to find biological weapons stocks. No matter how intrusive the inspection process, no matter the technology we have already developed, that is near unto impossible. Therefore, while I expect that this process is going to be used if we enable him to drag out this process, and we will have back-and-forth situations with Saddam Hussein and demands that palaces and other facilities are off limits; and we will have delays getting inspectors in there, even when they are finally there—if that ever happens, which I doubt—we are not going to be able to find biological weapons.

That is what it comes down to, and I think that fact should not escape us.

Therefore, I think the gentleman's amendment, while well intended, does not focus on the right issue. It cannot be focused on the weapons inspection process.

I yield to the gentleman.

Mr. SHERMAN. Thank you. I think there are two separate issues. One is, under this resolution that I propose, will Saddam be able to play games, defer inspections, prevent inspections, demand conditions on inspections? And the answer is clearly "no," as shown on page 3 and, in particular, section 2 of the resolution. It defines a robust weapons inspection and disarmament program as requiring teams with leadership that the President of the United States accepts.

Mr. BEREUTER. Reclaiming my time, I recognize those facts; and he can delay until, for example, October 31st. But even if, in fact, at the end of the day, we get their so-called "unfettered, unconditional access," it is not going to be adequate to assure ourselves that biological weapons are not there and not made available to terrorist organizations as well.

That is why I think the gentleman's amendment, or substitute, fails. I yield to the gentleman.

Mr. SHERMAN. The second point is, will inspections be adequate? And we did hear from Richard Perle and from the gentleman from Nebraska that inspections would not be adequate, especially with regard to biological weapons.

First, I would point out that no system is perfect. Invasion is not a perfect solution either. First, it involves thousands of Americans and perhaps tens of thousands of Iraqi deaths.

But second, we would expect Saddam to use whatever he has. And third, we would expect him to share all of his secrets and information with the worst scoundrels on the planet, just as the Nazis put into a submarine all of their nuclear secrets and sent that submarine toward Imperial Japan.

Chairman HYDE. The gentleman's time has expired.

The Chair recognizes himself to strike the last word.

I urge my colleagues to vote against this well-intended, interesting amendment for several reasons. Most importantly it unravels the agreement reached between the Democratic leadership in the House, the Republican leadership in the House, and the White House. The arguments contained—asserted on behalf of Mr. Sherman's amendment were all considered by those who laboriously and lengthily negotiated the resolution, and for one reason or another they were rejected.

The amendment offered by the gentleman emphasizes weapons of mass destruction and does not talk or admit to the threat of conventional attacks on U.S. forces, on their neighbors in the Gulf region. It undercuts regime change. There are many problems with it.

However, it is not without merit. It is a thoughtful amendment. It just is inappropriate in the present posture where we are attempting to pass the text that has been agreed upon by so many people.

I would suggest to Mr. Sherman that mention of his resolution and its content will be included in the record—I might add, favorable mention. So it isn't a total loss.

But I would like to move to a vote on this.

I hear three "Mr. Chairmans".

Mr. Paul. Mr. Paul, you are recognized.

Mr. PAUL. Thank you, Mr. Chairman. I want to speak in favor of the amendment.

It is not the type of amendment that I would have drawn up. It does recognize the authority of the United Nations, and I do not believe our national security interests and our national sovereignty should depend on the United Nations, but nevertheless this amendment is a big improvement over the current resolution. So I will support this amendment.

But I think it is important to note that the process that we are dealing with is very important. As I mentioned yesterday, we should not forget that the overall philosophy of our foreign policy brings us to events like this because our philosophy and our foreign policy for 50 years have been designed not to declare war, but to slip into war, get sanction of war by the United Nations, and also to give our Presidents more power and authority than the Constitution gives them.

So I want to remind my colleagues of that as well as of the shortcomings of this war. Because it really isn't a war in national defense. We have not been attacked. So I think we should continue to remember that and that we deal with the process, we deal with the philosophy and we deal with the wisdom, or lack of wisdom, for the war.

This resolution moves in the direction of restraint, making use of the United Nations in a reasonable fashion, under today's circumstances, which I think is much better than getting—pressuring the United Nations to rubber-stamp our efforts to go to war in the name of peace.

Because, of course, you don't go to the United Nations to declare war. There is no provision for that. The United Nations can only pursue peace. That is why when you go to war under the United Nations banner, it is not called war. They don't declare war; they call this a "police action" or a "mission for peace." I think it is misuse of words and terminology, and we should home in on what we are doing here.

We are talking about war. We are talking about going to war. And I support this resolution because I think it will make us stop and think a little more carefully without a total rejection of the international order that exists, that I would like to someday challenge, and I continue to challenge. But we should continue to watch this.

Mr. DELAHUNT. I want to take the opportunity to respond to the gentleman from Nebraska, in his distinguishing between Saddam Hussein and North Korea and Iran, in terms of propensity to—or in the case of Iraq, having demonstrated the willingness to—use weapons of mass destruction.

Well, to set the record straight, the Gulf War occurred in 1990. It has been reported in a variety of venues that the message was sent clearly and unequivocally by Secretary Baker, and I believe now, Secretary of State Powell, that if there was the utilization of chemical or biological warfare, there would be a devastating response by the United States.

The reality is, he did not use weapons of mass destruction during the course of the Gulf War. Unless I am incorrect, there have been

only two occasions when Saddam Hussein utilized weapons of mass destruction; one was in 1988 against the Kurds in northern Iraq.

Mr. PAUL. May I retrieve my time, because the time is running out.

Later, when I have more time, I would like to admit some evidence to the Committee that really challenges even that assumption about what happened with the Kurds, and it comes from a Pentagon report. So I would like to follow up on that later.

But if you can, you can go ahead and finish.

Mr. DELAHUNT. I would just conclude by saying that the United States, at that point in time, was fully aware of his use of weapons of mass destruction; and we didn't hear a peep out of the then-Administration in terms of condemning that horrific act.

And the reality is, also, that we were fully aware that during the course of the war against Iran by Iraq that there was the utilization of weapons of mass destruction—

Chairman HYDE. The gentleman's time has expired.

Mr. DELAHUNT [continuing]. Against the Iranian army.

Chairman HYDE. Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman.

Mr. Chairman, I intend to support Mr. Sherman's amendment even though I have some concerns of some of the "whereas" clauses that he has included. But I heard the President go before the United Nations and say to the United Nations that if you do not want to be irrelevant, then you must act.

In essence what Mr. Sherman is doing is listening to what the President said before the United Nations and giving that body and our allies an opportunity to see whether that organization can function and we do not have to go it alone.

Now, if you go before the United Nations as the head of this country and you say to them that, in fact, you want them to act because if they do not act, the whole organization is irrelevant. You will send the message which is, in essence, what is being sent to the Administration that, guess what, we think you are irrelevant anyhow, and we are not even going to wait or try to engage in a way in which we can seek the broad opportunity to have a coalition through the United Nations to act in the way that Mr. Sherman has in this resolution—which is a very short time period.

Today is October 3rd, he is saying, by October 31st this has to happen. By the time this actually passes, there will be very little time, so he is talking about an incredibly short time period. But at least we are putting the United Nations and our allies on notice. He is talking about a very robust weapons inspection and disarmament program. That is what we say we want in pursuit of United Nations resolutions that have called for such an effort.

If we don't want to have this long-range attitude and perception in the world, this is probably the best opportunity to seek a multi-lateral effort in an incredibly truncated period of time with the type of robust activity that we are seeking. In essence what we are saying is, before we even try, we are just going to obviate—that is just a, you know, window dressing at best.

Now, I would be happy when I finish my statement—because others have spoken already—to yield.

When, in fact, I hear consistently that any amendment would disturb that which the Democratic/Republican leadership and the Administration have put together, I would remind my colleagues—that sure don't need to be reminded on this fact—that none of them elected any of us individually to the United States House of Representatives. It is the people from our respective districts that sent us here to pass judgment on many questions that affect their lives, including war and peace and life and death. And in that regard, that is a hollow argument for me to listen to, that this Committee and this Congress are merely a rubber stamp for what a handful of leaders decide would be the course of events for this country and for all of our people. I didn't get elected by any of those individuals. I have great respect for all of them, but they cannot take my vote, nor should the call be made to rubber-stamp a vote on an issue of such national importance and national significance.

I think that if we cannot adopt Mr. Sherman's amendment that provides for a very short period of time, that provides for robust inspection, that seeks a multilateral effort that we have ostensibly had our President go before and say, we want you to act if you want to be significant; and if you want to be insignificant, don't act, well that implies that we are willing to act with them.

And I think Mr. Sherman's amendment should be adopted. It, in fact, is in pursuit of what the President told the world community when he appeared before them.

I would be happy to yield.

Mr. BEREUTER. I thank the gentleman.

I just would remind our colleagues that section 2(b)(1) and (2) says that determination to be made by the President, communicated to the Congress, is that the U.S. has made all appropriate diplomatic and peaceful means to ensure compliance, including the weapons of mass destruction resolution; and second, that those efforts have not been and would not be successful in obtaining such compliance.

It does not preclude the possibility that we would have, in fact, a weapons inspection regime attempted.

Mr. MENENDEZ. I would say to the gentleman that from the words of this Administration, they have already taken the view that that has been tried and been unsuccessful. So I think that that statement is a rather hollow proposition. That is why we, in fact, have a resolution before us that basically authorizes the President, well before he might take any action, to pursue action. And I think that undercuts.

This, at least, sends a very clear message that we have a certain time for us to seek the support of the United Nations to be relative in a world order.

Chairman HYDE. The gentleman's time has expired.

Mr. Lantos.

Mr. LANTOS. Mr. Chairman, as we meet, our diplomats at the United Nations are doing their utmost to achieve the goals the gentleman from California seeks. We are currently in the process of engaging all members of the United Nations Security Council to join us in demanding unfettered, unlimited inspections throughout Iraq, with no presidential hiding places exempt from any investiga-

tion as to whether in fact weapons of mass destruction are hidden there.

This amendment effectively encourages the Administration to do what is in fact current U.S. diplomatic policy and what in fact are current U.S. diplomatic efforts. Our Secretary of State and our Ambassador to the United Nations are doing precisely what the gentleman from California is asking for. Therefore, the amendment I believe is, as I suggested earlier, redundant, incomplete, and unravels a carefully crafted bipartisan compromise.

I would not be as disdainful of that compromise resolution as some of my colleagues are. It was not easy for the Democratic leadership of this body, and I paid high tribute to Leader Mr. Gephardt yesterday and the Republican Speaker of the House and the White House to hammer out an agreement which, at the end of the day, obviously will enjoy strong bipartisan support.

So it is not a meaningless argument that agreement has been reached. We were all elected by our constituents, but we also understand the nature of what a representative form of government means; and leadership can present to the body a bipartisan resolution, which is precisely what we are debating at this moment.

Thank you, Mr. Chairman.

Chairman HYDE. The question occurs on the amendment.

Mr. SHERMAN. You will remember you promised me a chance to close.

Chairman HYDE. Oh, Mr. Sherman, do you think you have been shortchanged on time?

Mr. SHERMAN. I think I have spoken at length, but I think quite a number of people weren't here to hear most of my comments.

Chairman HYDE. All right. Mr. Sherman, 2 minutes.

Mr. SHERMAN. Thank you.

Mr. ACKERMAN. Does that mean no one else will be allowed to speak on this?

Chairman HYDE. No. It means you are going to sit here and listen to Mr. Sherman for 2 minutes, and I want your full attention.

Mr. ACKERMAN. I would be delighted.

Mr. SHERMAN. I regret the pain of the next 2 minutes.

This does not unravel a complete agreement. Keep in mind the leadership of the United States Senate has not signed off on this agreement. But far more important, this is a markup by the Committee that is supposed to deal with the foreign policy of the United States. And a markup is not supposed to be using a rubber stamp to mark a document. This is the Committee that is supposed to debate and, perhaps, change the resolution put before us.

Second, inspections are not a bad idea. Half the Administration thinks that is the way to go, perhaps more than half. Right now, as Mr. Menendez points out, we are at the United Nations imploring them to give us a resolution that is probably very close to the text I have drafted. So this resolution is not a departure from American foreign policy. It is a departure from our foreign policy announced by some in Washington, but it is a mirror of what our policy is in New York.

How can we be imploring the U.N. to demand robust, total inspections and then at the same time leave open to the President the possibility that he may get what he is asking for from the

United Nations and then say, no, he agrees with Richard Perle, inspections are not enough, we are going to invade even after we have been given what we want. We should not pass a resolution that gives the President a blank check to either do what we are saying we want to do at the U.N. or do what Richard Perle and perhaps Dick Cheney want us to do.

Let us, instead, pass a resolution that is consistent with the position that we are taking at the U.N., highly intrusive inspections, and if we don't get them——

Chairman HYDE. The gentleman's time has expired again.

The gentleman from California, Mr. Berman.

Mr. BERMAN. Yes, Mr. Chairman.

In a number of ways, I like Mr. Sherman's amendment better than I like the base text, if it was just up to me. But I am going to oppose the amendment, and I want to use this time to address the comments of both Mr. Menendez and Mr. Sherman about our role.

They are both absolutely right. We were not elected by the leadership of either party or by the White House to our positions. We are individual Members of Congress, responsible to our conscience and our constituents and mandated to use our best judgment. We are not rubber stamps.

This Committee has jurisdiction and has every right in the world to try and shape and clean up a resolution, particularly something as important as a resolution which essentially authorizes the use of force and is the way we have chosen to try and exercise our constitutional responsibility.

So now the question comes, how do each of you choose to exercise that function? And here, I guess I would like to make my plea for what I see as the big picture.

Mr. Bereuter is correct, there are inherent limitations in an inspection program in a country where the dictator has every reason, total evidence of a history of wanting to hide what he is doing, to lie, to connive, to conceal, to play the bait-and-switch game. There are tremendous limitations.

The Administration is now pursuing a course to go to the U.N., as Mr. Lantos said, to get that kind of a robust inspection regime approved. That regime, if it can go into place, can disrupt, discover, impede, and to some extent disarm certain aspects of Iraq's weapons program.

But the real goal here is to create what I think all of us think is better than unilateral action, which is to create a multilateral dynamic, first for inspections and compliance and disarmament, and compliance with Security Council resolutions. Secondly, to build up the base of support for what we might have to do if he impedes, as I think he will, that process.

We adopt this amendment, that unravels the deal, that causes the Republican leadership to change the text on the House Floor. We start losing some of the basis for an ability for a bipartisan majority to stand with the Administration in pursuit of this goal and we hurt what I think many people would like to see, which is our opportunity to maximize the chance that the U.N. Security Council in the first instance, and a broad, multilateral group of nations in

the second instance will act both on inspections and on the enforcement of the effort to disarm.

Because unlike the Chairman, I believe—I want to see regime change in Iraq, but I believe the justification for a regime change in Iraq by the use of force has to be directly tied to disarming his weapons of mass destruction. Unfortunately, I am pretty close to the conclusion, that may be the only way we get the disarmament of his weapons of mass destruction.

But that is the purpose of the regime change, the two are linked. And so I would argue that if we come to—start looking at this text as lawyers and which one better defines—which amendment better defines our feelings about all this. We are defeating the bigger picture, which is to put together a political consensus in this country that says we stand with the Administration in his effort, in the President's effort to get the United Nations to take this issue seriously, and ultimately, if necessary, to use force. And that that is a bigger reason to vote on each of these amendments, again, than the appeal and the logic of the text of any particular amendment.

So that is why I am going to oppose this and other amendments even, as in the case of this one, where I find that it more perfectly fits my own thinking about how we should be dealing with this issue.

Chairman HYDE. Who seeks recognition?

Mr. PAYNE. The fellow from New Jersey. I don't know if I am a gentleman.

Chairman HYDE. Yes, indeed you are. Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman. I would certainly like to express my support for the Sherman amendment. I am really not very enamored or enthusiastic about any of the amendments. However, I do think that the one that Mr. Sherman has put forth certainly clarifies the issues.

The resolutions of the U.N. 60, 61 and 62, 63, 64, 65, 67, all of these are incorporated in our current resolution. I agree that we say that Saddam Hussein must respect each of these resolutions.

Of course, one of the resolutions is the repressing of its citizen population. Now, our allies, the Philippines—I mean, you can go right down the line, Turkey, some of the New Independent Republics that are siding with us. If we start going down—and I would love for every country not to repress its own citizens. We are even striving for more a perfect union here in the United States of America. But for that to be one of the resolutions that we should use as a reason that would justify, with these other eight or nine U.N. resolutions, I think it clouds the issue.

I think that Mr. Sherman's resolution clarifies some of the issues. I think that it is great that there has been a leadership team at the White House that has worked this out, the big picture, the bipartisan group. I don't know who has been in there expressing my views. I am not sure it is my leadership, because I have not heard the discussions of the things that are coming and resonating in my district about this war and the proposals that we see before us. And so, in true effect, my voice has not been heard there at these negotiations, so I am not unraveling anything that I was a part of.

So, therefore, I think that the Brad Sherman resolution makes a lot of sense, and I urge its adoption.

Chairman HYDE. Mr. Ackerman.

Before you commence, Mr. Ackerman, I want to announce there are nine amendments still at the desk. We are going to finish this today. This is a getaway day, and the longer everybody talks and the more people to talk, the tougher it gets toward the end of the day for everybody else who wants to say something.

There is plenty of opportunity to be heard. I am not going to shut anybody off, but I plead with you to be mindful of the strictures on time that we find ourselves in.

Mr. Ackerman.

Mr. ACKERMAN. Thank you, Mr. Chairman. Just in response to my colleague from New Jersey, I would like to say that my point of view was represented by my leadership. I think most of our points of view were. They weren't necessarily heeded by the other side, but I think that they were represented.

Just because we don't get our way doesn't mean we weren't properly represented. We don't always get our way; we don't always win the votes. In a democracy, we have to live with that.

With regard to this very reasonable, rational and probably superior amendment than what is before us, I would like to make a few points. And I will oppose this amendment. And it is not because we are a rubber stamp. This is getting a full hearing and a full debate before this Committee, and we can do whatever we choose, and the House can do whatever it chooses. And that is the difference between this government and the government in Iraq and so many others.

With regard to the litany of things that are deleted from this amendment, that is pointed out by the maker of the motion and some previous speakers, a lot of the things are not necessarily reasons to go to war; most of them are not. And as Mr. Sherman pointed out quite properly, in a court of law, when somebody is on trial for capital murder, you don't bring up the fact that he had a parking ticket.

That is true, but we are not talking about somebody accused of not paying their parking tickets or walking through a red light. Before us—if there is an analogy, before us in the court of public opinion stands not a vestal virgin, but someone who has already been found guilty, by almost everybody who has seen the evidence, of committing some of the most heinous crimes in the history of this century. You don't need a trial to come to that conclusion.

What we have before us is somebody who has already been found guilty and is a recidivist and is being sentenced before that court of world opinion. And this whole litany—while each of these things, in and of themselves, as individual items that have been taken out, do not necessarily meet the standard of a capital crime or a reason for declaring war—is nonetheless a reminder, as is permitted in a court of law prior to sentencing, to look at the record of who you have before you, who is a heinous, murderous criminal, somebody who murdered the father of his own grandchildren because they were talking about him, giving away his secrets.

What we have here is not just somebody who lives next door, who is a gun or knife collector and may have a very huge collection,

but somebody who may have only one or three or six weapons but is shooting up the hole darned neighborhood.

That is the real difference when we are looking at this government and some other governments and saying, why don't we attack this one and that one, and who is next on our list. Anyone who meets that profile of both having weapons of mass destruction and acting with them in a murderous way should be on this list.

Right now, we have one person so accused. That is the issue that we are dealing with. We are not dealing with Finland and we are not dealing with North Korea. If the North Koreans were using those weapons of mass destruction against their neighbors, that would be a separate case and justifiably brought before the U.N. and brought before this body.

The people in New York are working very hard. I had the opportunity to be in the United Nations the day the President spoke, together with Mr. Gilman and Mr. Issa, and met with our team assembled there. They are doing a yeoman job trying to convince the United Nations to be focused on this, and I think they are going to be successful. They can't be successful if they have a divided Congress and a divided American people over this.

Certainly we want to be part of the international community, but if we want them to act, they have to know America has some resolve on this issue. If we are going to wait until Saddam Hussein lets the inspectors in—I already saw the movie. If you watch the same movie again and again and again and expect a different ending, then you are squandering the fare of admission. While we are doing that, the situation is only going to get worse.

And while, in the ideal, this amendment would be something that I would like to vote for, the practicality of the situation in which we find ourselves argues against it.

I yield back the balance.

Chairman HYDE. The gentleman's time has expired.

The question occurs on the amendment. All those in favor, say aye.

Opposed, nay. In the opinion of the Chair, the noes have it.

Mr. SHERMAN. I request a recorded vote.

Chairman HYDE. A recorded vote is requested. The clerk will call the roll.

Ms. RUSH. Mr. Gilman.

Mr. GILMAN. No.

Ms. RUSH. Mr. Gilman votes no.

Mr. Leach.

Mr. LEACH. No.

Ms. RUSH. Mr. Leach votes no.

Mr. Bereuter.

Mr. BEREUTER. No.

Ms. RUSH. Mr. Bereuter votes no.

Mr. Smith.

Mr. SMITH OF NEW JERSEY. No.

Ms. RUSH. Mr. Smith votes no.

Mr. Burton.

Mr. BURTON. No.

Ms. RUSH. Mr. Burton votes no.

Mr. Gallegly.

Mr. GALLEGLY. No.
 Ms. RUSH. Mr. Gallegly votes no.
 Ms. Ros-Lehtinen.
 Ms. ROS-LEHTINEN. No.
 Ms. RUSH. Ms. Ros-Lehtinen votes no.
 Mr. Ballenger.
 Mr. BALLENGER. No.
 Ms. RUSH. Mr. Ballenger votes no.
 Mr. Rohrabacher.
 [No response.]
 Ms. RUSH. Mr. Royce.
 Mr. ROYCE. No.
 Ms. RUSH. Mr. Royce votes no.
 Mr. King.
 [No response.]
 Ms. RUSH. Mr. Chabot.
 Mr. CHABOT. No.
 Ms. RUSH. Mr. Chabot votes no.
 Mr. Houghton.
 Mr. HOUGHTON. No.
 Ms. RUSH. Mr. Houghton votes no.
 Mr. McHugh.
 Mr. MCHUGH. No.
 Ms. RUSH. Mr. McHugh votes no.
 Mr. Cooksey.
 [No response.]
 Ms. RUSH. Mr. Tancredo.
 Mr. TANCREDO. No.
 Ms. RUSH. Mr. Tancredo votes no.
 Mr. Paul.
 Mr. PAUL. Aye.
 Ms. RUSH. Mr. Paul votes yes.
 Mr. Smith.
 Mr. SMITH OF MICHIGAN. No.
 Ms. RUSH. Mr. Smith votes no.
 Mr. Pitts.
 Mr. PITTS. No.
 Ms. RUSH. Mr. Pitts votes no.
 Mr. Cantor.
 Mr. CANTOR. No.
 Ms. RUSH. Mr. Cantor votes no.
 Mr. Flake.
 Mr. FLAKE. No.
 Ms. RUSH. Mr. Flake votes no.
 Mr. Issa.
 Mr. ISSA. No.
 Ms. RUSH. Mr. Issa votes no.
 Mr. Kerns.
 Mr. KERNS. No.
 Ms. RUSH. Mr. Kerns votes no.
 Mrs. Davis.
 Mrs. DAVIS OF VIRGINIA. No.
 Ms. RUSH. Mrs. Davis votes no.
 Mr. Green.

Mr. GREEN. No.
 Ms. RUSH. Mr. Green votes no.
 Mr. Lantos.
 Mr. LANTOS. No.
 Ms. RUSH. Mr. Lantos votes no.
 Mr. Berman.
 Mr. BERMAN. No.
 Ms. RUSH. Mr. Berman votes no.
 Mr. Ackerman.
 Mr. ACKERMAN. No.
 Ms. RUSH. Mr. Ackerman votes no.
 Mr. Faleomavaega.
 Mr. FALEOMAVAEAGA. No.
 Ms. RUSH. Mr. Faleomavaega votes no.
 Mr. Payne.
 Mr. PAYNE. Yes.
 Ms. RUSH. Mr. Payne votes yes.
 Mr. Menendez.
 Mr. MENENDEZ. Yes.
 Ms. RUSH. Mr. Menendez votes yes.
 Mr. Brown.
 Mr. BROWN. Yes.
 Ms. RUSH. Mr. Brown votes yes.
 Ms. McKinney.
 [No response.]
 Ms. RUSH. Mr. Hilliard.
 Mr. HILLIARD. Aye.
 Ms. RUSH. Mr. Hilliard votes yes.
 Mr. Sherman.
 Mr. SHERMAN. Aye.
 Ms. RUSH. Mr. Sherman votes yes.
 Mr. Wexler.
 Mr. WEXLER. No.
 Ms. RUSH. Mr. Wexler votes no.
 Mr. Davis.
 Mr. DAVIS OF FLORIDA. Yes.
 Ms. RUSH. Mr. Davis votes yes.
 Mr. Engel.
 Mr. ENGEL. No.
 Ms. RUSH. Mr. Engel votes no.
 Mr. Delahunt.
 Mr. DELAHUNT. Yes.
 Ms. RUSH. Mr. Delahunt votes yes.
 Mr. Meeks.
 Mr. MEEKS. Yes.
 Ms. RUSH. Mr. Meeks votes yes.
 Ms. Lee.
 Ms. LEE. No.
 Ms. RUSH. Ms. Lee votes no.
 Mr. Crowley.
 Mr. CROWLEY. Yes.
 Ms. RUSH. Mr. Crowley votes yes.
 Mr. Hoeffel.
 Mr. HOFFEL. Yes.

Ms. RUSH. Mr. Hoeffel votes yes.
 Mr. Blumenauer.
 Mr. BLUMENAUER. Aye.
 Ms. RUSH. Mr. Blumenauer votes yes.
 Ms. Berkley.
 Ms. BERKLEY. No.
 Ms. RUSH. Ms. Berkley votes no.
 Mrs. Napolitano.
 Mrs. NAPOLITANO. Aye.
 Ms. RUSH. Mrs. Napolitano votes yes.
 Mr. Schiff.
 Mr. SCHIFF. Aye.
 Ms. RUSH. Mr. Schiff votes yes.
 Ms. Watson.
 Ms. WATSON. Yes.
 Ms. RUSH. Ms. Watson votes yes.
 Mr. RUSH. Mr. Hyde.
 Chairman HYDE. No.
 Ms. RUSH. Mr. Hyde votes no.
 Mr. King.
 Mr. KING. No.
 Ms. RUSH. Mr. King votes no.
 Chairman HYDE. The clerk will report.
 Ms. RUSH. Mr. Chairman, on this vote there are 15 ayes and 31
 noes.
 Chairman HYDE. And the amendment is not agreed to.
 Are there further amendments?
 Mr. Smith, Mr. Smith of Michigan's amendment. The clerk will
 report the amendment.
 [The information referred to follows:]

AMENDMENT TO H. J. RES. 114
OFFERED BY MR. SMITH OF MICHIGAN

In the 4th clause of the preamble, strike “Iraq” the first place such term appears and insert “the current Iraqi regime”.

In the 6th clause of the preamble, strike “Iraq” insert “the current Iraqi regime”.

In the 7th clause of the preamble, strike “Iraq” the first place such term appears and insert “the current Iraqi regime”.

In the 16th clause of the preamble, strike “Iraq’s repression” and insert “the repression of the current Iraqi regime”.

In the 18th clause of the preamble, strike “Iraq” insert “Saddam Hussein and the current Iraqi regime”.

In the 19th clause of the preamble, strike “Iraq’s” insert “the current Iraqi regime’s”.

Ms. RUSH. Amendment offered by Mr. Smith of Michigan. In the fourth clause of the preamble, strike Iraq, the first place such term appears and insert the current Iraqi regime.

In the 6th clause of the preamble, strike Iraq—

Mr. SMITH OF MICHIGAN. I would move, Mr. Chairman, the amendment could be considered as read.

Chairman HYDE. Without objection, so ordered. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. SMITH OF MICHIGAN. Mr. Chairman, earlier this year in H.J. Res. 75, this Committee, in criticizing Saddam Hussein and the Iraqi regime, accepted my amendment to change the word Iraq—implying the people of Iraq too much, I thought—and we changed that resolution to substitute the Iraqi regime.

In this resolution, there are 23 paragraphs setting out the conditions or, if you will, 23 “whereas” paragraphs. Five of those paragraphs, I think, are in my amendment. I have picked out five of those paragraphs to change Iraq to particularly identify Saddam Hussein or the Iraqi regime.

And briefly going through the resolution, if you want to bring up the particular paragraphs that I deal with in my amendment, on page 2 the second “whereas” on that page is, Whereas Iraq in direct and flagrant violation of the cease-fire, and instead of Iraq insert the current Iraqi regime.

The last “whereas” on page 2 is, Whereas Iraq, and that—poses a continuing threat to the national security, and that is changed to the current Iraqi regime.

Just a footnote, I think it is very, very important that we be clear that our contest, our dispute, is not with the people of Iraq. They are our friends. We have helped them in the past; we will continue to help them. A lot of the Iraqi people will support our efforts to overthrow and replace the tyranny.

On page 3, for example, it says Iraq persists in engaging in brutal repression of Iraq. It is much more appropriate, it would seem, to say the current Iraqi regime persists in engaging in this brutal repression.

On page—on page 4, there are no changes.

On page 5, again, it says Iraq’s repression of Iraqi’s population.

I know that this is on a fast track. I know that leadership says no amendments, but I think as the Committee of jurisdiction in the Congress of the United States, we should consider these amendments for the merit that they might have. I would suggest that it is very important in this kind of a resolution that we make that distinction, to make it very, very clear to the best of our ability that our contest, our fight, our disagreement is not with the Iraqi people.

Chairman HYDE. Would the gentleman yield?

I thank the gentleman. I congratulate him on a very fine amendment. It reflects the reality. I would urge the gentleman, as a courtesy, to withdraw the amendment. We will mention it in the report most favorably.

It is the reality that we certainly make the distinction between Iraq and the people of Iraq and the regime of Iraq, all of those distinctions are very real and substantive. This amendment has been drafted. It is agreed to by the Democrats, that is, the Democratic

leadership, Republican leadership, the White House, Senator Lott—we are hoping Senator Daschle will come along.

But we don't want to unravel that agreement, and I think by offering it and debating it, you have made a point that is worth making and will be memorialized in the report.

So would the gentleman consider withdrawing?

Mr. SMITH OF MICHIGAN. Mr. Chairman, it is very difficult when such a great Chairman as you requests that I withdraw it. But it seems to me that it is important that we maintain our strength as a Committee. What is the sense of a Committee meeting if we are simply given a resolution and told—no changes, leadership has decided on this.

Each one of us represents an idea. I think this idea has merit. And at least at this point I would not withdraw until we have additional discussion on it.

Chairman HYDE. If the gentleman would yield, I appreciate what you are saying. The reason for having the Committee meeting and holding out for no amendments is not merely to go through the form of a meeting, but to give everyone an opportunity to weigh in on the important issues involved. And I think it has been very valuable, a very valuable exercise to let that happen.

But I accept the gentleman's wishes.

Mr. Lantos.

Mr. LANTOS. Mr. Chairman, I think there is not a Member on this Committee who does not differentiate between the Iraqi people and the Saddam Hussein regime. That point is well taken.

However, it is perfectly conceivable that the Saddam Hussein regime may be replaced by an equally odious regime. We are dealing with the country of Iraq as presently constituted; and whether Saddam is assassinated tomorrow or not, the weapons of mass destruction are there, the record is there, and I strongly urge my colleagues to reject this amendment and to support the underlying resolution. I yield back.

Chairman HYDE. We have two votes on the Floor, one is a rule and the other is a previous question. I beg of you to return after the second vote immediately so we can proceed. This is such an important issue, and please come back.

Chairman HYDE. Mr. Paul.

Mr. PAUL. I would like to speak on the amendment.

Chairman HYDE. Well, okay.

We will stand in recess until after the second vote. Come right back, please.

[Recess.]

Chairman HYDE. The Committee will come to order.

The amendment of the gentleman from Michigan, Mr. Smith, is the pending order of business, and Congressman Ron Paul of Texas was about to address the question. So, Mr. Paul, you are recognized. However, before that, what became of the slip I have here?

We have 11 amendments now. I am told the plane going to Hawaii for Patsy Mink's funeral will leave after the last vote, which is probably the next vote, which means we are getting short on time. I am going to ask unanimous consent that each and every amendment be debated, limited to 20 minutes equally divided between proponent and opponent. Let's see how far we get.

Is there any objection?

So ordered.

Mr. Paul, you will take your 5 minutes on Mr. Smith's amendment.

MR. PAUL. Thank you, Mr. Chairman. I want to speak in favor of this amendment. I think the gentleman from Michigan makes an excellent point about the difference between Iraq and the Iraqi people versus Saddam Hussein and the current Iraqi regime. There is a difference. There has always been a difference in war, in turmoil, the difference between governments and the people.

For this reason, I think it is making this point very clearly. The concern for civilians and innocents so often is ignored in time of war. Most times when war is pursued, there is diligence given to protecting civilians, but frequently this is abused. Certainly, inadvertently, there are a lot of civilians who get killed and injured, and we do not want people to think they are the enemy, because historically, even on our side, the people who fight the wars never declare the wars. It is always the government. So you never have the people who are required to fight, and really the people who are required to pay the taxes to fight the war—they don't get to vote on this.

Certainly the civilians and the innocent people of Iraq are in between a rock and a hard place. They have this dictator over there that abuses their liberties, and he has policies that actually injure them. At the same time, they are about ready to have a war declared against them, and no matter how hard we try, they will be victimized with this. Hopefully it will come out all right and they will do better, but history is against that happening.

There is going to be a lot more suffering. At this point, it is not the Iraqi people we are declaring our actions against, but Saddam Hussein and his regime.

The one thing we have to remember is that when a country goes to war, whether we call it a police action or a declaration for peace, or we get behind U.N. resolutions, war is war. And war is difficult and war is very expensive. I read an editorial the other day, very honest and up-front, somebody who advocated the promotion of this war. At the same time he was up-front and said to do so, the American people ought to know that there will be a need to raise taxes. There is a likelihood, a much higher likelihood—and he was already for it—of having the reinstitution of the draft.

If the war goes quickly, maybe this will not be such a burden. But if the war does not go quickly and easily—and we have had experience where it doesn't nearly as well as we think—Korea and Vietnam were not short. Therefore, we should be prepared and let the people know that not only are the civilians in Iraq between the rock and the hard place, those who fight the war and pay for the war in this country are between the rock and a hard place as well.

That is why I think this amendment is so important in making an important distinction from the people, the people who fight the war, but they don't declare the war, and we have to consider them as well.

I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding. This may regrettably give my Chairman some pain, and I understand the dif-

ficulties of the leadership for Mr. Hyde and Mr. Lantos, but I do think Mr. Menendez made a relevant point earlier, and that is we are sent here to exercise our judgment by our constituencies.

I refuse to put my brain on neutral. We have a lot of expertise on this Committee—individually and collectively. We don't always make the right decisions in this Committee or any of its predecessors, but I think we have a responsibility and an opportunity. I daresay we have more knowledge on this Committee, among many Members, than the leadership of the House—that is pushing this resolution. I think we ought to exercise our judgment on what is a good amendment and what is not. I support the gentleman's amendment.

Mr. BERMAN. If the gentleman will yield further, I am curious about one thing, because there is much about what the gentleman from Nebraska says. What if Saddam Hussein bestows upon his son Uday—whatever his name is—Hussein, the numero uno position in Iraq. Is that regime change? Is that a new regime?

Mr. PAUL. If I can reclaim my time, I think you make a very important point and you raise a big question about what is going to happen. So just the idea of preemptive strikes and regime changes raises questions rather than gives answers.

Mr. SMITH OF MICHIGAN. If the gentleman will yield so the sponsor of the amendment can respond to that?

Mr. BERMAN. The reason I asked that question is to the extent you limit this to the regime, the current regime, is there something about essentially an insignificant change in leadership in terms of the reasons we are talking about this? Does that render null and void the authorization to use force?

Mr. SMITH OF MICHIGAN. If I may respond, on page 5, the only place where we use "Saddam Hussein" is on page 5, the third "whereas," that it says: "Whereas 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 Saddam Hussein and the current Iraqi regime," that is the only place where we use the "Saddam Hussein."

I just would like to point out to my colleagues that this helps make this resolution consistent. We already use the "Iraqi regime" in several of the references and "whereases," namely page 3 and page 5. On page 3 it is the second "whereas," the third "whereas," and I have included the first "whereas" also on page 3. Out of the 23, I have changed it in 5 locations. I think the message needs to be emphasized by this Committee that the Iraqi people are friends of ours and that there is no intention that we include them on the bad things that this current regime does.

Mr. BERMAN. If the gentleman would yield further for another question—

Chairman HYDE. The gentleman's time has expired. Mr. Leach.

Mr. LEACH. Mr. Chairman, I will be brief. I want to say that this is not only a reasonable and thoughtful amendment, it is an exceptionally important amendment, and it is important because words matter.

At the beginning of this year we heard a speech that was largely correct but erred in one regard, and it was one of the most impor-

tant speeches in modern American history, when we had the notion that three countries might be evil.

I think it is very important that this body recognize that individuals can be malevolent, possibly evil, and Saddam Hussein fits that definition. But countries and people are not inherently evil.

What this body is concerned with is a tyrant individual and a regime that is rogue. This body is the people's body. We speak to the people of other countries, most particularly Iraq, in this kind of resolution. I think it is very important that we divorce Saddam Hussein from the people of Iraq in reference to our concerns.

Therefore, I would suggest that the gentleman has offered an amendment that is not only consistent with other aspects of the resolution, but is incredibly important for this body to reflect to the world. I would urge its adoption.

Chairman HYDE. The Chair recognizes himself.

If Saddam were ousted and were succeeded by another bloody tyrant, his son or somebody else, some other person, this would be relevant. This would not apply.

Yes, we are a Committee and we are a people of intellect and conscience who were elected by their constituency to use their brain, and they serve on this Committee to debate issues and to vote up or down, depending on their predilection. But we also ought to recognize that being a team player has some benefits, too, and that this Committee was going to be bypassed, or there was talk that they would go directly to the Floor with this because they wanted to avoid 435 secretaries of state writing their own resolutions, which we all could.

Everybody on this Committee could write a resolution, and maybe a better one than the one we are dealing with. I don't know. But to orchestrate an agreement on such a sensitive, critical, consequential point between the Democratic leadership, the Republican leadership, the White House, Mr. Lott, is no small accomplishment. We can sit here and exercise the privilege and the prerogative we have as a Member by voting to change it for the better. But that unravels the agreement that has been made, and we go back to zero and start again.

I have a duty to my constituency to vote my conscience, but I am doing that. I am voting my conscience and supporting this resolution. I just appeal to everybody to put aside their pride of authorship and their linguistic improvements and support the cause that we are dealing with here today and vindicate my fighting for this Committee to get jurisdiction.

It is not that we are doing an empty thing. We are thinking about the consequences of this language, all of us. We are having input. Some amendments are excellent and deserve to be enshrined in the report, where they will have relevance for this generation and future ones. But I am just asking, not demanding, I am not leaning on anybody, I am not disciplining anybody, I am not refusing to recognize anybody. I am just pleading to support not the President, but the cause that is embodied in this resolution by maintaining its integrity.

So I hope the gentleman's amendment, which is a worthy one, is not accepted so we can proceed.

So the question rises on the amendment.

All those in favor, say aye.
 Opposed, nay.
 In the opinion of the Chair, the nays have it.
 Mr. SMITH OF MICHIGAN. I would ask for a rollcall.
 Chairman HYDE. The Clerk will call the roll.
 Ms. RUSH. Mr. Gilman.
 Mr. GILMAN. No.
 Ms. RUSH. Mr. Gilman votes no.
 Mr. Leach.
 Mr. LEACH. Aye.
 Ms. RUSH. Mr. Leach votes yes.
 Mr. Bereuter.
 Mr. BEREUTER. Aye.
 Ms. RUSH. Mr. Bereuter votes yes.
 Mr. Smith.
 Mr. SMITH OF NEW JERSEY. No.
 Ms. RUSH. Mr. Smith votes no.
 Mr. Burton.
 [No response.]
 Ms. RUSH. Mr. Gallegly.
 Mr. GALLEGLY. No.
 Ms. RUSH. Mr. Gallegly votes no.
 Ms. Ros-Lehtinen.
 Ms. ROS-LEHTINEN. No.
 Ms. RUSH. Ms. Ros-Lehtinen votes no.
 Mr. Ballenger.
 Mr. BALLENGER. No.
 Ms. RUSH. Mr. Ballenger votes no.
 Mr. Rohrabacher.
 [No response.]
 Ms. RUSH. Mr. Royce.
 [No response.]
 Ms. RUSH. Mr. King.
 Mr. KING. No.
 Ms. RUSH. Mr. King votes no.
 Mr. Chabot.
 Mr. CHABOT. No.
 Ms. RUSH. Mr. Chabot votes no.
 Mr. Houghton.
 Mr. HOUGHTON. No.
 Ms. RUSH. Mr. Houghton votes no.
 Mr. McHugh.
 Mr. MCHUGH. No.
 Ms. RUSH. Mr. McHugh votes no.
 Mr. Cooksey.
 [No response.]
 Ms. RUSH. Mr. Tancredo.
 Mr. TANCREDO. Aye.
 Ms. RUSH. Mr. Tancredo votes yes.
 Mr. Paul.
 Mr. PAUL. Aye.
 Ms. RUSH. Mr. Paul votes yes.
 Mr. Smith.
 Mr. SMITH OF MICHIGAN. Aye.

Ms. RUSH. Mr. Smith votes yes.
 Mr. Pitts.
 Mr. PITTS. No.
 Ms. RUSH. Mr. Pitts votes no.
 Mr. Issa.
 Mr. ISSA. No.
 Ms. RUSH. Mr. Issa votes no.
 Mr. Cantor.
 [No response.]
 Ms. RUSH. Mr. Flake.
 Mr. FLAKE. No.
 Ms. RUSH. Mr. Flake votes no.
 Mr. Kerns.
 [No response.]
 Ms. RUSH. Mrs. Davis.
 Mrs. DAVIS OF VIRGINIA. No.
 Ms. RUSH. Mrs. Davis votes no.
 Mr. Green.
 Mr. GREEN. No.
 Ms. RUSH. Mr. Green votes no.
 Mr. Lantos.
 Mr. LANTOS. No.
 Ms. RUSH. Mr. Lantos votes no.
 Mr. Berman.
 Mr. BERMAN. No.
 Ms. RUSH. Mr. Berman votes no.
 Mr. Ackerman.
 Mr. ACKERMAN. No.
 Ms. RUSH. Mr. Ackerman votes no.
 Mr. Faleomavaega.
 Mr. FALEOMAVAEGA. No.
 Ms. RUSH. Mr. Faleomavaega votes no.
 Mr. Payne.
 Mr. PAYNE. Yes.
 Ms. RUSH. Mr. Payne votes yes.
 Mr. Menendez.
 Mr. MENENDEZ. Yes.
 Ms. RUSH. Mr. Menendez votes yes.
 Mr. Brown.
 [No response.]
 Ms. RUSH. Ms. McKinney.
 Ms. MCKINNEY. Aye.
 Ms. RUSH. Ms. McKinney votes yes.
 Mr. Hilliard.
 Mr. HILLIARD. Aye.
 Ms. RUSH. Mr. Hilliard votes yes.
 Mr. Sherman.
 [No response.]
 Ms. RUSH. Mr. Wexler.
 [No response.]
 Mr. Davis.
 Mr. DAVIS OF FLORIDA. Aye.
 Ms. RUSH. Mr. Davis votes yes.
 Mr. Engel.

Mr. ENGEL. No.
 Ms. RUSH. Mr. Engel votes no.
 Mr. Delahunt.
 Mr. DELAHUNT. Aye.
 Ms. RUSH. Mr. Delahunt votes yes.
 Mr. Meeks.
 Mr. MEEKS. Aye.
 Ms. RUSH. Mr. Meeks votes yes.
 Ms. Lee.
 Ms. LEE. Aye.
 Ms. RUSH. Ms. Lee votes yes.
 Mr. Crowley.
 Mr. CROWLEY. No.
 Ms. RUSH. Mr. Crowley votes no.
 Mr. Hoeffel.
 Mr. HOFFEL. Yes.
 Ms. RUSH. Mr. Hoeffel votes yes.
 Mr. Blumenauer.
 Mr. BLUMENAUER. Aye.
 Ms. RUSH. Mr. Blumenauer votes yes.
 Ms. Berkley.
 Ms. BERKLEY. Yes.
 Ms. RUSH. Ms. Berkley votes yes.
 Mrs. Napolitano.
 Mrs. NAPOLITANO. Aye.
 Ms. RUSH. Mrs. Napolitano votes yes.
 Mr. Schiff.
 Mr. SCHIFF. No.
 Ms. RUSH. Mr. Schiff votes no.
 Ms. Watson.
 Ms. WATSON. Aye.
 Ms. RUSH. Ms. Watson votes yes.
 Mr. Hyde.
 Chairman HYDE. No.
 Ms. RUSH. Mr. Hyde votes no.
 Chairman HYDE. Have all voted who wish? Mr. Rohrabacher.
 Mr. ROHRABACHER. How am I recorded, Mr. Chairman?
 Ms. RUSH. Mr. Rohrabacher has not voted.
 Mr. ROHRABACHER. Being in great sympathy with the issue, but
 greater sympathy with the Chairman, I vote no.
 Ms. RUSH. Mr. Rohrabacher votes no.
 Chairman HYDE. Mr. Royce.
 Ms. RUSH. Mr. Royce has not voted.
 Mr. ROYCE. No.
 Ms. RUSH. Mr. Royce votes no.
 Chairman HYDE. Mr. Kerns.
 Ms. RUSH. Mr. Kerns has not voted.
 Mr. KERNS. I vote no.
 Ms. RUSH. Mr. Kerns votes no.
 Chairman HYDE. Mr. Burton.
 Ms. RUSH. Mr. Burton has not voted.
 Mr. BURTON. I vote no.
 Ms. RUSH. Mr. Burton votes no.
 Chairman HYDE. The Clerk will report.

Ms. RUSH. Mr. Chairman, on this vote there are 18 ayes and 26 noes.

Chairman HYDE. Then the amendment is not agreed to.
Are there further amendments?

Mr. SMITH OF MICHIGAN. Mr. Chairman, Nick Smith. May I have permission to speak out of order for 10 seconds?

Chairman HYDE. Surely.

Mr. SMITH OF MICHIGAN. Mr. Chairman, I do feel strongly about this, and I hope that we can have the kind of report language that makes this very clear, that our fight isn't with the Iraqi people.

Chairman HYDE. The gentleman's remarks will be recorded.
Are there further amendments?

Ms. LEE. Mr. Chairman, I have three amendments at the desk, but I ask unanimous consent that they be considered en bloc.

Chairman HYDE. Without objection, so ordered. The Clerk will report the three amendments.

[The information referred to follows:]

AMENDMENT TO H.J.RES.**OFFERED BY MS. LEE**

Amend the title so as to read: “Joint Resolution expressing the importance of the United States working through the United Nations to assure Iraq’s compliance with United Nations Security Council resolutions and advance peace and security in the Persian Gulf region.”.

AMENDMENT TO H.J.RES.**OFFERED BY MS. LEE**

Strike the preamble and insert the following:

Whereas on April 6, 1991, during the Persian Gulf War, Iraq accepted the provisions of United Nations Security Council Resolution 687 (April 3, 1991) bringing a formal cease-fire into effect;

Whereas, in accordance with Security Council Resolution 687, Iraq unconditionally accepted the destruction, removal, or rendering harmless 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 related thereto”, and “all ballistic missiles with a range greater than one hundred and fifty kilometers, and related major parts and repair and production facilities”;

Whereas, in accordance with Security Council Resolution 687, Iraq unconditionally agreed not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities;

Whereas Security Council Resolution 687 calls for the creation of a United Nations special commission to “carry out immediate on-site inspection of Iraq’s biological, chemical, and missile capabilities” and to assist and cooperate with the International Atomic Energy Agency in carrying out the “destruction, removal or rendering harmless” of all nuclear-related items and in developing

a plan for the ongoing monitoring and verification of Iraq's compliance;

Whereas United Nations weapons inspectors (UNSCOM) between 1991 and 1998 successfully uncovered and destroyed large stockpiles of chemical and biological weapons and production facilities, nuclear weapons research and development facilities, and Scud missiles, despite the fact that the Government of Iraq sought to obstruct their work in numerous ways;

Whereas in 1998, UNSCOM weapons inspectors were withdrawn from Iraq and have not returned since;

Whereas Iraq is not in compliance with United Nations Security Council Resolution 687, United Nations Security Council Resolution 1154, and additional United Nations resolutions on inspections, and this noncompliance violates international law and Iraq's ceasefire obligations and potentially endangers United States and regional security interests;

Whereas the true extent of Iraq's continued development of weapons of mass destruction and the threat posed by such development to the United States and allies in the region are unknown and cannot be known without inspections;

Whereas the United Nations was established for the purpose of preventing war and resolving disputes between nations through peaceful means, including "by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional arrangements, or other peaceful means";

Whereas the United Nations remains seized of this matter;

Whereas the President has called upon the United Nations to take responsibility to assure that Iraq fulfills its obligations to the United Nations under existing United Nations Security Council resolutions;

Whereas war with Iraq would place the lives of tens of thousands of people at risk, including members of the United States armed forces, Iraqi civilian non-combatants, and civilian populations in neighboring countries;

Whereas unilateral United States military action against Iraq may undermine cooperative international efforts to reduce international terrorism and to bring to justice those responsible for the attacks of September 11, 2001;

Whereas unilateral United States military action against Iraq may also undermine United States diplomatic relations with countries throughout the Arab and Muslim world and with many other allies;

Whereas a preemptive unilateral United States first strike could both set a dangerous international precedent and significantly weaken the United Nations as an institution; and

Whereas the short-term and long-term costs of unilateral United States military action against Iraq and subsequent occupation may be significant in terms of United States casualties, the cost to the United States treasury, and harm to United States diplomatic relations with other countries: Now, therefore, be it

AMENDMENT TO H.J.RES.**OFFERED BY MS. LEE**

Strike all after the resolving clause and insert the following:

- 1 That the United States should work through the United
- 2 Nations to seek to resolve the matter of ensuring that Iraq
- 3 is not developing weapons of mass destruction, through
- 4 mechanisms such as the resumption of weapons inspec-
- 5 tions, negotiation, enquiry, mediation, regional arrange-
- 6 ments, and other peaceful means.

Ms. RUSH. An amendment offered by Ms. Lee:

Amendment the title so as to read, joint resolution expressing the importance of the United States working through the United Nations to assure Iraq's compliance with the United Nations Security Council resolutions to advance peace and security in the Persian Gulf region.

Chairman HYDE. Without objection, further reading of the three resolutions is suspended, dispensed with, and the gentlewoman is recognized for 10 minutes. You can divide up and control the 10 minutes as you wish.

Ms. LEE. Thank you, Mr. Chairman.

This amendment consists of a resolution which I introduced, H.Con.Res. 473, on September 19, which has the support of approximately 36 cosponsors. It urges the United States to reengage the diplomatic process and stresses our government's commitment to the United Nations inspections process. Containment and inspections have worked in the past and can work in the future.

This amendment outlines the history of Iraq's noncompliance with the United Nations Resolution 687 and other resolutions and also cease-fire agreements, and sets forth the need to renew inspections and to seek out and destroy any weapons of mass destruction in Iraq. It also points out the potential consequences for the United States of a first strike against Iraq.

The amendment reads in part: Whereas the short-term and long-term costs of unilateral U.S. military action against Iraq and subsequent occupation may be significant in terms of United States casualties, the cost to the United States Treasury and harm to the United States' diplomatic relations in other countries, now therefore be it resolved that the House of Representatives should work through the United Nations to seek to resolve the matter of ensuring that Iraq is not developing weapons of mass destruction through mechanisms such as the resumption of weapons inspections, negotiation, inquiry, regional arrangements and other peaceful means.

This resolution, Mr. Chairman, also opposes a unilateral preemptive first strike. This sets a dangerous precedent and undercuts the United States' moral authority in our attempts to keep, for example, China and Taiwan, India, Pakistan, or other countries from using weapons of war. Authorizing a unilateral first strike really does lower the bar, changes the standards inherent in our foreign policy, and to now say that it is okay to start a war, whether or not there is evidence of an imminent, clear, and present danger, is a very dangerous path to put our country on.

This amendment does not foreclose future options for the United States if in fact inspections do not work. It differs from Mr. Sherman's previous amendment in several ways, but primarily while it supports inspections, this amendment does not give the President authority to engage in unilateral military action if inspections fail.

It is my contention that the United States must not take any unilateral action nor any preemptive action but must seek multilateral solutions to our current crisis. This is very important I think, Mr. Chairman, because it definitely goes against the Administration, the consensus resolution, the underlying resolution that we

are considering today. It does unravel the basic tenets of that resolution.

I believe that we should support the inspections process. We know that inspections have worked in the past. We should support the full, unfettered inspection process. And I believe we remember when Secretary Powell came to this Committee, I asked him—and I think some Members were here when I asked him this question—I asked him what would the United States' response be had Iraq not responded in the affirmative to the inspections process. He said that he didn't know whether it would have been any different in terms of our response.

So I believe that we need to allow the inspections process to move forward, and it should be done in an unencumbered way, whereby peace and security and the reduction and elimination of weapons of mass destruction is our goal rather than the stated goal of regime change.

I yield the balance of my time and thank you for the time. I reserve the balance of my time.

Chairman HYDE. The Chair recognizes Mr. Lantos for managing the other 10 minutes on this amendment.

Mr. LANTOS. Thank you, Mr. Chairman. First I want to commend my colleague from California for bringing before us a thoughtful amendment which I am compelled to oppose strongly.

One aspect of my colleague's argument is, of course, an argument we all agree with. We all favor peaceful and diplomatic resolution to this issue. I know of no one on this Committee or in this House who favors a military solution.

As a matter of fact, the resolution before us makes it crystal clear that we are in support of the United Nations Security Council resolutions being enforced. We are calling on the Security Council to take prompt and decisive action to see to it that Iraq complies with its obligations that it had undertaken 11 years ago and has consistently violated.

As a matter of fact, it is interesting to note that had Saddam's sons-in-law not escaped to Jordan where they spilled the beans and made revelations which subsequently resulted in discovering vast quantities of weapons of mass destruction and means of delivery, we would never have known that.

The statement of my colleague that we should allow inspections to work fails to recognize that the problem we are confronting fundamentally is that for 11 years inspections have not worked, and the fact that Saddam Hussein today is at least talking about readmitting inspectors is clearly the result of the sword of Damocles that the President's speech in June placed over his head. Had it not been a powerful and forceful statement indicating that that unless inspections are reinstituted—this time in an unfettered, unlimited fashion—we would not now be talking about resuming inspections. The only reason we are talking about inspections is because Saddam recognized that his continued opposition to inspections will result in military action.

So to evade military action, he has now engaged in his traditional song and dance of debating the modalities of inspection and having lied, cheated, and deceived for 11 years, it takes a great

deal of hope to assume that there will be a sudden dramatic change in his attitude toward inspections.

But our underlying resolution accepts that possibility. If in fact full, unfettered, and unlimited inspections will be implemented, we will achieve our goal of finding and destroying Saddam's weapons of mass destruction.

My judgment is that to remove the force that made Saddam agree to even limited and imperfect inspections—namely, the eventual, if necessary, use of force—makes it all the more likely that inspections will not achieve their stated objectives.

I strongly urge my colleagues to reject the amendment.

Mr. BERMAN. Will the gentleman yield?

Mr. LANTOS. I am happy to yield.

Mr. BEREUTER. Beyond the cogent arguments the gentleman has made, I think we have made it clear in the debate that preemptive action would be used only if we have a situation where a person has demonstrated the willingness to use weapons of mass destruction.

Furthermore, while it is always desirable to seek to have a resolution and cooperation and assistance from the United Nations, we should never say it is necessary. We are always needing to reserve the right to act in our national interest. This resolution in the Resolved clause precludes that possibility.

I thank the gentleman for yielding.

Chairman HYDE. Is there further discussion?

Ms. LEE. I yield to the gentleman.

Mr. DELAHUNT. I think it is important to note that three individuals, former four-star American generals, would agree with the lady, one of whom was General Clark, and also General Hall, who in fact was the general in charge of the appropriate command that dealt with the Middle East.

They indicated that attacking Iraq without a United Nations resolution supporting military action would limit support from allies, would energize recruiting for al-Qaeda, and would undermine long-term American diplomatic and economic interests worldwide.

I think it is important to note that.

Additionally, the—

Mr. LANTOS. Will my colleague yield on that point? I am reluctant to make this point. I read the testimony of the three gentleman in question, and, in all candor, I do not think you have reflected their views fully and accurately. Since they are not here to testify for themselves, and their written testimony is not before us, I think for the sake of keeping the record accurate, it is important to indicate that some of us view their testimony not in accordance with the gentlelady's amendment and in many ways diametrically opposed to it. I thank my friend.

Mr. DELAHUNT. I would hope that the time that was consumed by my colleague would be added to the time given, appropriated, to Ms. Lee.

I clearly respect my Ranking Member and I know what he speaks of, I am sure he is convinced of. However, my understanding, as it was reported in the New York Times, indicates a different tone in terms of their testimony as I enunciated it.

But I think the what most important point is that this amendment speaks to is the whole concept of this preemption doctrine. It clearly has caused grave concern among our allies. There have been reports that EU officials are expressing public alarm.

I think what we should reflect on is that the mixture of containment and establishing an international rule of law and encouraging democratic rule should be noted to have succeeded; that since the Gulf War, there have been no efforts, no initiatives taken by the Iraqi regime against its neighbors. And there are other options. There are other options that are based upon the rule of law.

Later I hope to introduce an amendment that would establish a War Crimes Tribunal as one of those particular options. I would suggest it is more reflective of what we ought to be about as a Nation in terms of our foreign policy and in terms of setting standards for the rest of the world.

When we talk about preemption, what triggers preemption? Are there any boundaries? Are there any parameters that trigger this particular doctrine? What quantum of evidence is necessary? What evidence do we need to trigger preemption?

That can vary. As we discussed earlier in the amendment offered—I forget who offered the amendment—but there have to be standards, there have to be benchmarks. Otherwise, as the gentleman indicates, we will create an international order where states, for whatever reason, either feel threatened or take an aggressive stance, will utilize this so-called doctrine of preemption.

Mr. LANTOS. I yield 2 minutes to my colleague, Mr. Berman.

Mr. BERMAN. I appreciate your yielding me the time. A couple of points. We are not voting on the doctrine of preemption. We are voting on a very specific authorization which could involve the use of preemptory force.

I happen to have real concerns about the broader doctrine as issued by the Administration. I found it bellicose, I found it arrogant, I found it problematic in terms of other questions that need to be answered.

But wait a second, guys, this will not be the first time we have contemplated preemptive action, if preemptive action means striking before the other person strikes you or strikes your allies.

A large group of us on this side of the aisle supported General Wesley Clark when he wanted to start bombing in Kosovo, without Security Council authorization—in a situation where the Security Council was sure to have exercised in the case of Russia its veto power—to start bombing. Yugoslavia didn't attack any of its neighbors. It was just slaughtering its own citizens. And we thought for compelling humanitarian purposes, we wanted to pass a resolution, which, by the way, if I recall, did not pass, allowing the previous Administration to begin bombing to smother out of a variety of targets in Yugoslavia to stop that humanitarian tragedy, because there were other strategic interests. We have acted peremptorily in the past, if acting peremptorily means acting before they strike you.

By the way, if the facts were clear that Saddam had a nuclear weapon and somebody was proposing this, would the same arguments be made? We are not debating the broader doctrine of preemption as put forth by the Administration in this particular reso-

lution. I have grave concerns about that doctrine and its application and what it means in terms of what other countries might do, citing the same doctrine.

But this is a very different issue. And this particular amendment makes many interesting and good and correct points. But it totally fails in its "whereas" clauses to point out that those same inspectors who went in and found a lot, also told us they never got any accounting—notwithstanding his promises—from Saddam of his dozens and dozens of biological and chemical warheads that we know he still has and that we have never found. We never got any accounting of the tons of materials which are the basic elements for botulism and smallpox that we know he has. This is not from Richard Perle, this is from U.N. inspection teams that were in Iraq.

I urge that this amendment be defeated.

Mr. LANTOS. I yield 2 minutes to Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you.

I do applaud Ms. Lee's concerns and her fashion, wanting very much that we collectively make this effort to have as many not only countries of the world in support of this effort, but the fact that we ought to pursue it through the means of the Security Council and the United Nations.

But I wanted to ask my good friend from California, Mr. Lantos, if section 2 and section 3 of the proposed Joint Resolution 114 do not address this very concern that we have? And is the President definitely pursuing every means possible within the confines of pursuing a diplomatic solution to this issue as it makes reference to working closely with the Security Council of the United Nations, as well as other regional organizations? I wanted to ask Mr. Lantos if he could address that issue.

Mr. LANTOS. If my friend will yield, you are absolutely correct. Yesterday in my opening statement, perhaps my main point was that the use of force must be the very last resort, when everything else has failed. This is the policy of our government. It is a policy that underlies the resolution, the bipartisan resolution, and it is a policy that I suspect all of us on this Committee and in this House support.

So you are correct, sir.

Chairman HYDE. The question occurs on the amendments en bloc offered by the gentlewoman from California.

Ms. LEE. Mr. Chairman, has my time expired?

Chairman HYDE. You have 43 seconds.

Ms. LEE. Let me yield to the gentleman from New York.

Mr. MEEKS. Forty-three seconds. I will just say this: From what I hear, we can't have it both ways. In one instance I hear the U.N. is irrelevant and we can't allow the U.N. to do this or that. On the other hand, as I read the joint resolution, and what I have heard many of the Administration officials come before us and say, it says we must consider this because there is a violation of the U.N. resolution.

If there is a violation of the U.N. resolution, we are giving the U.N. credibility because of the resolution they presented, but then we are saying they are irrelevant, irrespective. So we are going to arbitrarily make a determination on how to enforce the U.N. resolution without going back to the U.N.

So if we set this precedent that the U.N. can have a resolution, people don't abide by those resolutions, and then an individual country can come in and say the U.N. has a resolution, they are in violation of it, we will decide how the U.N. resolutions will be enforced without the U.N. I think we are setting a precedent that is going to be widespread. So anybody else that is in violation of a U.N. resolution, somebody else can come in and say you are in violation of a U.N. resolution and we are going to determine unilaterally to take force to take you out, because you are in violation of the U.N.

We should watch the precedents we are setting here. I support the gentleman's amendment.

Mr. LANTOS. I am pleased to yield my 30 seconds to my friend from Wisconsin, Mr. Green.

Mr. GREEN. Very quickly, I will return to the subject of this amendment, inspections. We have to be careful how we use that term. Almost no one out there is arguing that inspections conducted under the terms insisted upon by Saddam Hussein to date have been at all effective. Even the Carnegie Endowment for Peace has not said that these inspection regimes have been effective at all. The best way we enforce and secure the peace is to strengthen the President's hand. That is how we make diplomacy meaningful. That is how we avoid a costly conflict.

With that, I yield back.

Chairman HYDE. The question occurs on the amendments bloc offered by the gentlewoman from California.

All those in favor, say aye.

Those opposed, nay.

In the opinion of the Chair, the nays have it.

Ms. LEE. Mr. Chairman, may I have a vote?

Chairman HYDE. The gentlewoman asked for a rollcall. She shall have one. The Clerk will call the roll.

Ms. RUSH. Mr. Gilman.

Mr. GILMAN. No.

Ms. RUSH. Mr. Gilman votes no.

Mr. Leach.

Mr. LEACH. No.

Ms. RUSH. Mr. Leach votes no.

Mr. Bereuter.

Mr. BEREUTER. No.

Ms. RUSH. Mr. Bereuter votes no.

Mr. Smith.

[No response.]

Mr. Burton.

Ms. Rush. Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. RUSH. Mr. Gallegly votes no.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. No.

Ms. RUSH. Mr. Ros-Lehtinen votes no.

Mr. Ballenger.

Mr. BALLENGER. No.

Ms. RUSH. Mr. Ballenger votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.
Ms. RUSH. Mr. Rohrabacher votes no.
Mr. Royce.
Mr. ROYCE. No.
Ms. RUSH. Mr. Royce votes no.
Mr. King.
Mr. KING. No.
Ms. RUSH. Mr. King votes no.
Mr. Chabot.
Mr. CHABOT. No.
Ms. RUSH. Mr. Chabot votes no.
Mr. Houghton.
Mr. HOUGHTON. No.
Ms. RUSH. Mr. Houghton votes no.
Mr. McHugh.
Mr. MCHUGH. No.
Ms. RUSH. Mr. McHugh votes no.
Mr. Cooksey.
[No response.]
Mr. Tancredo.
Mr. TANCREDO. No.
Ms. RUSH. Mr. Paul.
Mr. PAUL. Aye.
Ms. RUSH. Mr. Paul votes yes.
Mr. Smith.
Mr. SMITH OF MICHIGAN. No.
Ms. RUSH. Mr. Smith votes no.
Mr. Pitts.
Mr. PITTS. No.
Ms. RUSH. Mr. Pitts votes no.
Mr. Issa.
[No response.]
Ms. RUSH. Mr. Cantor.
Mr. CANTOR. No.
Ms. RUSH. Mr. Cantor votes no.
Mr. Flake.
Mr. FLAKE. No.
Ms. RUSH. Mr. Flake votes no.
Mr. Kerns.
Mr. KERNS. No.
Ms. RUSH. Mr. Kerns votes no.
Mrs. Davis.
Mrs. DAVIS OF VIRGINIA. No.
Ms. RUSH. Mrs. Davis votes no.
Mr. GREEN. No.
Mr. Green votes no.
Ms. RUSH. Mr. Lantos.
Mr. LANTOS. No.
Ms. RUSH. Mr. Lantos votes no.
Mr. Berman.
Mr. BERMAN. No.
Ms. RUSH. Mr. Berman votes no.
Mr. Ackerman.
Mr. ACKERMAN. No.

Ms. RUSH. Mr. Ackerman votes no.
Mr. Faleomavaega.
Mr. FALEOMAVAEGA. No.
Ms. RUSH. Mr. Faleomavaega votes no.
Mr. Payne.
Mr. PAYNE. Yes.
Ms. RUSH. Mr. Payne votes no.
Mr. Menendez.
[No response.]
Ms. RUSH. Mr. Brown.
Mr. BROWN. Yes.
Ms. RUSH. Mr. Brown votes yes.
Ms. McKinney.
Ms. MCKINNEY. Aye.
Ms. RUSH. Ms. McKinney votes yes.
Mr. Hilliard.
Mr. HILLIARD. Aye.
Ms. RUSH. Mr. Hilliard votes yes.
Mr. Sherman.
Mr. SHERMAN. No.
Ms. RUSH. Mr. Sherman votes no.
Mr. Wexler.
[No response.]
Ms. RUSH. Mr. Davis.
Mr. DAVIS OF FLORIDA. No.
Ms. RUSH. Mr. Davis votes no.
Mr. Engel.
Mr. ENGEL. No.
Ms. RUSH. Mr. Delahunt.
Mr. DELAHUNT. Yes.
Ms. RUSH. Mr. Delahunt votes yes.
Mr. Meeks.
Mr. MEEKS. Yes.
Ms. RUSH. Mr. Meeks votes yes.
Ms. Lee.
Ms. LEE. Yes.
Ms. RUSH. Ms. Lee votes yes.
Mr. Crowley.
Mr. CROWLEY. No.
Ms. RUSH. Mr. Crowley votes no.
Mr. Hoeffel.
Mr. HOEFFEL. No.
Ms. RUSH. Mr. Hoeffel votes no.
Mr. Blumenauer.
Mr. BLUMENAUER. Aye.
Ms. RUSH. Mr. Blumenauer votes yes.
Ms. Berkley.
Ms. BERKLEY. No.
Ms. RUSH. Ms. Berkley votes no.
Mrs. Napolitano.
Mrs. NAPOLITANO. Yes.
Ms. RUSH. Mrs. Napolitano votes yes.
Mr. Schiff.
Mr. SCHIFF. No.

Ms. RUSH. Mr. Schiff votes no.
 Ms. Watson.
 Ms. WATSON. Yes.
 Ms. RUSH. Ms. Watson votes yes.
 Mr. Hyde.
 Chairman HYDE. No.
 Ms. RUSH. Mr. Hyde votes no.
 Chairman HYDE. Mr. Smith.
 Mr. SMITH OF NEW JERSEY. No.
 Ms. RUSH. Mr. Smith votes no.
 Chairman HYDE. Mr. Burton.
 Mr. BURTON. No.
 Ms. RUSH. Mr. Burton votes no.
 Chairman HYDE. Have all voted who wish?
 If so, the Clerk will announce the roll, the vote.
 Ms. RUSH. Mr. Chairman, on this vote there are 11 ayes and 34
 noes.
 Chairman HYDE. And the amendments are not agreed to.
 The gentleman from Texas, Mr. Paul, do you have an amend-
 ment?
 Mr. PAUL. I have an amendment, thank you.
 Chairman HYDE. The Clerk will report the amendment of Mr.
 Paul.
 [The information referred to follows:]

AMENDMENT TO H. J. RES. _____**OFFERED BY MR. PAUL**

Strike all after the resolving clause and insert the following: “That pursuant to article I, section 8 of the United States Constitution, a state of war is declared to exist between the United States and the Government of Iraq and the President is hereby authorized and directed to employ the United States Armed Forces to carry on war against the Government of Iraq and to bring the conflict to a successful conclusion.”.

AMENDMENT TO H. J. RES. _____
OFFERED BY MR. PAUL

Amend the title so as to read: “Joint Resolution declaring a state of war between the United States and the Government of Iraq.”.

AMENDMENT TO H. J. RES. _____
OFFERED BY MR. PAUL

Strike the preamble.

Ms. RUSH. Amendment offered by Mr. Paul: Strike all after the Resolving clause and insert the following:

Mr. PAUL. I ask unanimous consent that it be considered as read and that the three amendments be considered as one.

Chairman HYDE. Without objection, so ordered. The gentleman is recognized for 5 minutes.

Mr. PAUL. Five or ten?

Chairman HYDE. I guess 10. I tried to get away with something.

Mr. PAUL. Thank you, Mr. Chairman. Mr. Chairman, this is a substitute amendment and it is a simple, clear-cut, straightforward, front-door declaration of war. No back door to war, it is the front door. I am depending on you, Mr. Chairman, to make sure it doesn't pass.

Chairman HYDE. A very wise move.

Mr. LANTOS. You may count on me, too.

Mr. PAUL. Mr. Chairman, I will be voting with you and the Administration on this bill, on this particular substitute. But nevertheless, I consider what I am doing here very important and not frivolous, because this is a declaration of war. As I mentioned before, in the resolution that we have before us, we never mention war. We never mention article I, section 8. We only talk about transferring the power and the authority to the President to wage war when he pleases. I consider that unconstitutional.

Of course, we cite the U.N. 25 times as back-up evidence for what we are doing, so I think it is appropriate for us to think about our oath of office and the Constitution, what America is all about. Because, quite frankly, I think we have suffered tremendously over the last 50 or 60 years, since World War II, since we have rejected this process, because we don't win wars but men die. One hundred thousand men have died in that period of time, and many hundreds of thousands wounded, and many ignored. The Persian Gulf syndrome ignored, yet over 100,000 may be suffering from that.

I see this as very important that we should be up front with the American people, because, if not, we can well slip into war once again. And that, to me, is not what we are supposed to be doing. We are supposed to be very up-front in doing this as we have been obligated to do.

I would like to read a quote from a former President of a few years back. He had something to do with the Constitution. He speaks for that time. Of course, most people believe today that the Constitution is a living, ever-changing document, that the truth is not everlasting and that the founders are irrelevant. But we still have the law on the book. We haven't changed the law. And this quote emphasizes how they looked at foreign policy and the separation of powers, because at the time of our Revolution they had firsthand experience of what happened in Europe when the King or one leader has the authority and the power to go to war.

So it was strongly emphasized by those who were writing the Constitution of where this war power would reside. It was put into the legislative branch of government, which was closest to the people. That is very important, because our failure to win wars is one of the strongest motivations on my part to address this subject.

Quite frankly, I believe that the Persian Gulf War, one, never ended. We are just dealing with one more segment of a war that

is perpetual because it was not declared. We half-heartedly committed, we had the restraints of the United Nations, we did not go for the right reasons, and we didn't win. Therefore, we didn't do the job that should have been done in 1990 if we had declared war.

The same thing could have been said about Korea and Vietnam. It is time we address the process just as emphatically as we address the pros and cons of whether this country should go to war.

Now, let me quote from James Madison. Madison said in 1798:

“The Constitution supposes what the history of all governments demonstrate, that the Executive is the branch of power most interested in war and most prone to it. It has accordingly, with studied care, vested the question of war in the legislature.”

We have now just carelessly over the years, and today once again, easily given this up.

You say, no, this doesn't necessarily mean that, and we have done it before. We have allowed our Presidents to do this. But if the President can go to war, this is the permission that we are giving.

It is interesting to note that in the United Nations Charter, you do not have a provision that says well, when you want to declare war, here you come, and these are the procedures. When the United Nations gets involved, we are always declaring the use of force for peace. But it gets difficult and it gets muddled, and it is murky under today's conditions because there is no war going on in Iraq. Yet we have not exhausted the vehicle of negotiations and other things that could be done.

So, this is why, unfortunately, I have very little faith and confidence this will be the solution to solve the problem in Iraq and the Middle East. As a matter of fact, if that happens, this is a dramatic reversal of 60 years of history. It is not going to happen.

We have not dealt with the unintended consequences, what we are dealing with today in the sense that the wars continue, but the unintended consequences. And I disagree with the previous speaker who said that this resolution is not dealing with preemptive strikes. That is what the whole thing is about, allowing the President the authority to do a preemptive strike against a nation that has not committed aggression against us. This is the whole issue.

So I would say that this is the time that we ought to not only think about the issue of the pros and cons of war, but the issue of how much of our sovereignty we give away to the United Nations and how many restraints will be placed on us, not only now as we try to satisfy everybody in the United Nations, but later on as well.

It was said we didn't finish the war in 1990 because of the resolution not permitting us to do this, and therefore it wasn't done, but we were following the rules. Of course, that is why you need—if you commit the country and commit the young people and commit the taxpayer to war—you need to call it war.

So those of you who are for war, vote for this. Those who are opposed to it should vote against the war, because we don't believe it is necessary to go to war right now. If you are honest with yourself, this is what you should do. Otherwise you are perpetuating a

fraud on the American people, perpetuating a system that has not worked, perpetuating a system that ends too often in chaos.

I just don't think that is good. I really don't. I think we should think about this very carefully and make sure that we follow the process as well as our best judgments on war.

Some have argued that in this case what you are saying is we would tie the hands of the President. We would tie the hands of the President. Well, that sounds a little strong. But you know what? That is what was intended in the Constitution. That is what Madison is talking about, tying the hands of one person to make the decision to go to war. Therefore, I think—I want and desire so much to think more seriously, because if there a declaration of war, we will fight to win it and it won't drag on and be endless and lead to another one.

We don't know what is going to happen. There may be an attack on Taiwan, and India may move, and who knows what may come of this? It certainly will not solidify our support in an Arab world that is very antagonistic to us and numbers over 1 billion people.

At this time, I reserve the balance of my time.

Mr. DELAHUNT. Will the gentleman yield?

If the gentleman will yield, much of what you say truly resonates, because I do concur. I do believe this is about a doctrine of preemption. I think we all feel uneasy about it. I am not denying that inherent in a Nation State, if there is a real clear, convincing threat, that that doctrine does not apply. I think it should apply.

But what concerns me is that the standards that are being set by the underlying resolution here are so low that it could very well create a new concept in the international order that, as you described, will give other states, the most obvious examples being India and Pakistan, the right to say to the international community we are going to launch a nuclear strike, when it ought not to be an option.

I mean, there are many rogue nations, if you will. We have discussed them here today: Iran, North Korea. There is a long litany of nations that possess weapons of mass destruction.

Mr. PAUL. Excuse me, if I might. I would like to reserve a few minutes of my time. Thank you.

Chairman HYDE. You have 3 seconds left, Mr. Paul.

Mr. PAUL. I allow you to finish my time. Mr. Chairman, you were watching closely.

Chairman HYDE. Yes, with great interest. Are you through?

Mr. DELAHUNT. I yield.

Chairman HYDE. All right. The Chair yields himself the 10 minutes in opposition to this.

It is fascinating to go back in history and see how our Constitution was drafted and what it means. There are things in the Constitution that have been overtaken by events, by time. Declaration of war is one. Letters of mark and reprisal are others. There are things no longer relevant to a modern society.

The problem with a declaration of war is that is a formal step taken by a nation. And when you do that, you kick in other laws. Enemy aliens—people suddenly become who are of German extraction or Saudi extraction, depending on whom you are declaring war against, suddenly become enemy aliens. Trading with the enemy

becomes effective. Therefore, if a country is trading with your enemy, they are your enemy.

Most importantly and psychologically, if you declare war, if we had declared war on Vietnam, China would have had to declare war on us, and then the Soviet Union, not to be outdone fraternally, would have had to declare war on us. And you start a chain of events. That is the last thing you want to do. You want to isolate these conflicts. You don't want them to metastasize.

Declaration of war metastasizes conflict.

Insurance policies are invalidated in time of war. There are so many consequences, criminal statutes. So there are laws affecting military personnel in time of war and in time of peace.

Now, the Congress always has the last word in war and peace because we control the purse strings. We could introduce a bill and rush it through that would say no funds appropriated herein may be used to pay for an expedition to France or to the Caribbean. Congress always has the last word because we control the purse strings. But now this resolution we are dealing with today does not declare war. It does not approach war. War may never happen. If we mean what we say and we say what we mean and we have a reasonably tough posture, we may avoid war.

Why declare war if you don't have to? We are saying to the President, use your judgment. We know you have tried to have inspections work. We have tried the U.N., they have been made a fool of for 11 years now. The League of Nations was muscular compared to the U.N. That is the situation we are in now.

So to demand that we declare war is to strengthen something to death. You have got a hammerlock on this situation, and it is not called for. Inappropriate, anachronistic, it isn't done anymore because it has the effect of pyramiding when what you want to do is to isolate.

So with great respect for the gentleman's knowledge of political science, I suggest this is inappropriate, and I would hope it would be defeated.

Mr. Green wants to say something.

Mr. GREEN. In many ways, our colleague Dr. Paul is the constitutional conscience of the House, and I appreciate it. But one thing I wanted not to leave unchallenged.

He said in his remarks that Iraq is a country which has committed no acts of aggression against the U.S. There are many people who would disagree with that, not the least of whom would be the pilots in the no-fly zone, who are routinely fired upon. I think we have to be a little bit careful in our remarks.

Chairman HYDE. Mr. Lantos.

Mr. LANTOS. Thank you, Mr. Chairman.

I think you handled, as you always do, the issue perfectly, but I would like to just add a footnote. I have great affection for my friend from Texas, but I detect a touch of frivolity and mischief in his amendment, because I do not believe—I do not believe he is serious about this amendment, not only because of all the reasons you have cited, but because the resolution we are considering is aimed at avoiding war. It is geared to having unfettered, unlimited, foolproof inspections, and not a war.

The possibility of using force is the only mechanism of potentially persuading Saddam Hussein to allow inspections, to have the destruction of weapons of mass destruction be brought about by non-violent means. So I think, while at one level it is a frivolous proposal, which I strongly urge my colleagues to reject, at a more profound level, it totally misunderstands or deliberately misinterprets the underlying resolution.

It is our hope that we can move to inspections which will achieve the goal of finding and destroying Iraq's weapons of mass destruction without a single shot being fired. That is my earnest hope, that is the earnest hope of, I take it, all of us who support the resolution.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you.

Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman.

And I think a formal declaration of war, as opposed to an authorization to use force should Iraq not disarm, is going to have consequences under domestic law, but it is also going to have consequences under international law. And I think for those of us here in Congress we have got to contemplate the fact that it is going to have the effect of transferring power, conferring power to the President and to the Attorney General and to the Pentagon that they cannot otherwise exercise. One of those powers is going to be the power to wiretap, notwithstanding what we do in Congress, once there is a declaration of war, they are automatically going to be able to wiretap.

Another concern would be what we would do to insurance contracts, because once you have a declaration of war, you bring into effect an exclusionary clause in the contracts that are out there. I think also you have to consider the fact that we are moving away from our joint objective here, which is to leverage Iraq to disarm, to have a credible threat against that regime, the threat of use of force. And instead we are abandoning that, if we go with a formal declaration of war, we then take on these international and domestic changes under our Constitution.

And I wanted to ask the author if he contemplated those changes. Should we actually pass this initiative? What do we do about them?

Mr. PAUL. Would the gentleman yield?

Yes, I certainly did. But that emphasizes and makes my point how serious this is, because you are ignoring how serious war is. And then we know that is what we are talking about here today. No matter what you call it, we are talking about a resolution that permits the President to wage war.

Mr. ROYCE. It permits the President to wage war, and the reason we are going through this exercise is to present a credible threat to the Iraqi regime so that they do disarm.

And you move us off of that strategy on a completely different track, a completely different track with this particular amendment. And that is why I oppose the amendment.

I thank you.

Chairman HYDE. The question occurs on the amendment offered by the gentleman from Texas. All those in favor, say aye.

Opposed, nay.

In the opinion of the Chair——

Mr. PAUL. I ask for a recorded vote.

Chairman HYDE. If the gentleman wants a recorded vote, he can have one. Call the roll.

Ms. RUSH. Mr. Gilman.

Mr. GILMAN. No.

Ms. RUSH. Mr. Gilman votes no.

Mr. Leach.

Mr. LEACH. No.

Ms. RUSH. Mr. Leach votes no.

Mr. Bereuter.

Mr. BEREUTER. No.

Ms. RUSH. Mr. Bereuter votes no.

Mr. Smith of New Jersey.

Mr. SMITH OF NEW JERSEY. No.

Ms. RUSH. Mr. Smith of New Jersey votes no.

Mr. Burton.

Mr. BURTON. No.

Ms. RUSH. Mr. Burton votes no.

Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. RUSH. Mr. Gallegly votes no.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. No.

Ms. RUSH. Ms. Ros-Lehtinen votes no.

Mr. Ballenger.

Mr. BALLENGER. No.

Ms. RUSH. Mr. Ballenger votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.

Ms. RUSH. Mr. Rohrabacher votes no.

Mr. Royce.

Mr. ROYCE. No.

Ms. RUSH. Mr. Royce votes no.

Mr. King.

Mr. KING. No.

Ms. RUSH. Mr. King votes no.

Mr. Chabot.

Mr. CHABOT. No.

Ms. RUSH. Mr. Chabot votes no.

Mr. Houghton.

Mr. HOUGHTON. No.

Ms. RUSH. Mr. Houghton votes no.

Mr. McHugh.

Mr. MCHUGH. No.

Ms. RUSH. Mr. McHugh votes no.

Mr. Cooksey.

[No response.]

Mr. Tancredo.

Mr. TANCREDO. No.

Ms. RUSH. Mr. Tancredo votes no.

Mr. Paul.

Mr. PAUL. No.

Ms. RUSH. Mr. Paul votes no.
Mr. Smith of Michigan.
Mr. SMITH OF MICHIGAN. No.
Ms. RUSH. Mr. Smith of Michigan votes no.
Mr. Pitts.
Mr. PITTS. No.
Ms. RUSH. Mr. Pitts votes no.
Mr. Issa.
Mr. ISSA. No.
Ms. RUSH. Mr. Issa votes no.
Mr. Cantor.
Mr. CANTOR. No.
Ms. RUSH. Mr. Cantor votes no.
Mr. Flake.
Mr. FLAKE. No.
Ms. RUSH. Mr. Flake votes no.
Mr. Kerns.
Mr. KERNS. No.
Ms. RUSH. Mr. Kerns votes no.
Mrs. Davis.
Mrs. DAVIS OF VIRGINIA. No.
Ms. RUSH. Mrs. Davis votes no.
Mr. Green.
Mr. GREEN. No.
Ms. RUSH. Mr. Green votes no.
Mr. Lantos.
Mr. LANTOS. No.
Ms. RUSH. Mr. Lantos votes no.
Mr. Berman.
Mr. BERMAN. No.
Ms. RUSH. Mr. Berman votes no.
Mr. Ackerman.
Mr. ACKERMAN. No.
Ms. RUSH. Mr. Ackerman votes no.
Mr. Faleomavaega.
Mr. FALEOMAVAEGA. No.
Ms. RUSH. Mr. Faleomavaega votes no.
Mr. Payne.
Mr. PAYNE. No.
Ms. RUSH. Mr. Payne votes no.
Mr. Menendez.
Mr. MENENDEZ. No.
Ms. RUSH. Mr. Menendez votes no.
Mr. Brown.
Mr. BROWN. No.
Ms. RUSH. Mr. Brown votes no.
Ms. McKinney.
Ms. MCKINNEY. No.
Ms. RUSH. Ms. McKinney votes no.
Mr. Hilliard.
Mr. HILLIARD. No.
Ms. RUSH. Mr. Hilliard votes no.
Mr. Sherman.
Mr. SHERMAN. No.

Ms. RUSH. Mr. Sherman votes no.
 Mr. Wexler.
 Mr. WEXLER. No.
 Ms. RUSH. Mr. Wexler votes no.
 Mr. Davis.
 Mr. DAVIS OF FLORIDA. No.
 Ms. RUSH. Mr. Davis votes no.
 Mr. Engel.
 Mr. ENGEL. No.
 Ms. RUSH. Mr. Engel votes no.
 Mr. Delahunt.
 Mr. DELAHUNT. No.
 Ms. RUSH. Mr. Delahunt votes no.
 Mr. Meeks.
 Mr. MEEKS. No.
 Ms. RUSH. Mr. Meeks votes no.
 Ms. Lee.
 Ms. LEE. No.
 Ms. RUSH. Ms. Lee votes no.
 Mr. Crowley.
 Mr. CROWLEY. No.
 Ms. RUSH. Mr. Crowley votes no.
 Mr. Hoeffel.
 Mr. HOEFFEL. No.
 Ms. RUSH. Mr. Hoeffel votes no.
 Mr. Blumenauer.
 Mr. BLUMENAUER. No.
 Ms. RUSH. Mr. Blumenauer votes no.
 Ms. Berkley.
 Ms. BERKLEY. No.
 Ms. RUSH. Ms. Berkley votes no.
 Mrs. Napolitano.
 Mrs. NAPOLITANO. No.
 Ms. RUSH. Mrs. Napolitano votes no.
 Mr. Schiff.
 Mr. SCHIFF. No.
 Ms. RUSH. Mr. Schiff votes no.
 Ms. Watson.
 Ms. WATSON. No.
 Ms. RUSH. Ms. Watson votes no.
 Mr. Hyde.
 Chairman HYDE. No.
 Ms. RUSH. Mr. Hyde votes no.
 Chairman HYDE. Ms. Watson.
 Ms. WATSON. For those who are going on the flight to attend Patsy Mink's funeral, can we state for the record how we would vote on the resolution?
 Chairman HYDE. Yes. First of all, let's dispose of this matter.
 The clerk will report the rollcall.
 Ms. RUSH. On this vote there are 0 yeas and 41 noes.
 Chairman HYDE. The amendment is narrowly defeated.
 We now have a vote, which we must attend and hurry back, please. We are going to finish this bill today.

There are three of our Members going on the plane to Hawaii for the Patsy Mink funeral. You certainly may, for the record, state how you would vote on final passage. I don't know what we can do about the amendments, but final passage, you may—why don't you now tell the clerk how you would vote?

Ms. WATSON. Thank you, Mr. Chairman for accommodating us. When the bill comes up, whether amended or not, I would have voted no.

Chairman HYDE. Ms. Lee?

Ms. LEE. Mr. Chairman when the base bill comes up, the resolution, I intend to vote no on that.

Chairman HYDE. Very well. The record will so show.

Mr. Faleomavaega.

Mr. FALEOMAVAEGA. I would yes in support of the resolution for final passage.

Chairman HYDE. The record will so show.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Chairman HYDE. Mr. Davis has an amendment. The clerk will report the amendment and then we will go vote.

[The information referred to follows:]

AMENDMENT TO H. J. RES. 114
OFFERED BY MR. DAVIS OF FLORIDA

Amend the title so as to read: “Joint resolution authorizing the use of the United States Armed Forces pursuant to a new resolution of the United Nations Security Council seeking to enforce the destruction and dismantlement of Iraq’s weapons of mass destruction program and prohibited ballistic missiles program or pursuant to the United States right of individual or collective self-defense if the Security Council fails to act.”.

AMENDMENT TO H. J. RES. 114
OFFERED BY MR. DAVIS OF FLORIDA

Strike the preamble and insert the following:

Whereas under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's "weapons of mass destruction program"), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's "prohibited ballistic missile program"), and undertook unconditionally not to develop any such weapons thereafter;

Whereas on numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

Whereas on numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Whereas Iraq under Saddam Hussein used chemical weapons in its war with Iran in the 1980s and against the Kurdish population in northern Iraq in 1988;

Whereas since 1990, the United States has considered Iraq to be a state sponsor of terrorism; and

Whereas Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism require a strong diplomatic, and if necessary, military response by the international community, led by the United States: Now, therefore be it

AMENDMENT TO H. J. RES. 114
OFFERED BY MR. DAVIS OF FLORIDA

Strike all after the resolved clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This joint resolution may be cited as the “Authoriza-
3 tion for the Use of Force Against Iraq Resolution of
4 2002”.

5 SEC. 2. AUTHORIZATION FOR THE USE OF UNITED STATES
6 ARMED FORCES.

7 (a) AUTHORIZATION FOR THE USE OF FORCE.—The
8 President, subject to subsection (b), is authorized to use
9 United States Armed Forces as he determines to be nec-
10 essary and appropriate—

11 (1) to enforce United Nations Security Council
12 Resolution 687, and other resolutions approved by
13 the Council which govern Iraqi compliance with Res-
14 olution 687, in order to secure the dismantlement or
15 destruction of Iraq’s weapons of mass destruction
16 program and its prohibited ballistic missile program;
17 or

18 (2) in the exercise of individual or collective
19 self-defense, to defend the United States or allied
20 nations against a grave threat posed by Iraq’s weap-

1 ons of mass destruction program and its prohibited
2 ballistic missile program.

3 (b) REQUIREMENT FOR DETERMINATION THAT USE
4 OF FORCE IS NECESSARY.—Before exercising the author-
5 ity granted by subsection (a), the President shall make
6 available to the Speaker of the House of Representatives
7 and the President pro tempore of the Senate his deter-
8 mination that—

9 (1) the United States has attempted to seek,
10 through the United Nations Security Council, adop-
11 tion of a resolution after September 12, 2002, under
12 Chapter VII of the United Nations Charter author-
13 izing the action described in subsection (a)(1), and
14 such resolution has been adopted; or

15 (2) that the threat to the United States or al-
16 lied nations posed by Iraq’s weapons of mass de-
17 struction program and prohibited ballistic missile
18 program is so grave that the use of force is nec-
19 essary pursuant to subsection (a)(2), notwith-
20 standing the failure of the Security Council to ap-
21 prove a resolution described in paragraph (1).

22 **SEC. 3. CONSULTATION AND REPORTS.**

23 (a) CONSULTATION.—The President shall keep Con-
24 gress fully and currently informed on matters relevant to
25 this joint resolution.

1 (b) INITIAL REPORT.—

2 (1) IN GENERAL.—As soon as practicable, but
3 not later than 30 days after exercising the authority
4 under section 2(a), the President shall submit to
5 Congress a report setting forth information—

6 (A) about the degree to which other na-
7 tions will assist the United States in the use of
8 force in Iraq;

9 (B) regarding measures the United States
10 is taking, or preparing to take, to protect key
11 allies in the region from armed attack by Iraq;
12 and

13 (C) on planning to establish a secure envi-
14 ronment in the immediate aftermath of the use
15 of force (including estimated expenditures by
16 the United States and allied nations), and, if
17 necessary, prepare for the political and eco-
18 nomic reconstruction of Iraq following the use
19 of force.

20 (2) CLASSIFICATION OF REPORT.—The report
21 required by paragraph (1) may be submitted in clas-
22 sified form.

23 (c) SUBSEQUENT REPORTS.—Following transmittal
24 of the report required by subsection (b), the President
25 shall submit a report to Congress every 60 days thereafter

1 on the status of United States diplomatic, military and
2 reconstruction operations with respect to Iraq.

3 **SEC. 4. WAR POWERS RESOLUTION REQUIREMENTS.**

4 (a) SPECIFIC STATUTORY AUTHORIZATION.—Con-
5 sistent with section 8(a)(1) of the War Powers Resolution,
6 the Congress declares that section 2 is intended to con-
7 stitute specific statutory authorization within the meaning
8 of section 5(b) of the War Powers Resolution.

9 (b) Applicability of Other Requirements.—Nothing in
10 this resolution supersedes any requirement of the War
11 Powers Resolution.

Ms. RUSH. Amendment offered by Mr. Davis of Florida. Amend the title so as to read——

Chairman HYDE. Without objection, further reading of the amendment is dispensed with and the gentleman will be recognized for 5 minutes in support of—10 minutes. But we will stand in recess until we come back after——

Mr. DAVIS OF FLORIDA. Can I ask unanimous consent that the amendments be taken up en bloc as well?

Chairman HYDE. Yes, you certainly may. And without objection, so ordered.

Would you please come back as quickly as you can?

[Recess.]

Chairman HYDE. The Committee will come to order.

The pending business was an amendment offered by Mr. Davis, but before we get to that, one of our Members is—this is his final appearance with the Committee. And he has spent so many years leading us as Chairman and as a Member, and he is not only leaving our Committee, he is leaving the House of Representatives for a very well-deserved retirement—but much too early in my judgment.

But I would like to yield 2 minutes to Ben Gilman, who would like to say a few words.

Ben Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. I didn't realize that you were going to give me this opportunity. And I wish a fond farewell to my colleagues, and I won't take too long.

Mr. Chairman, this may well be the last meeting of our International Relations Committee of the 107th Congress, and while many of my colleagues are going to be returning to our Committee room next year, it is with deep regret—and somewhat painful—that I am involuntarily retiring and will not be with you during the 108th Congress. I say involuntarily. I was a victim of redistricting. I would appreciate your indulgence if you permit me just a couple of observations.

I want to thank in particular you, Mr. Chairman, for the way in which you have conducted the affairs of our Committee during this Congress. You have always been most gracious and considerate not only of me, but indeed of all of our colleagues. I know my colleagues all join in thanking you for your good work.

I first entered, my colleagues, in this room as a Member 30 years ago, sitting down on the lower level. And I have had the privilege of being present for so many memorable hearings and occasions in this wonderful Committee room, along with my colleagues and with many friends in the Administration of both parties and with public-spirited private citizens who have come before us formally here and have given of their advice and counsel to all of us.

I think we have done so much in this Committee to make not only our Nation more secure, but to make the world a better place for all of us.

So let me thank my many colleagues on both sides of the aisle, both present and those who have left this Committee in past years, for their many kindnesses and cooperation. Especially when I was Chairman and, before that, as Ranking Republican, I always depended upon and uniformly received the cooperation of so many of

our Members on both sides; and in that regard I can consider myself most fortunate.

I also thank our Committee's professional and support staff, the staff of our legislative counsel, our leadership staffs, legislative support agencies such as GAO, CRS and CBO, our expert reporters and transcribers, all those who provide for our security and those who keep this building in such great shape and especially our Committee room.

I have long benefited from a loyal and competent personal staff and from the cooperation of the personal staffs of so many of our Members.

So thank you all for allowing me to serve my constituents and to serve my State and Nation in this great institution and to serve our Committee on International Relations. It is very difficult to say good-bye.

One last note. One last advocacy to my colleagues on the International Relations Committee. Please do not be reluctant to travel overseas to fulfill our responsibility to conduct oversight on so many important foreign policy programs and so many billions of dollars that we spend on behalf of our Nation.

Thank you and God bless.

Chairman HYDE. Mr. Lantos.

Mr. LANTOS. Mr. Chairman, on no topic would I dare speak on behalf of all Democrats except on the topic of Ben Gilman. So allow me, on behalf of all of our Democratic colleagues, to say a word to Ben.

Ben's integrity and intelligence have been an inspiration for every single Member of this Committee and of this Congress. I have never met a colleague more diligent, more committed, more serious, more patriotic, more effective than Ben Gilman. For years, he and I Co-Chaired our liaison committee to the European Parliament. And after long, long days of debates and discussions, Ben always wanted the Floor one more time at a time that these topics were not on the front pages, and he wanted to talk about international terrorism. This was years and years and years before that topic became topic one on the international scene.

It was Ben who at every one of these meetings and in countless other venues insisted on talking about drugs and the danger that drugs pose to the United States and to the American people.

And as the founding Chairman of the congressional Human Rights Caucus, let me say there is no more passionate, persistent and powerful advocate for human rights in this body than our friend Ben Gilman.

So Ben, we know that it is difficult for you to leave the Committee and the Congress. Let me assure you it is more difficult for us to think of the 108th Congress where Ben Gilman's cheerful face and indefatigable performance will not be part of the scene.

So on behalf of every one of my Democratic colleagues, may we say thank you. We wish you well in your new endeavor, which is a very powerful and important international endeavor; and we know you will come back to us because you are part of our family.

Mr. ENGEL. Would the gentleman yield? I thank my friend for yielding.

I would be remiss if I didn't say a very few words about my friend and colleague, Ben Gilman.

I just want to tell my colleagues that since the new districts are different than the ones we have all been running in for the past 10 years—a substantial portion of my new district is part of the district that Ben has so wonderfully represented for the past 30 years. I can tell you that no matter where I go in Rockland County, New York, no matter where the people are, no matter what political persuasion they are, from all walks of life, everybody has nothing but the finest and the best to say about Ben Gilman.

I think that if we are going to judge our standards, all of us here as colleagues, in the way we conduct ourselves as Members of the House of Representatives, I can think of no finer example than the way Ben Gilman has conducted himself for more than 30 years here.

I just want all my colleagues to know the very, very high esteem that Ben is held in in New York—his are big footsteps to step into. So we had a tribute up in Rockland for Ben, and I have never seen such a tremendous outpouring of every elected official, Republican and Democrat, talking about Ben Gilman.

So I just wanted to add my words to yours, Mr. Lantos. And we will miss Ben, but we know that the Congress's loss is going to be the country's gain.

Mr. LANTOS. May I yield for a moment to Mr. Ackerman, Mr. Chairman.

Chairman HYDE. Surely.

Mr. ACKERMAN. Thank you, Mr. Chairman and Mr. Lantos.

Ben, I have spent the last 20 years serving with you on this Committee, and it has always been a pleasure. You have been an inspiration to so many of us. You have been a teacher and a friend, where politics was not the important thing, but policy was.

I remember the many trips we have taken together, you and your wife—actually, you and your wives—I can tell you how much we love Georgia and say how lucky you are to have her and she to have you.

I think Tom said it all, about you discussing the issues, when they were not necessarily in vogue, and talking about things such as international terrorism, things as diverse as human rights throughout the years, when nobody had the thought on their mind or that phrase on their lips; and the fight against drugs for all of these decades that you championed all over the world and made it so important here and made such a policy difference.

If I might, Mr. Chairman, on a personal note, say a word that usually those of our background have in mind and a few others on this Committee share, that you don't usually hear us talk about in person. But we come from a relatively small people, although admittedly overachievers, generally underrepresented in most bodies for quite a long historical period of time.

And I remember, as a young boy growing up, the name of Ben Gilman was revered in my parents' house as the name of a hero, somebody that we could look up to, someone that we could respect, somebody that we might aspire to be like when we grew up.

And, Ben, you have been very much a part of that dream that so many of us have had. And being able to actually grow up and

serve with you and watch and learn from you has been a pleasure for me and so many of us in this body, and we will be forever grateful to you.

Mr. LANTOS. May I be permitted to yield a minute to my dear friend from New Jersey, our distinguished colleague, Mr. Payne?

Chairman HYDE. Yes, of course. I just hope this doesn't move to a near funereal tone here.

Mr. PAYNE. I will be the cleanup here. I will wrap it up.

But I too would like to express to Ben Gilman how much I appreciated working with him. Many instances—you know, my voice is usually that of being contrary. I mentioned earlier that no one was representing me at the negotiations that were going on about Iraq. However, if Ben was there, I knew my voice might be heard.

Let me say that Ben Gilman has done so many programs—the U.S. Korean program that many people don't even know about. Ben Gilman has had young people from Korea come to the U.S. and American children go to Korea to live in homes of Korean people and to have bonds that last forever. It is just fantastic that Ben would have the vision to know that these people-to-people programs are so important.

The Select Committee on Narcotics Abuse and Control, when I first came to Congress I was amazed at how two persons, very different, different parties, different backgrounds, could work so closely together. When Charlie Rangel, who Chaired that Committee with Ben Gilman—Charlie from Harlem came up rough and tumble, a Korean War veteran, and Ben Gilman from upstate New York, elitist—that these two men could come together and work so closely together to attempt to work on the elimination of this dread disease.

I think we have lost a lot, Ben, since the elimination of the Select Committees.

I would just like to say, although I am over in New Jersey on the other side of the Hudson, we do get the New York City sludge and garbage, however, you are upstate and you have nothing to do with that.

We certainly will miss you. And continue to use Newark International Airport, because I see you slip in and out of there quite a bit.

Thank you, Mr. Chairman.

Chairman HYDE. I hope the rest of you will put your remarks in writing and mail them to Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. I want to thank my colleagues for their kind words.

Chairman HYDE. Let me just say, for those of us who have not joined because of time constraints, that we all think of you as a perfect blue white diamond in a sea of zirconia.

Okay, Mr. Davis.

Mr. DAVIS OF FLORIDA. Thank you, Mr. Chairman.

I would like to call up—I guess we are at that posture. The amendment that I presume is before everyone, as well as a 1-page explanation and a contrast between the underlying bill and my amendment which is the substitute.

We have had a good debate, Mr. Chairman, and I certainly appreciate that you made a comment earlier that you hope we would

maintain the integrity of the underlying bill; and I believe that this substitute amendment does that.

This substitute amendment is the exact text of the proposal that has been developed by Senator Biden, Chairman of the Foreign Relations Committee and Senator Lugar, Ranking Member, and it is also strongly supported by Senator Hagel and perhaps others.

What we are going to vote on later today has been presented to us as a compromise, a reasonably good deal. I think it does represent progress.

But I think our constituents expect us to develop something that doesn't just represent a good compromise. They expect to us come up with our very best efforts. I believe this amendment I am about to describe to you significantly improves upon the underlying bill.

The amendment attempts to directly and—to make directly—let me try again.

The amendment attempts to make perfectly clear and state directly the goals associated with the authorization of force. The substitute amendment is an authorization of force. This amendment says, in the way that it is written, that the goal here is disarmament. I do not believe the case has been made for a preemptive strike. I think that, for the sake of the President, it is very important that we focus on disarmament.

This amendment is very similar to the underlying bill, but let me highlight some of the differences. One of the serious defects in the underlying bill that is corrected by the amendment is that under this amendment we would be voting to authorize the President to use force to enforce Security Council resolutions that have nothing to do with weapons of mass destruction and disarmament.

The way that the underlying bill is written, we are authorizing the use of force to enforce such resolutions that deal with the return of stolen property to Kuwait, prisoners of war, and Saddam Hussein's repression of his own people. Those are terrible things we ought to be concerned about, but I don't believe that is the basis upon which this Congress wants to direct the President to be prepared to use military force, even as a last resort.

The second significant change made by the Biden-Lugar amendment before you is that it requires the President, in the event the U.N. fails to provide a basis for us to settle disarmament with Saddam Hussein, to make a formal declaration to the United States Congress and to the American people that the threat presented by Saddam Hussein is so grave as to warrant military action by the United States. As you will recall, that is exactly the word the President used in the best speech I think he has made on this issue before the United Nations when he talked about "a grave and gathering danger." Grave danger that is likely to produce great harm or danger.

Under the underlying text, I believe we have made a finding that Saddam Hussein represents a continuing threat and we have essentially said to the President that if the U.N. process fails, the President is free, with our support, to proceed into Iraq. And I don't think that is the standard that we want to set.

I think we want to use the President's word, "grave." I think we want to set a standard that if there is a substantial risk, a likely

harm, a great harm to the United States, that we should be prepared to use force as a last resort.

I think these particular changes make the amendment before you a much-improved version of the underlying text. And so I want to urge you, regardless of whether you intend to vote for the resolution or not, to consider this as an improvement to the underlying text and something that adds to the integrity of the bill.

I will reserve the balance of my time.

Chairman HYDE. Mr. Lantos.

Mr. LANTOS. Mr. Chairman, I first want to thank my friend Mr. Davis for bringing before our Committee a very serious amendment.

If my friend will allow me a personal note, Senator Biden, the principal Democratic sponsor of this amendment, is probably my closest friend in the Congress as a whole. We have been together in many, many contexts and capacities for something like 3 decades, and I have the highest affection and respect and admiration for him.

Senator Lugar represents the finest in American public service. So the amendment comes to us with the most powerful, impressive, and high-level sponsorship.

As a matter of fact, I must say in all candor that if this were an editorial committee meeting, I would be prepared to entertain editorial changes in our underlying resolution or in the Biden-Lugar resolution as submitted by Mr. Davis. But that is not where we are.

The President has stated flat-out he is opposed to Biden-Lugar. Yesterday, the House Democratic leadership, the House Republican leadership, and the Senate Republican leadership were present at the White House at the press conference where the agreement was announced. The Democratic Party on the Senate side was represented by some of the leaders on the Democratic side of the United States Senate.

The issue before us is the underlying resolution. My friend is correct in saying that nuances of one or another may be preferable to some of us or others. This train is now on its way. The Senate has before it the same resolution we are now considering. That resolution, the bipartisan resolution negotiated by the bipartisan leadership, has a very impressive list of cosponsors, ranging from Senator McCain to Senator Lieberman, and we are really not here to argue whether Senator McCain and Senator Lieberman and Senator Warner and Senator Bayh and others carry more weight than Biden and Lugar. They are all fine people. They are all passionate patriots, experts in the field of international relations.

If we were at the beginning of the process it might be reasonable to negotiate a blending of the two resolutions. That is clearly not the status of the debate.

On a bipartisan basis here in the House, we have an agreement with the President of the United States who has stated his opposition to Biden-Lugar. We will not now unravel an agreement which will be the vehicle early next week for congressional debate in both houses and a vote hopefully before the end of next week.

Therefore, with great respect for my friend Mr. Davis and for the authors of his amendment, Senators Biden and Lugar, I strongly

urge my colleagues to reject this amendment, because accepting it would reopen a multiweek debate of very complex proportions.

I also think I should mention a substantive criticism I have of Mr. Davis' amendment. It does not deal with the subject of international terrorism. The underlying resolution does. I fully agree with all of my colleagues who claim that the focus of our resolution has to be and is the need to find and destroy weapons of mass destruction. But not to deal with Iraq's support of international terrorism is a very significant gap in the Biden-Lugar amendment.

Now, they may have chosen not to deal with it for good and substantial reasons, but since we are dealing not with a legal case but with a litany of crimes, some of which certainly do not rise to the level of taking military action, while the question of weapons of mass destruction might, I feel that the underlying resolution has not only the advantage of having been approved by both the President and our bipartisan leadership, but it also has a substantive advantage over Biden-Lugar.

I urge my colleagues to reject this amendment.

Thank you, Mr. Chairman. I reserve the balance of my time.

Mr. DAVIS OF FLORIDA. Mr. Chairman, how much time is remaining on my side?

Chairman HYDE. You have 6 minutes and 43 seconds.

Mr. DAVIS OF FLORIDA. I yield a minute and a half to Mr. Menendez.

Chairman HYDE. You certainly may.

Mr. MENENDEZ. I want to speak on behalf of Mr. Davis' effort. Don't consider his effort a nuance. Saddam Hussein is an evil dictator, and on that there is no difference. But the precedents we set here are very important as is evidenced by the "whereas" clauses in this Committee's resolution. It is not a nuance.

Now, I know that some of my colleagues have said this vote is not in fact a vote on the preemption doctrine, but that doctrine and regime change have been the cornerstone of what the Administration's case has been before this Congress and the American people.

Now, proponents of this doctrine have tried to differentiate the application of that doctrine between Iraq and North Korea that has nuclear weapons and Iran that is closer to having nuclear weapons than Iraq, in that Iraq has shown their predisposition to use such weapons of mass destruction. However, the logical underpinning of a preemptive strike is to preempt the possibility of an enemy using their weapons in the first instance. That logic does not dictate that predisposition is the trigger to invoke the preemption doctrine.

So I think it is incredibly important what we seek to do here today, and in that regard the Biden-Lugar proposal, Mr. Davis' substitute, outlines a clear goal. It makes it perfectly clear that the resolution is about disarmament, and requires the President to make a determination that there is grave risk and cause to seek that type of determination, because if Congress is going to send American men and women into harm's way, the risk must be more than continuing. The United States faces many continuing risks, but they do not warrant the use of military force.

This higher standard, this clear objective, a clear understanding, sets not only the right course, but the right precedent. I certainly am not ready to invoke a broad-based preemptive doctrine that is

not clear in its application, that some will seek today to differentiate on the basis that it is in fact eligible against Iraq because in fact they have the predisposition. That is not the basis of a preemptive strike.

Chairman HYDE. The gentleman's time has expired. Mr. Davis? Anyone over here? Mr. Rohrabacher would like to speak on Mr. Lantos' time. How much time do you give him?

Mr. LANTOS. How much time would my friend like?

Mr. ROHRABACHER. Two minutes, if I could.

Mr. LANTOS. I am happy to yield to my friend.

Mr. ROHRABACHER. Well, the American people have been sensitized in this last year; 9/11 did that to us. Before that, the American people were unwilling to come to grips with the threats that we face around the world, especially threats like that of Saddam Hussein and bin Laden at the time. Over and over again, some of us tried to raise the emergency flag and say take a look here, we have a problem, and people in this country didn't want to face it.

Since 9/11 our public has been sensitized to this and President Bush is wisely trying to lead us down the path to take care of this problem, of this challenge, of this grave danger to our people in the persona of Saddam Hussein, a man who is a monster, who has murdered his own people. We don't have to go through all of that again.

This is not just about eliminating Saddam Hussein's grasp on nuclear weapons or chemical biological weapons. We did that before. We did that 10 years ago. He was disarmed. Guess what has happened over the last 10 years? Again and again, we have evolved into a situation, the inspectors have been limited. Little by little we see evidence of the fact he is setting up operations to try to put together a storehouse and an arsenal of chemical/biological weapons.

No, this is not about just eliminating those weapons. It is not—and "regime change" is just too sanitized a word. We are talking about liberating the people of Iraq from this monster and at the same time freeing the American people from this grave danger that they face.

This monster Saddam Hussein, who has murdered his own people, has a blood grudge against us. We brought him down 10 years ago, and if we just think that we are going to put in all of these inspectors and then they are going to find all of the weapons, which nobody believes is really possible, and then we are going to be safer, no way.

Saddam Hussein has got to go. We have the opportunity now to rid our people of this grave danger. Shame on us if we are bogged down with different posturing and political maneuvering. I ask for an additional 30 seconds.

Mr. LANTOS. I am happy to yield.

Mr. ROHRABACHER. Democracy means we have to work together in times of crisis. I have been at odds with some of my friends on the other side of the aisle on issues. You have heard it time and time again. This is a chance we have to work together and make our country and make the world safer, rather than getting bogged down in process and being nitpicking about process.

The President has offered a chance. He said, go to Congress. Well, he is here. He said, go to the United Nations. He went there.

Let's work together now to make sure that this is not derailed and that we rid our country and world of this danger of Saddam Hussein.

Chairman HYDE. Would the gentleman yield to me?

Mr. LANTOS. Of course, Mr. Chairman.

Chairman HYDE. We have 1 minute and 12 seconds left. Mr. Davis, who has the right to close, has 4 minutes 53 seconds. So you have a big advantage.

But anyway, very quickly, there are three major reasons why this is not a good idea. First of all, the amendment offered by Mr. Davis relies upon action or inaction of the U.N. Security Council. What it does is relevant to the trigger mechanism to permit action by the United States against Iraq.

There is no sovereign right of defense independent of U.N. Security Council consideration. In other words, this amendment elevates the U.N. to the trigger mechanism, rather than having us masters of our own destiny.

In addition, the amendment offered by Mr. Davis narrowly defines the United States' ability to defend our national security interests only—I repeat—only if it is tied to threats from both weapons of mass destruction and prohibited ballistic missiles. There is a whole range of other deadly things out there, but this is confined only to mass destruction and ballistic missiles.

Lastly, on notification. Under the bill we are supporting here, the President must notify Congress either prior to taking action or within 48 hours after using force against Iraq.

Mr. Davis' amendment requires notice prior to moving against Iraq. I submit to you, militarily that may be impossible. You put shackles on the President by requiring that.

So that, plus this is a rewrite of the bill in question and upsets so much, it is not going to work. Again, it is excessively deferential to the U.N.

With that, Mr. Lantos yields back the balance of his time?

Mr. LANTOS. I do.

Chairman HYDE. Thank you.

Mr. DAVIS OF FLORIDA. I yield 1 minute to Representative Hoeffel.

Mr. HOFFEL. Thank you, Mr. Davis. I think there are three good reasons to support the Davis amendment. The first is it focuses on eliminating the weapons of mass destruction. I think that is our best legal and moral and political battleground with Saddam Hussein, is to focus on his weapons of mass destruction.

Secondly, it refocuses our work in the United Nations. It requires the President to exhaust his diplomatic efforts at the United Nations. But it reserves the President's right to act unilaterally if the United Nations does not work itself. I think that is appropriate.

Thirdly, it raises the standard for the justification of going to war from continuing to grave danger. The President used a wonderful phrase, the "grave and gathering danger" he sees in Iraq. I agree with that. It is a Churchillian phrase. Let us use that standard in our own language. We are not trying to unravel any agreement, we are trying to knit a stronger document. I support the Davis amendment.

Chairman HYDE. Would Mr. Davis yield for a moment?

Mr. Houghton has to leave and catch a plane. He asked leave to make a short statement, if you don't mind.

Mr. Houghton.

Mr. HOUGHTON. Thank you, Mr. Chairman. I am sorry that I have to leave. This is a very important personal matter. If I were here for the final vote I want to record that I would vote against it. I want to leave that.

Chairman HYDE. That shall be a part of the record. Thank you.

Mr. DAVIS OF FLORIDA. Mr. Chairman, how much time remains on my side?

Chairman HYDE. Three minutes and fifty-seven seconds.

Mr. DAVIS OF FLORIDA. Mr. Chairman, I will go ahead and close. Let me respond first to the substance of the comments you have made—and Mr. Lantos, whom I have high respect for. I read the memo that I believe you were referring to, and I think it is incorrect in suggesting that this amendment deprives the United States of sovereign defense.

I don't support that view. This doesn't. If you read on page 2, it is perfectly clear that this simply says that the President is required to proceed in good faith with the U.N., as he has already started and as the underlying resolution says. If that does not succeed, once he attempts to do that, if it doesn't succeed, he can choose to exercise force if he finds there is a grave threat. So I think that point is not an issue here.

You are correct, Mr. Chairman, that there should be a change which could easily be accomplished through a manager's amendment to refer to the national interests of the country being weapons of mass destruction or missiles. I agree with that.

With respect to the notice. Yes, it is correct, before the President decides to use force, he has to pick up the telephone and call the Speaker of the House and Speaker Pro Tempore of the Senate. I think that is a reasonable requirement.

Mr. Lantos said the train is on its way, and we are reopening the debate if we adopt the amendment. That is exactly what I intend to do.

Let me say to my colleagues, this is ultimately not between us and the President, this is about our constituents. This is about them. This is about us making our best effort, not just the best compromise that was developed yesterday, to make sure we do our utmost to protect this country and clearly define the roles that our constituents are going to play within our country, potentially including the ultimate sacrifice. I think we would be remiss if we didn't have a fresh and open debate here. I don't think we should be afraid of slowing this down a little bit. We are not debating the size of a tax cut, the size of a spending proposal, whether a regulation goes too far or not far enough. We are debating among the most fundamental obligations we face.

Let me just close by recapping the differences between what we are going to vote on in final passage and what this amendment says. If we do not adopt this amendment, we are conceding that Iraq represents a continuing threat, and that if the U.N. doesn't work out, the President is free to use force against Iraq.

That is not what the President said in his speech to the Security Council and the rest of the U.N. He said that Iraq posed a grave

and gathering danger. We have taken that word, "grave danger," likely to cause serious harm to this country, and put it in here to say if the U.N. process is not successful in disarming Saddam Hussein. The President then has to make a determination that he shares with the Congress and with the public that Iraq represents a grave danger to our country.

I think that is a bar that should be raised. Does that tie the President's hands? Of course, it ties it a little bit, but that is our job to provide balance and wisdom. It is wisdom and force that should ultimately characterize the actions of the President and Congress.

The second difference we are about to vote on is whether we want to authorize the President to use force to enforce Security Council resolutions that have nothing to do with weapons of mass destruction. The way the resolution is unfortunately written, we are giving the President the ability to use force to deal with the way Saddam Hussein has oppressed his own people and engaged in inappropriate activity with prisoners of war. Of course we are against that and condemn it, but do we really want to use military force on that basis? We don't.

Let's have a very clean, clear, simple declaration to our constituents, to the American people, to people abroad, as to exactly what our intentions are. That is what our constituents are entitled to if we are to wield the mighty military force of this country in disarming Saddam Hussein.

With that, Mr. Chairman, I yield back the balance of my time.

Chairman HYDE. All time for debate has expired. The question occurs on the amendment offered by Mr. Davis.

All those in favor, say aye.

Those opposed, nay.

In my opinion, the noes have it.

Mr. DAVIS OF FLORIDA. I ask for a rollcall vote.

Chairman HYDE. The gentleman is entitled to one. The clerk will call the roll.

Ms. RUSH. Mr. Gilman.

Mr. GILMAN. No.

Ms. RUSH. Mr. Gilman votes no.

Mr. Leach.

[No response.]

Ms. RUSH. Mr. Bereuter.

Mr. BEREUTER. Aye.

Ms. RUSH. Mr. Bereuter votes yes.

Mr. Smith.

Mr. SMITH OF NEW JERSEY. No.

Ms. RUSH. Mr. Smith votes no.

Mr. Burton.

[No response.]

Ms. RUSH. Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. RUSH. Mr. Gallegly votes no.

Ms. Ros-Lehtinen.

[No response.]

Ms. RUSH. Mr. Ballenger.

[No response.]

Ms. RUSH. Mr. Rohrabacher.
 [No response.]
 Ms. RUSH. Mr. Royce.
 [No response.]
 Ms. RUSH. Mr. King.
 Mr. KING. No.
 Ms. RUSH. Mr. King votes no.
 Mr. Chabot.
 Mr. CHABOT. No.
 Ms. RUSH. Mr. Chabot votes no.
 Mr. Houghton.
 [No response.]
 Ms. RUSH. Mr. McHugh.
 Mr. McHUGH. No.
 Ms. RUSH. Mr. McHugh. Votes no.
 Mr. Cooksey.
 [No response.]
 Ms. RUSH. Mr. Tancredo.
 Mr. TANCREDO. No.
 Ms. RUSH. Mr. Tancredo votes no.
 Mr. Paul.
 Mr. PAUL. Aye.
 Ms. RUSH. Mr. Paul votes yes.
 Mr. Smith.
 Mr. SMITH OF MICHIGAN. No.
 Ms. RUSH. Mr. Smith votes no.
 Mr. Pitts.
 Mr. PITTS. No.
 Ms. RUSH. Mr. Pitts votes no.
 Mr. Issa.
 Mr. ISSA. No.
 Ms. RUSH. Mr. Issa votes no.
 Mr. Cantor.
 Mr. CANTOR. No.
 Ms. RUSH. Mr. Cantor votes no.
 Mr. Flake.
 Mr. FLAKE. No.
 Ms. RUSH. Mr. Flake votes no.
 Mr. Kerns.
 Mr. KERNS. No.
 Ms. RUSH. Mr. Kerns votes no.
 Mrs. Davis.
 Mrs. DAVIS OF VIRGINIA. No.
 Ms. RUSH. Mrs. Davis votes no.
 Mr. Green.
 Mr. GREEN. No.
 Ms. RUSH. Mr. Green votes no.
 Mr. Lantos.
 Mr. LANTOS. No.
 Ms. RUSH. Mr. Lantos votes no.
 Mr. Berman.
 Mr. BERMAN. No.
 Ms. RUSH. Mr. Berman votes no.
 Mr. Ackerman.

Mr. ACKERMAN. No.
 Ms. RUSH. Mr. Ackerman votes no.
 Mr. Faleomavaega.
 [No response.]
 Ms. RUSH. Mr. Payne.
 Mr. PAYNE. Yes.
 Ms. RUSH. Mr. Payne votes yes.
 Mr. Menendez.
 Mr. MENENDEZ. Aye.
 Ms. RUSH. Mr. Menendez votes yes.
 Mr. Brown.
 Mr. BROWN. Yes.
 Ms. RUSH. Mr. Brown votes yes.
 Ms. McKinney.
 [No response.]
 Ms. RUSH. Mr. Hilliard.
 Mr. HILLIARD. Aye.
 Ms. RUSH. Mr. Hilliard votes yes.
 Mr. Sherman.
 Mr. SHERMAN. Aye.
 Ms. RUSH. Mr. Sherman votes yes.
 Mr. Wexler.
 Mr. WEXLER. Yes.
 Ms. RUSH. Mr. Wexler votes yes.
 Mr. Davis.
 Mr. DAVIS OF FLORIDA. Aye.
 Ms. RUSH. Mr. Davis votes yes.
 Mr. Engel.
 Mr. ENGEL. No.
 Ms. RUSH. Mr. Engel votes no.
 Mr. Delahunt.
 Mr. DELAHUNT. Aye.
 Ms. RUSH. Mr. Delahunt votes yes.
 Mr. Meeks.
 Mr. MEEKS. Aye.
 Ms. RUSH. Mr. Meeks votes yes.
 Ms. Lee.
 [No response.]
 Ms. RUSH. Mr. Crowley.
 Mr. CROWLEY. Aye.
 Ms. RUSH. Mr. Crowley votes yes.
 Mr. Hoeffel.
 Mr. HOFFEL. Yes.
 Ms. RUSH. Mr. Hoeffel votes yes.
 Mr. Blumenauer.
 Mr. BLUMENAUER. Aye.
 Ms. RUSH. Mr. Blumenauer votes yes.
 Ms. Berkley.
 Ms. BERKLEY. No.
 Ms. RUSH. Ms. Berkley votes no.
 Mrs. Napolitano.
 Mrs. NAPOLITANO. Yes.
 Ms. RUSH. Mrs. Napolitano votes yes.
 Mr. Schiff.

Mr. SCHIFF. Aye.
 Ms. RUSH. Mr. Schiff votes yes.
 Ms. Watson.
 [No response.]
 Ms. RUSH. Mr. Hyde.
 Chairman HYDE. No.
 Ms. RUSH. Mr. Hyde votes no.
 Ms. Ros-Lehtinen.
 Ms. ROS-LEHTINEN. Mr. Chairman, I would like to vote no.
 Ms. RUSH. Ms. Ros-Lehtinen votes no.
 Mr. ROHRABACHER. Mr. Chairman, how am I recorded?
 Ms. RUSH. You are not recorded.
 Mr. ROHRABACHER. I would like to vote no.
 Ms. RUSH. Mr. Rohrabacher votes no.
 Chairman HYDE. Mr. Royce.
 Mr. ROYCE. No.
 Ms. RUSH. Mr. Royce votes no.
 Chairman HYDE. Mr. Leach.
 Mr. LEACH. No.
 Ms. RUSH. Mr. Leach votes no.
 Chairman HYDE. Mr. Ballenger.
 Mr. BALLENGER. No.
 Ms. RUSH. Mr. Ballenger votes no.
 Chairman HYDE. The clerk will report.
 The CLERK. Mr. Chairman, on this vote there are 16 ayes and
 26 noes.
 Chairman HYDE. And the amendment is not agreed to.
 Mr. BROWN. Mr. Chairman, I have an amendment at the desk,
 Mr. Chairman.
 Chairman HYDE. The clerk will report the Brown amendment.
 [The information referred to follows:]

AMENDMENT TO H. J. RES. 114
OFFERED BY MR. BROWN OF OHIO

Page 8, after line 20, insert the following:

1 (c) ADDITIONAL REQUIREMENT.—Prior to using
2 United States Armed Forces against Iraq pursuant to the
3 authority granted in subsection (a), the President shall
4 transmit to Congress a report, in classified or unclassified
5 form as necessary, that addresses the domestic and for-
6 eign policy implications of military action against Iraq.
7 Such report shall include, at a minimum, the following:

8 (1) An estimate of the costs associated with
9 military action against Iraq and reconstruction of
10 Iraq, including a proposal that describes how the
11 United States will pay such costs.

12 (2) An analysis of the impact on the United
13 States economy of the use of resources for military
14 action against Iraq and reconstruction of Iraq.

15 (3) A comprehensive plan for United States fi-
16 nancial and political commitment to long-term cul-
17 tural, economic, and political stabilization in a free
18 Iraq.

19 (4) A comprehensive statement that details the
20 nature and extent of the international support for
21 military action against Iraq, and the effects, if any,

1 military action against Iraq will have on the broader
2 war on terrorism, including, but not limited to, the
3 effect on the support of United States allies in the
4 Middle East.

5 (5) A comprehensive analysis of the effect on
6 the stability of Iraq and the region of any “regime
7 change” in Iraq that may occur as the result of
8 United States military action, including, but not lim-
9 ited to, the effect on the national aspirations of the
10 Kurds, Turkey and it’s continued support for United
11 States policy in the region, the economic and polit-
12 ical impact on Jordan and the stability of the Jor-
13 danian Monarchy, and the economic and political
14 stability of Saudi Arabia.

Page 8, line 21, strike “(e)” and insert “(d)”.

Ms. RUSH. Amendment offered by Mr. Brown: Page 8, after line 20, insert the following.

Chairman HYDE. Without objection, further reading of the amendment is dispensed with. The gentleman is recognized for 5 minutes in support of his amendment. Ten minutes, I am sorry.

Mr. BROWN. Thank you, Mr. Chairman.

Two or three weeks ago, three retired four-star generals testified in front of a Senate Committee, stating that attacking Iraq without a U.N. resolution supporting military action could limit aid from allies, "super-charge," is the words one used, recruiting for al-Qaeda, and undermine our war on terrorism.

While the President appears fully invested in taking our country to war, many Americans are not convinced. There are too many questions the Administration has yet to answer, especially ones evolving around the war on terrorism.

If we strike Iraq on our own, if we unilaterally go into Iraq, what happens with the campaign against terrorism? Most of our allies in the war on terror oppose U.S. unilateral action against Iraq. Will our coalition against terrorism fracture? And once we win a unilateral war, will we be responsible for unilaterally rebuilding Iraq?

I am not convinced the Administration possesses the political commitment to repair the damage done after the defeat of Saddam Hussein. This may entail sustained military engagement and appropriations of hundreds of millions of dollars a year for years and years to come. Should a new enemy arise while we are paying for the campaign against al-Qaeda and the reconstruction of Iraq, will our resources be so overextended that we will be ill-equipped to address this new threat? These difficult questions need answers.

We should not in this Congress authorize the use of force unless the Administration can detail what it plans to do and how we will deal with the consequences of these actions.

I recommend we set stronger conditions before any military action is permitted. My amendment sets a condition to section 3 that the President present to Congress a report that addresses the domestic and foreign policy implications of military action against Iraq. Such a report should include, but not be limited to, a cost estimate for military action and reconstruction—along with a proposal for how the U.S. will pay for these costs, an analysis of the impact of the U.S. domestic economy, including oil prices, and of the use of resources for military action and reconstruction of Iraq; a comprehensive plan for U.S. financial and political commitment to long-term cultural, economic, and political stabilization in a free Iraq; a comprehensive statement that details the extent of the international support for military operations in Iraq; and what effect a military action against Iraq will mean for the broader war on terrorism; and a comprehensive analysis of the effect on the stability of Iraq and the region of any regime change in Iraq that may occur as a result of U.S. military action.

These are not unreasonable demands. They don't tie the hands in any way of the Administration. They don't change the thrust of the resolution.

These are questions, however, that must be answered before Congress can responsibly allow the President to send our sons and daughters to war. We are going down a long and very dangerous

road. We all know that. We have all acknowledged that. When the lives of so many innocent people are at risk, when the broader war against terrorism and our country's economic stability are at risk, we should at least be making this important decision with our eyes wide open.

Mr. Chairman, I reserve the balance of my time.

Chairman HYDE. Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman.

I rise in opposition to this amendment. I might point out that although it is well-intended, it seems to have a consistent pattern. Item by item: Item 1, cost; item 2, economic or economy of the United States; item 3, financial commitment; item 4, involvement of others; item 5, back to economic.

There is a pattern here which is that in fact what this seeks to do is take us from principles of should we or should we not change a totalitarian regime to what does it cost.

This is not an Appropriations Committee. Our responsibility is to consider the merit of the President's action to restore freedom in that area of the world. I believe that this amendment seeks to send—maybe unintentionally—but seeks to send the wrong message.

I would like to take this short period of time to further express my support for the resolution as it is. I do so specifically because the President has gone out of his way, upon request of the Congress and the United Nations, to articulate why today we are talking about Iraq and not Cuba, about Iraq and not Iran, about Iraq and not Libya, about Iraq and not Syria, about Iraq and not North Korea.

The President has gone out of his way to put Saddam Hussein's corrupt and dangerous regime in a unique category even among those nations that we have serious concerns about their regimes.

With that, Mr. Chairman, I again reiterate my opposition to watering down this resolution and my support of the resolution.

Chairman HYDE. Would the gentleman yield?

Mr. ISSA. I gladly yield to the gentleman.

Chairman HYDE. I thank the gentleman. One of the objections to this amendment is that it compromises intelligence, sensitive intelligence information, and may lead to some very unpleasant disclosures and deny us information from other countries.

For example, paragraph 4 of the amendment says that the government, our government, shall provide to Congress a comprehensive statement that details the nature and extent of the international support for military action against Iraq.

Now, what if one of the frontline states which has a delicate political situation at home is helping us with intelligence, with information, with personnel, with all sorts of things? We have to disclose that prior to using United States Armed Forces? That is crazy. I mean, that has never been done before. If we were required to do it in this resolution, we would be denying access to a lot of sensitive information.

So I submit that this asks a lot of questions, and those are questions that could be asked at hearings, maybe in executive session, maybe not. But I think this is a poison pill, and I respectfully request a no vote on this. Thank you.

Mr. BROWN. Mr. Chairman, I yield 2 minutes to my friend from Florida, Mr. Wexler.

Mr. WEXLER. Thank you, Mr. Brown. Thank you, Mr. Chairman.

Mr. Chairman, as I stated yesterday, I am going to vote for the resolution. I am voting for the resolution because I entirely agree with the President's policy and objective of regime change in Iraq and the disarmament of Iraq. But I would hope that the goal of this Committee and the goal of the Congress when we are done debating and passing a resolution, the goal should be to put the President, our military forces, and our diplomatic officials in the strongest position possible to effectuate the goals and the objectives of the President.

It seems to me that the Brown amendment does a great deal of good in putting us in that posture.

I don't think anyone on this Committee or in fact anyone in this Congress at this point in time knows with any reasonable degree of certainty what the estimates are of what this thing is going to cost. Who is going to pay for it? Where is it coming from?

The President has not spoken to this Congress about what may be an allocation of hundreds of billions of dollars. Are we freezing tax cuts? Are we running greater deficits? Are we raising taxes? Are we cutting domestic programs?

I think the American people have a right to know so that there is an informed judgment. Ultimately, I believe if there is a nuclear danger in Iraq, we should pay for it—we have to—to disarm it. But we have to make certain that the information is available, and this resolution, on its face, that I am going to vote for, admittedly, will not provide the American people with that information.

Now, there may be not a specific effort to mislead, but people might think it might be the same thing as the last time. Well, it is very different from the last time. The last time in the Gulf War, Saudi Arabia and Kuwait paid the bulk of the freight. Not this time, because we apparently don't have the international support to do so. So it seems to me the American people, so we could unify behind the President and his policy, ought to know all the facts.

We ought to know what the ramifications in Turkey are going to be. The IMF has given more than \$30 billion to Turkey, of which half comes from American taxpayers. Their economy may be crippled from a war in Iraq. Are we going to be required to spend billions more in Turkey? I would say we probably should. Where is the money coming from? What is the plan, Mr. President?

How about Jordan? We just passed a free trade agreement with Jordan because they are our ally in the Middle East peace process. What is going to be the impact on Jordan? Where is that discussion? Nowhere here. What is going to be the plan? More money to Jordan? I probably think yes. We have to help them more. Where is it coming from?

I think the American people deserve that information to be provided before we make a decision, so it is an informed one. I will vote for it, but I would hope we would know the information.

Thank you.

Mr. ISSA. I would be pleased to yield 3 minutes to the gentleman from California, Mr. Lantos.

Mr. LANTOS. Thank you for yielding. There are no two colleagues I have more respect for than the two gentlemen who have spoken, Mr. Brown and Mr. Wexler. But allow me to raise some questions.

I am all in favor of getting precise budget estimates, but as a professional economist, allow me to raise some different kinds of questions.

The World Trade Center tragedy, according to the best estimates, cost \$100 billion. Now, if Iraq is going to participate in potential military action against our forces, our territory, failure to pass this resolution might cost trillions of dollars. This is not a single act that is perfectly predictable in all of its ramifications.

Although I don't think my analogy is very good, it seems to me that this is somewhat analogous to a prenuptial agreement that you are demanding. You are demanding to know what the visiting rights will be after your children, not yet born, will have the pleasure of a divorce between the two parents.

I mean, when far greater military undertakings were contemplated, like World War II, the list of questions that my good friend Mr. Brown has raised would have totally paralyzed the allied forces because everything, looking ahead 6 years, would have had to have been predicted.

This assumes a degree of omniscience which clearly no one on this planet, not the most competent White House, Republican or Democratic, Defense Department, or State Department, could possibly have. Those are all legitimate questions. And the Brookings Institute and other think-tanks will be dealing with them, both before and after.

But to expect precision along items when vast, vast areas are not even mentioned—let us assume we would have prepared better for the terrorist act that occurred at New York City in September 2001. It would have been very reasonable to ask would it be worth it to spend \$50 billion to prevent terrorism because the cost will be \$100 billion?

I think Mr. Brown has made a very useful contribution to our dialogue. Mr. Wexler has made a very useful contribution to our dialogue. But to anticipate with a straight face as of today that all of these questions can be answered, when questions of far greater order have not even been asked, with all due respect, I believe is unrealistic.

For instance, I can't tell you, nobody can tell you, how much of the collapse of the stock market was related to September 11. Well, the stock market lost \$4.5 trillion; \$4,500 billion. I hope nobody will ask me how much of that loss was attributable to the terrorist act. Some of it clearly was. Was it \$1 trillion, \$2 trillion, half a trillion? There is no person on Earth who can answer that.

So we have to put these costs in the context of other costs. The best estimates we have gotten from our Budget Office is that initially the cost of a military undertaking, which we all hope to avoid, is about \$9 billion a month.

Chairman HYDE. The gentleman's time has expired.

Mr. ISSA. I yield the gentleman another 2 minutes.

Mr. LANTOS. Thank you very much. I merely would like to reiterate, Mr. Chairman, that the two gentlemen who spoke so passionately on this subject are raising extremely valuable questions.

I think these will be the issues we will be debating now and in the future. But to expect precise answers at this moment in history to these questions, and no answers to what will happen if we choose to do nothing—what is the cost of doing nothing, what is the cost of allowing Iraq to continue developing weapons of mass destruction—I think is somewhat of an incomplete approach to the dilemma.

I am merely suggesting that if we are asking for a degree of excruciating precision should military action be undertaken, we need to ask with equal fervor and with equal excruciating detail the cost of inaction. I dare anyone who can give me precise answers to that set of questions, which are equally legitimate.

Chairman HYDE. Excuse me, I think everybody is out of time. So the question is on the Brown amendment—

Mr. BROWN. Mr. Chairman, I am not even close to being out of time. I took about 4 minutes. I yielded 2 to Mr. Wexler. I have 4 or 5 more speakers that will take a minute or 2 each, according to my math.

Chairman HYDE. Let me check again with the clerk.

Chairman HYDE. She says Mr. Issa has 3 minutes left and all of Mr. Brown's speakers spoke overtime.

Mr. BROWN. No, that is not fair, Mr. Chairman. I only had one speaker. I yielded Mr. Wexler 2 minutes. If he spoke 12, it is only 2 off my time.

Chairman HYDE. You yielded to Mr. Lantos.

Mr. BROWN. I didn't yield to Mr. Lantos. I listened carefully. I don't think Mr. Lantos was on my side on this. I am not positive, Mr. Chairman.

Mr. LANTOS. I am on your side, but not on this issue.

Chairman HYDE. The gentleman from Ohio is recognized for 3 minutes.

Mr. BROWN. I do object, Mr. Chairman. I have more than 3 minutes.

Chairman HYDE. All right, 4 minutes.

Mr. BROWN. Five, six? I yield one minute to Mr. Hoeffel.

Mr. HOEFFEL. Thank you, Mr. Brown.

I think Mr. Brown raises some very good questions that we need to grapple with. There may not be completely precise information available, but now is the time to ask these questions.

I would say regarding paragraph 4, the so-called intelligence threat, I don't think that is true. The Brown language talks about the President transmitting to Congress a report in classified or unclassified form as necessary. If it is difficult information, it can be classified in its report to us.

Paragraph 3 is the key here. It talks about a comprehensive plan for the United States' financial and political commitment to long-term stabilization of a free Iraq. We need to talk about that now. We need to know whether we need to embark on a modern day Marshall Plan. If it is for one country alone, for Iraq. This is the time to discuss those issues. This is the time to make the commitment, not later. These questions are beneficial and should be answered and should be addressed now.

I yield back.

Mr. BROWN. I yield 15 seconds to Mr. Payne.

Mr. PAYNE. Thank you. I think that it is important that we talk about the financial commitment. We made a commitment to Afghanistan. That commitment has not even been—it is almost off the table. We need to take a look at our financial commitments.

The other thing that I just want to say at this time is that I think we are doing a disservice when we connect Saddam Hussein and going into Iraq and taking these weapons as a direct correlation to al-Qaeda and the fact that Americans are going to be safer from terrorism. I think that Secretary of Defense Rumsfeld is leading people down the wrong path to say that to do Saddam Hussein in will end the al-Qaeda cells. It is wrong and we should stop putting that on American people. We will be in as much jeopardy after that as we are at this time.

Mr. BROWN. I yield 1 minute to Mr. Blumenauer.

Mr. BLUMENAUER. Thank you. Two very brief points. I hesitate ever to disagree with the Committee leadership, but first of all, it seems to me the analogy with World War II, which keeps coming up time and time again, this would not pertain. We were attacked on World War II. Congress acted in a flash. We were able to move forward. Nobody expects when we are under direct attack that we would go through this.

This speaks to the situation where we have a 30-year history of bungling and missteps in the Middle East, and we have a chance to think a little bit about what we do before we go into it now. I think these are the sorts of things precisely that Congress should be thinking about.

I appreciate the notion that we don't want to target our point, but I think Mr. Brown's resolution language that says that it should be submitted in classified or unclassified language speaks to that and allows us to be able to make sure the information is here. We can delegate it to our Intelligence Committee and to our legislative leadership, but we should at least ask that the information be available. I think it is reasonable.

Mr. ISSA. Mr. Chairman, who has the right to close on this?

Chairman HYDE. The offerer of the amendment.

Mr. ISSA. Mr. Chairman, I have but one more speaker. I would like to make Mr. Brown aware of it.

Mr. BROWN. How much time do we have, Mr. Chairman?

Chairman HYDE. I have 1 minute and 8 seconds for you, Mr. Brown. Mr. Issa, I don't have the time.

Mr. ISSA. I have 3, but I intend on 1 minute being resumed. I could do that now.

Chairman HYDE. The gentleman has the right to close. Why don't you proceed?

Mr. ISSA. I yield 1 minute to the gentleman from California, Mr. Rohrabacher.

Mr. ROHRABACHER. Just to be aware, for those who are calling for this amendment or other amendments to be passed, I voted against an amendment earlier today on the Chairman's request, because he made it very clear that if we start unraveling the agreement that the President and the Congress has reached, it is going to unravel this whole thing.

So as much as my colleagues who are expressing this strong moral sentiment about what we really support, what this is all

about, but we are demanding this and this, that is really opposing this whole proposition that we confront Saddam Hussein. This undermines the entire effort.

Yes, I am sure an audit of Iraq and all of their weapons and a doctoral dissertation or two would be very helpful. If we could get ready and get out studying these economic things for semester after semester, and come back and have a full look at it, I am sure that would help us.

But if we vote for one of these proposals today, what we are saying is we are not going to confront Saddam Hussein and this whole agreement we have is going to unravel. Do you know what? We will be more at risk. This will make sure that every gangster, every terrorist in the world, understands what America is all about. We are so democratic that we can't get ourselves to act in our own defense when we have a monster like Saddam Hussein who is out there arming himself with nuclear weapons and chemical/biological weapons. Instead we start talking about audits. Give me a break.

Chairman HYDE. The gentleman's time has expired. Mr. Brown is recognized to close.

Mr. BROWN. Thank you. We are doing much more, Mr. Chairman, than talking about audits. We are also doing much more than the straw-man argument erected by leaders of both parties in this Committee that the cost of doing nothing versus the cost that they don't want to talk about of doing something—none of us is saying we should do nothing.

There are two big issues here. One is that the American people talk to every one of us every day about—in our district. There is no evidence the Administration has considered or talked to the American people about what this means in the war on terrorism. What is this going to mean with our relationship with Pakistan or Saudi Arabia, or our relationship with France and Germany if we take unilateral action?

The other is the issue Mr. Hoeffel brought up, and that is what are we going to do after we win? There is no discussion from the President, there is no talking to the American people from the Administration or, frankly, from congressional leaders about what kind of commitment we have to the country of Iraq, to the people of Iraq, after we win this war. How long will our commitment be? How much money will our commitment be to Iraq? It is just not a question of cost, it is a question of commitment to make sure that the next government after Saddam Hussein's government is any better; that democracy really can flourish there. It could be a model for democracy in the Middle East.

There is no indication of the kind of commitment our government will have, how much it will cost, how willing we are to pay, how willing we are to keep that political commitment, that commitment to the people of Iraq and the Middle East, and peace and democracy in that region. That is why this amendment is important, so that we know this information as much as possible before this resolution gets through this Congress.

Chairman HYDE. The question occurs on the amendment. I know the gentleman will want a rollcall, so let's cut right to the rollcall. The clerk will call the roll.

Ms. RUSH. Mr. Gilman.

[No response.]
 Ms. RUSH. Mr. Leach.
 Mr. LEACH. No.
 Ms. RUSH. Mr. Leach votes no.
 Mr. Bereuter.
 Mr. BEREUTER. No.
 Ms. RUSH. Mr. Bereuter votes no.
 Mr. Smith.
 [No response.]
 Ms. RUSH. Mr. Burton.
 [No response.]
 Ms. RUSH. Mr. Gallegly.
 [No response.]
 Ms. RUSH. Ms. Ros-Lehtinen.
 Ms. ROS-LEHTINEN. No.
 Ms. RUSH. Ms. Ros-Lehtinen votes no.
 Mr. Ballenger.
 Mr. BALLENGER. No.
 Ms. RUSH. Mr. Ballenger votes no.
 Mr. Rohrabacher.
 Mr. ROHRABACHER. No.
 Ms. RUSH. Mr. Rohrabacher votes no.
 Mr. Royce.
 Mr. ROYCE. No.
 Ms. RUSH. Mr. Royce votes no.
 Mr. King.
 [No response.]
 Ms. RUSH. Mr. Chabot.
 Mr. CHABOT. No.
 Ms. RUSH. Mr. Chabot votes no.
 Mr. Houghton.
 [No response.]
 Ms. RUSH. Mr. McHugh.
 Mr. MCHUGH. No.
 Ms. RUSH. Mr. McHugh votes no.
 Mr. Cooksey.
 [No response.]
 Ms. RUSH. Mr. Tancredo.
 [No response.]
 Ms. RUSH. Mr. Paul.
 Mr. PAUL. Aye.
 Ms. RUSH. Mr. Paul votes yes.
 Mr. Smith.
 Mr. SMITH OF MICHIGAN. No.
 Ms. RUSH. Mr. Smith votes no.
 Mr. Pitts.
 Mr. PITTS. No.
 Ms. RUSH. Mr. Pitts votes no.
 Mr. Issa.
 Mr. ISSA. No.
 Ms. RUSH. Mr. Issa votes no.
 Mr. Cantor.
 Mr. CANTOR. No.
 Ms. RUSH. Mr. Cantor votes no.

Mr. Flake.
 Mr. FLAKE. No.
 Ms. RUSH. Mr. Flake votes no.
 Mr. Kerns.
 Mr. KERNS. No.
 Ms. RUSH. Mr. Kerns votes no.
 Mrs. Davis.
 Mrs. DAVIS OF VIRGINIA. No.
 Ms. RUSH. Mrs. Davis votes no.
 Mr. Green.
 Mr. GREEN. No.
 Ms. RUSH. Mr. Green votes no.
 Mr. Lantos.
 Mr. LANTOS. No.
 Ms. RUSH. Mr. Lantos votes no.
 Mr. Berman.
 Mr. BERMAN. No.
 Ms. RUSH. Mr. Berman votes no.
 Mr. Ackerman.
 Mr. ACKERMAN. No.
 Ms. RUSH. Mr. Ackerman votes no.
 Mr. Faleomavaega.
 [No response.]
 Ms. RUSH. Mr. Payne.
 Mr. PAYNE. Yes.
 Ms. RUSH. Mr. Payne votes yes.
 Mr. Menendez.
 Mr. MENENDEZ. Yes.
 Ms. RUSH. Mr. Menendez votes yes.
 Mr. Brown.
 Mr. BROWN. Yes.
 Ms. RUSH. Mr. Brown votes yes.
 Ms. RUSH. Ms. McKinney.
 [No response.]
 Ms. RUSH. Mr. Hilliard.
 Mr. HILLIARD. Yes.
 Ms. RUSH. Mr. Hilliard votes yes.
 Mr. Sherman.
 Mr. SHERMAN. No.
 Ms. RUSH. Mr. Sherman votes no.
 Mr. Wexler.
 Mr. WEXLER. Yes.
 Ms. RUSH. Mr. Wexler votes yes.
 Mr. Davis.
 Mr. DAVIS OF FLORIDA. Yes.
 Ms. RUSH. Mr. Davis votes yes.
 Mr. Engel.
 [No response.]
 Ms. RUSH. Mr. Delahunt.
 Mr. DELAHUNT. Yes.
 Ms. RUSH. Mr. Delahunt votes yes.
 Mr. Meeks.
 [No response.]
 Ms. RUSH. Ms. Lee.

[No response.]
 Mr. Crowley.
 Mr. CROWLEY. Yes.
 Ms. RUSH. Mr. Crowley votes yes.
 Mr. Hoeffel.
 Mr. HOEFFEL. Yes.
 Ms. RUSH. Mr. Hoeffel votes yes.
 Mr. Blumenauer.
 Mr. BLUMENAUER. Yes.
 Ms. RUSH. Mr. Blumenauer votes yes.
 Ms. Berkley.
 Ms. BERKLEY. No.
 Ms. RUSH. Ms. Berkley votes no.
 Mrs. Napolitano.
 Mrs. NAPOLITANO. Yes.
 Ms. RUSH. Mrs. Napolitano votes yes.
 Mr. Schiff.
 Mr. SCHIFF. No.
 Ms. RUSH. Mr. Schiff votes no.
 Ms. Watson.
 [No response.]
 Ms. RUSH. Mr. Hyde.
 Chairman HYDE. No.
 Ms. RUSH. Mr. Hyde votes no.
 Chairman HYDE. Mr. Gilman?
 Ms. RUSH. Mr. Gilman is not recorded.
 Mr. GILMAN. I vote no.
 Ms. RUSH. Mr. Gilman votes no.
 Chairman HYDE. Mr. Burton.
 Ms. RUSH. Mr. Burton is not recorded.
 Mr. BURTON. I vote no.
 Ms. RUSH. Mr. Burton votes no.
 Chairman HYDE. Mr. Tancredo.
 Ms. RUSH. Mr. Tancredo is not recorded.
 Mr. TANCREDO. No.
 Ms. RUSH. Mr. Tancredo votes no.
 Chairman HYDE. Mr. Chris Smith.
 Mr. SMITH OF NEW JERSEY. No.
 Ms. RUSH. Mr. Smith votes no.
 Chairman HYDE. Mr. Kerns.
 Ms. RUSH. Mr. Kerns voted no.
 Chairman HYDE. Have all voted who wish?
 The clerk will report.
 Mr. ENGEL. Mr. Chairman?
 Chairman HYDE. Mr. Engel.
 Mr. ENGEL. How am I recorded?
 Ms. RUSH. Mr. Engel did not vote.
 Mr. ENGEL. No.
 Ms. RUSH. Mr. Engel votes no.
 Chairman HYDE. The clerk will report.
 Ms. RUSH. Mr. Chairman, on this vote there are 12 ayes and 28
 noes.
 Chairman HYDE. The amendment is not agreed to.
 Mr. BLUMENAUER. Mr. Chairman, I would offer an amendment.

Chairman HYDE. The gentleman is recognized for that purpose and the clerk will read the amendment.
[The information referred to follows:]

AMENDMENT TO H. J. RES. _____**OFFERED BY MR. BLUMENAUER**

Page 7, strike line 24 and all that follows through line 20 on page 8 and insert the following:

1 (b) UN MULTINATIONAL FORCE; DETERMINA-
2 TION.—In connection with the exercise of the authority
3 granted in subsection (a) to use force, the President
4 shall—

5 (1) prior to such exercise, instruct the United
6 States representative to the United Nations to use
7 the voice and vote of the United States to urge the
8 United Nations to provide for the establishment of
9 an armed multinational force under the auspices of
10 the United Nations to ensure that international
11 weapons inspectors are able to carry out robust,
12 unhindered, and comprehensive inspections of any
13 and all Iraqi installations and facilities relating to
14 its nuclear, biological, or chemical weapons pro-
15 grams, including the means to deliver and develop
16 such weapons; and

17 (2) prior to such exercise or as soon thereafter
18 as may be feasible, but no later than 48 hours after
19 exercising such authority, make available to the
20 Speaker of the House of Representatives and the

1 President pro tempore of the Senate his determina-
2 tion that—

3 (A) reliance by the United States on fur-
4 ther diplomatic or other peaceful means alone
5 either (i) will not adequately protect the na-
6 tional security of the United States against the
7 continuing threat posed by Iraq or (ii) is not
8 likely to lead to enforcement of all relevant
9 United Nations Security Council resolutions re-
10 garding Iraq; and

11 (B) acting pursuant to this resolution is
12 consistent with the United States and other
13 countries continuing to take the necessary ac-
14 tions against international terrorists and ter-
15 rorist organizations, including those nations, or-
16 ganizations or persons who planned, authorized,
17 committed or aided the terrorists attacks that
18 occurred on September 11, 2001.

Mr. BLUMENAUER. I would ask that we suspend the reading.

Chairman HYDE. Certainly. Let her designate it first. Just read the heading.

Ms. RUSH. Amendment offered by Mr. Blumenauer, page 7, strike line 24—

Chairman HYDE. Without objection, further reading of the amendment is dispensed with. Mr. Blumenauer is recognized for 10 whole minutes.

Mr. BLUMENAUER. Mr. Chairman, I assure you I will not use that time. I get the sense of the spirit in which you would like to move it forward.

Chairman HYDE. Bless you, Mr. Blumenauer.

Mr. BLUMENAUER. It is not my intention to seek a recorded vote. I have been largely quiet throughout this hearing. I have two observations that I would wish to offer up. One speaks to the process which we have been going through, Mr. Chairman, which I think is very, very important. I feel more optimistic about what is going on and don't feel the need for us to be channeled very narrowly.

We have watched for the last 2 months as we have seen a sort of flailing about from the Administration, a number of inconsistent statements. But I think we are moving it to a better path. Maybe part of the reason that things are moving along a little better was some of this early inconsistency and flailing about. But we are back to the United Nations. We are working with potential partners.

I appreciate what the Committee leadership and the House leadership did working with the Administration to improve upon the resolution that was originally brought forward. I think we are moving in the right direction.

I do think, however, that the Committee has an important role to play in allowing this process to move forward. I always am stunned and impressed by the presentation from my Democratic colleagues. The Committee leadership has honed in and advanced this discussion. I have been touched, frankly, by some of the remarks from some of the people on the other side of the aisle, from Mr. Bereuter, Mr. Leach, Mr. Smith, Mr. Tancredo. There have been important things that have been put on the record.

But this is a more important process for us to play rather than trying to seek some sort of elusive consensus here on Capitol Hill. I think that is building the base of understanding and support with the American public, and we are not there yet by a long shot.

And I think our working through some of these concepts here and, God forbid, even accepting a few amendments that intellectually make sense, that strengthen this proposal, that means that the Committee is doing its job.

The leadership, in its wisdom—it has done it; we have seen that this congressional system can strip it away, change it in the Rules Committee if they want, but I think we have an obligation to put forth the best possible product. We continue to do so.

The substance of the amendment that I would offer up is to seek support for the concept of coercive, muscular sanctions that were articulated before this Committee by Jessica Mathews and General Charles Boyd, working with the people from the Carnegie Endowment for 6 months. It would help us avoid the trap of a simple attack or relying on the failed inspections scheme of the past. Adopt-

ing this approach would entail little or no risk. If it were rejected, it would, in fact, put us in a stronger position to build potential partnerships, to continue to put pressure on the United Nations.

Mr. Speaker—excuse me, Mr. Chairman—I think the last 2 months of turmoil have left us all better off. The Administration is not where it was. It is more focused and it is moving, I think, in the right direction. Congress is working with the Administration to produce a resolution which, although not ideal by any stretch of the imagination, is better. I think we can make it better still.

Now, there are clear indications that the resolution is not going to be changed here in this Committee. But this Committee is not going to be the last word in this hearing. And I hope, Mr. Chairman, with your leadership, and Mr. Lantos', with the goodwill of the Members of this Committee, that we can find ways to carry forward these important principles and concepts.

Chairman HYDE. Would the gentleman yield? I want to congratulate the gentleman on an excellent amendment. It is a good idea. It is so good that it is what the government is already doing—attempting to fashion, an armed multinational force by the United Nations to effectuate the inspection regime.

I would appreciate it if the gentleman would withdraw this amendment on my assurances that it will be very favorably mentioned in the report as an idea that is already being implemented, but is very helpful.

Mr. BLUMENAUER. Mr. Chairman, I will withdraw the amendment.

I want to say that I hope that our Committee can continue to find ways to hone in on the important discussions that we have had here to give voice to the concerns of the Committee Members and move this forward over the course of the next few months. We are coming back before the next Congress is installed, and I hope there may be ways to build upon it.

I appreciate your kind comments and I withdraw my amendment.

Chairman HYDE. There is an old adage in practicing law: When you have won the case, you get out of the courtroom before the judge changes his mind. But Mr. Lantos wants to talk.

Mr. LANTOS. I just want to commend my friend for an excellent statement.

Chairman HYDE. I associate myself, as always, with Mr. Lantos' remarks. The amendment is withdrawn.

Are there other amendments? Mr. Delahunt has an amendment. The clerk will report the amendment.

[The information referred to follows:]

AMENDMENT TO H. J. RES. _____**OFFERED BY MR. DELAHUNT**

Add at the end the following:

1 **SEC. 5. STATEMENT OF POLICY REGARDING INTER-**
2 **NATIONAL TRIBUNAL ON IRAQ.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) For more than two decades Saddam Hus-
5 sein and other Iraqi officials have committed geno-
6 cide, war crimes, and crimes against humanity
7 against the people of Iraq and neighboring countries.

8 (2) The Iraqi regime used poison gas against
9 the Iranian people during the 1980–1988 Iran-Iraq
10 war as a matter of policy.

11 (3) The Iraqi regime has severely repressed the
12 Kurdish population in Iraq through the use of chem-
13 ical weapons, summary executions, the widespread
14 destruction of villages, the placement of more than
15 10,000,000 landmines in Iraqi Kurdistan, and the
16 forced relocation of hundreds of thousands of ethnic
17 Kurds and Turkomen.

18 (4) The Iraqi regime has carried out severe re-
19 pression against Marsh Arabs and Shi'a Arabs in
20 southern Iraq, expelling the population of entire vil-
21 lages, burning houses and fields, demolishing houses

1 with bulldozers, draining and poisoning marshes,
2 and summarily executing thousands of civilians, in-
3 cluding the assassination of Shi'a clerics.

4 (5) The status and whereabouts of more than
5 600 Kuwaitis and other individuals who were taken
6 prisoner during the Persian Gulf War remain un-
7 known and unaccounted for by the Iraqi Govern-
8 ment.

9 (6) Kuwait continues to be plagued by
10 unexploded landmines laid by Iraqi forces, and the
11 destruction of Kuwait by departing Iraqi troops has
12 yet to be redressed by the Iraqi Government.

13 (7) Saddam Hussein has summarily tortured
14 and killed political opponents and created an envi-
15 ronment of terror, fear, and repression within Iraq.

16 (8) The Republic of Iraq is a signatory to the
17 Universal Declaration on Human Rights, the Inter-
18 national Covenant on Civil and Political Rights, the
19 Convention on the Prevention and Punishment of
20 the Crime of Genocide and other human rights in-
21 struments, and the Geneva Convention on the Treat-
22 ment of Prisoners of War of August 12, 1949, and
23 is obligated to comply with these international agree-
24 ments.

1 (9) The United Nations Security Council, with
2 full United States support, has established ad hoc
3 international criminal tribunals for the former Yugo-
4 slavia and Rwanda, and supported an independent
5 special court for Sierra Leone to bring to justice in-
6 dividuals responsible for war crimes and crimes
7 against humanity in those countries.

8 (10) In the Iraq Liberation Act of 1998 (Public
9 Law 105-338) and other legislation, Congress has
10 called for the establishment of an ad hoc inter-
11 national criminal tribunal for the purpose of pros-
12 ecuting Saddam Hussein and other Iraqi officials re-
13 sponsible for genocide, war crimes, and crimes
14 against humanity.

15 (11) The evidence against the Iraqi regime is
16 substantial and readily available.

17 (12) It is uncertain that Saddam Hussein and
18 others in his regime would be subject to the jurisdic-
19 tion of the International Criminal Court;

20 (13) An ad hoc international tribunal on Iraq
21 would provide a critical forum for demonstrating the
22 heinous nature of the Iraqi regime and help provide
23 the moral authority for pursuing other options to di-
24 minish or eliminate the threat posed by Saddam

1 Hussein and his associates to Iraq's neighbors and
2 to the Iraqi people.

3 (14) The core of American democracy is respect
4 for the rule of law and the protection of funda-
5 mental human rights.

6 (15) The Congress is committed to ensuring
7 that Saddam Hussein and his closest accomplices
8 are held fully accountable for the horrendous atroc-
9 ities carried out under their direction and supports
10 international efforts to achieve this objective.

11 (b) STATEMENT OF POLICY.—

12 (1) IN GENERAL.—Congress—

13 (A) deplores the Iraqi Government's pat-
14 tern of gross violations of human rights, which
15 has resulted in a pervasive system of repression,
16 sustained by the widespread use of terror and
17 intimidation;

18 (B) condemns the Iraqi Government's re-
19 peated defiance of United Nations Security
20 Council resolutions calling on Iraq to fully dis-
21 arm itself of weapons of mass destruction and
22 condemns the use of such weapons against the
23 people of Iraq and neighboring countries;

24 (C) denounces the refusal of the Iraqi Gov-
25 ernment to comply with international human

1 rights instruments to which it is a party and
2 cooperate with international monitoring bodies
3 and compliance mechanisms, including account-
4 ing of Kuwaiti prisoners;

5 (D) expresses concern that the inter-
6 national community has failed to act to bring
7 Saddam Hussein and his closest accomplices to
8 justice; and

9 (E) urges the President and the Secretary
10 of State to—

11 (i) seek the immediate adoption of a
12 United Nations Security Council resolution
13 establishing an ad hoc criminal tribunal for
14 the purpose of immediately investigating
15 and, on or after the date specified in para-
16 graph (2), prosecuting Saddam Hussein
17 and his closest accomplices who are re-
18 sponsible for war crimes and crimes
19 against humanity; and

20 (ii) take steps to ensure such an ad
21 hoc international tribunal on Iraq is fully
22 operational without delay and provide full
23 support, in concert with our allies and the
24 United Nations, to assist the tribunal in
25 fulfilling its mandate.

1 (2) DATE.—The date referred to in paragraph
2 (1)(E)(i) is any date after the date of the enactment
3 of this joint resolution on which the Security Coun-
4 cil, or any individual or entity duly authorized by the
5 Security Council, determines that Iraq is in material
6 breach of its obligations under relevant Security
7 Council resolutions as they relate to Iraq's weapons
8 of mass destruction programs.

Ms. RUSH. Amendment offered by Mr. Delahunt. At the end the following—

Mr. DELAHUNT. I move that the amendment be considered as read.

Chairman HYDE. Without objection, so ordered. The gentleman is recognized for 10 minutes in support of his amendment, and the opposition time will be assigned to Mr. Royce.

Mr. DELAHUNT. Before I begin speaking to the amendment, Mr. Chairman, let me just echo the sentiments that were expressed by Mr. Blumenauer in terms of your leadership, and by extension, that goes also to the Ranking Member in terms of insisting that regular order take place with this issue that is of such concern to so many in this country. You are to be commended for encouraging debate, and I think it has been time productively well spent.

And I think it is true, too, that we all agree on one objective, and that is unanimous, that we permanently end the threat to peace and regional stability posed by Iraq's weapons of mass destruction; and the question is, how can we best accomplish this.

I would put forth that this amendment would promote another option for bringing about Iraqi compliance and, again, as has been expressed over and over by individual Members avoid war. I would also add that it does not threaten the integrity of the underlying resolution. It is an add-on, if you will, a sense of Congress. But it recommends the immediate adoption of a United Nations Security Council resolution establishing an ad hoc tribunal to investigate and prosecute Saddam Hussein and his accomplices for acts of genocide, war crimes and crimes against humanity.

Up to this point, the amendment merely reaffirms legislation calling for an international tribunal to prosecute Saddam and his accomplices. I would note that in 1997 the House voted overwhelmingly, the vote was 396 to 2, to urge establishment of such an Iraqi tribunal, and the following year the Senate followed suit by a unanimous vote of 97 to nothing. And these votes were reaffirmed by the Iraq Liberation Act of 1998.

And it also should be noted that the State Department has set aside \$8 million expressly for this purpose. But this amendment would add a trigger in an attempt to motivate compliance.

It allows the tribunal to issue indictments only if the Security Council finds that Saddam Hussein has failed to comply with inspections. The first time he violates a Security Council resolution, he is subject to immediate indictment and arrest or whatever appropriate international action is available—a one-strike-and-you're-out concept, I would suggest.

In short, the amendment is—and I think I heard Mr. Lantos use this term before—a sword of Damocles which uses the threat of prosecution to induce compliance. He can avoid indictment only as long as he allows inspectors to have unfettered, unimpeded access to his facilities and to dismantle whatever weapons of mass destruction they find.

Furthermore, a duly constituted tribunal for Iraq, firmly grounded in the rule of law according to existing principles of international law, isolates Saddam and engenders international respect and approval, and is reflective of a core democratic value that we constantly espouse as Americans, the rule of law. It would also

make clear that the problem is not a country, it is not a people, but a man, an individual, a villain. We wouldn't be at war with Arabs. We would not be at war with Islam or the people of Iraq. It wouldn't be about a political system. It wouldn't be a clash of civilizations. It would be about, as I said, an evil individual. And like the Hague proceedings that are now ongoing against Milosevic, an Iraq tribunal could help pave the way for regime change without forcing us into war.

Let me submit that \$8 million is a bargain when compared to the countless billions that a full-scale war would require, and coupled with an ironclad, airtight inspection regime, could hopefully, and possibly, save thousands of lives.

I urge support for the amendment and reserve the balance of my time.

Chairman HYDE. Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman.

I have great respect for Mr. Delahunt's concerns for human rights. He has long been a strong voice against genocide and war crimes, and I think the goal of this amendment here is laudable. And indeed many in Congress have expressed their support for an international war crimes tribunal.

However, I think the gentleman in his remarks has acknowledged that Congress has passed, has enacted a Senate Concurrent Resolution on this, a House Concurrent Resolution, that resulted in Public Law 102-138 which has aims similar to this amendment. The funds have been provided by the State Department for the direct purpose of directing world attention to the crimes of the Iraqi regime and moving toward Saddam's indictment. That has been done.

However, requiring the Administration to make this matter its highest priority by pressing for an immediate adoption of a United Nations Security Council resolution on this would not help the Administration's current priority.

And what is that priority? It is, to quote from this resolution—to quote from the Hastert-Gephardt resolution,

“to 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.”

That is the current priority. That is what we are passing out today. And so I have to oppose the gentleman's resolution.

Chairman HYDE. Would the gentleman yield?

Mr. ROYCE. I will yield.

Chairman HYDE. I want to congratulate Mr. Delahunt on a very good amendment. I think we need to maintain a sense of priorities, however, and I really would hope that he would withdraw the amendment so we could continue to work together very seriously to help make this war crimes tribunal, as it applies to Saddam Hussein, a reality.

I will pledge, Mr. Delahunt, to seriously work with you and ask my staff to work with you to make this a reality, but I just don't want to—for reasons that have been often expressed—want to unravel this resolution.

But this is a good idea, and if the gentleman would withdraw it, it would save us a lot of time, be a great act of courtesy. I guarantee you, we will seriously work to make your concept a reality.

Mr. Lantos.

Mr. LANTOS. I would like to add my congratulations to my friend, Mr. Delahunt, for bringing forward a singularly valuable idea. And I would pledge to him that I would be delighted to cosponsor an appropriate resolution, without delay, and work for its adoption.

Mr. LEACH. Would the gentleman yield? I think what the Chairman is saying makes some sense, but the gentleman's point is very profound. I would only add one thing to it because we are dealing with report language as well that might be considered in the report.

And one other aspect is that just as Saddam can avoid perhaps a war criminal trial if the inspections go forward, I think we as a Congress might want to say that he can avoid war itself if he seeks asylum. I think it is important for us register that as a body, because if we register it, among other things, it makes it clear that our concern is with the regime and Saddam and not with the Iraqi people, and that he can save his country from terrifyingly great difficulty.

And add on to it an aspect of something that Mr. Lantos raised earlier, "he" would have to be Saddam and his regime, not simply the individual. I think if this was reflected in report language, it would be very helpful; and I would just simply ask the Chairman to seriously consider that.

Chairman HYDE. I certainly will. I think that is a helpful addition.

The gentleman from Massachusetts.

Mr. DELAHUNT. Yes, I think that the observation by Mr. Leach really warrants very serious reflection and consideration, because while oftentimes I think we are unaware of the fact, but it is the truth—many are watching us here today. And given the statement by the Chairman, by the Ranking Member, and Mr. Leach's observation, as well as a reality that I wasn't going to win anyhow, I will be happy to withdraw that amendment.

Chairman HYDE. The amendment is withdrawn and the gentleman from Colorado, Mr. Tancredo, is recognized.

Mr. TANCREDO. Thank you, Mr. Chairman.

Mr. Chairman, I am going to vote for this resolution this evening, but I am going to do so with more reluctance than I think I have ever felt when facing any issue since I have been here.

There are many reasons for it; almost all of them have been thoroughly discussed by Members on both sides. But there is something else that is happening that I have to at least try to bring to the attention of my colleagues. I was going to try to do it as the result of an amendment that I would propose; the amendment has been determined to be nongermane, and I will not therefore propose it.

But what we are about to pass is a resolution that will place us on the path to an even bigger war than the one we have heretofore engaged. God only knows the ramifications of this action, but we can assume some to be imminent. One we can reasonably—or one that we can reasonably expect the possibility of terrorist activity around the world will increase dramatically, perhaps exponentially.

Some of the highest-ranking members of the military have been quoted as saying that if we do not get the U.N. to support this activity, then it will supercharge—I think the quote was “supercharge al-Qaeda recruiting.” The danger to Americans will grow proportionately.

As a result, there are steps that any prudent nation would take to protect its citizens. Any prudent nation would do everything possible to make its borders secure to the point that breaching them would be made at least difficult.

We, however, may be preparing for many things to fight this war, but securing our borders is not one of them. It is true that in order to accomplish this task, we may need to at least temporarily employ the military to augment the Border Patrol. We are not going to do it, however, because as Tom Ridge has told us, there are political and cultural obstacles to doing that.

Mr. Chairman, to continue this war and to escalate the war without creating the most secure borders possible is, at least, a terrible flaw in our defense strategy; and to do so because there are political and cultural obstacles is morally reprehensible. I cannot offer the amendment, but I can beg the Administration to show as much courage in confronting the open border’s lobby as it has been willing to confront—as it has in being willing to confront the vicious dictator in Iraq. Both of them are deadly dangerous to the United States of America.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you, sir.

Mr. Crowley.

Mr. CROWLEY. Thank you, Mr. Chairman.

I too was prepared to offer an amendment and then withdraw that amendment after having explained it. Instead, I will not offer that amendment, but will amend my statement for the record on an amendment that I believe would have perfected even more so the resolution that we have before us.

Mr. Chairman, I will withdraw that and not offer that amendment at this time.

Chairman HYDE. Thank you.

Mr. Meeks.

Mr. MEEKS. Thank you, Mr. Chairman. And I think I am going to follow suit.

I had intended offering an amendment basically talking about clarifying the language. Because I think, as I had indicated previously, where the resolution talks about the U.N. and Iraq being in violation of several U.N. resolutions, yet we are saying the U.N. is not relevant and we should unilaterally go ahead to enforce U.N. resolutions—I wanted to add some language that would straighten that out. But I think that conversation has been had, so therefore I withdraw my amendment.

Chairman HYDE. I certainly thank the gentleman.

I tell the clerk that I have an amendment at the desk which without objection shall be considered as read.

[The information referred to follows:]

AMENDMENTS TO H. J. RES. 114**OFFERED BY MR. HYDE**

In the 5th clause of the preamble—

(1) strike “1998” and insert “Public Law 105–235 (August 14, 1998)”; and

(2) strike at the end “(Public Law 105–235)”.

In the 11th clause of the preamble, strike “American” and insert “United States”.

In the 14th clause of the preamble—

(1) after “Resolution 678” insert “(1990)”;

(2) after “Resolution 660” insert “(1990)”;

(3) after “Resolution 687” insert “(1991)”;

(4) after “Resolution 688” insert “(1991)”;

and

(5) after “Resolution 949” insert “(1994)”.

In the 15th clause of the preamble—

(1) strike “Congress”; and

(2) after “(Public Law 102–1)” insert “, Congress”.

In the 17th clause of the preamble, insert “of 1998” after “Iraq Liberation Act”.

In the 20th clause of the preamble, insert a comma after “organizations” and after “committed”.

In the 21st clause of the preamble, insert a comma after “organizations” and after “committed”.

In the 23d clause of the preamble, after “national security” insert “interests”.

Page 6, beginning on line 4, strike “Authorization for the Use of Military Force Against Iraq” and insert “Authorization for Use of Military Force Against Iraq Resolution of 2002”.

Page 7, line 7, strike “applicable to” and insert “regarding”.

Page 7, line 13, insert before the period the following: “regarding Iraq”.

Page 7, line 23, strike “Resolutions” and insert “resolutions”.

Page 8, line 13, insert “joint” before “resolution”.

Page 8, line 19, strike “terrorists attacks” and insert “terrorist attacks”.

Page 9, line 4, insert “joint” before “resolution”.

Page 9, line 7, after “(a)” insert “REPORTS.—”.

Page 9, beginning on line 13, strike “section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998)”

and insert “section 7 of the Iraq Liberation Act of 1998 (Public Law 105–338)”.

Page 9, line 15, after “(b)” insert “SINGLE CONSOLIDATED REPORT.—”.

Page 9, beginning on line 19, strike “Public Law 93–148 (the War Powers Resolution)” and insert “the War Powers Resolution (Public Law 93–148)”.

Page 9, line 22, after “(c)” insert “RULE OF CONSTRUCTION.—”.

Page 9, line 23, strike “section 3 of Public Law 102–1” and insert “section 3 of the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1)”.

Page 10, beginning on line 1, strike “Public Law 102–1” and insert “such Resolution”.

Chairman HYDE. This amendment contains a series of technical conforming and clarifying amendments which are recommended by legislative counsel. It is nonsubstantive in nature, and the proposed amendment has been agreed to by all of the parties that negotiated the underlying text of H.J. Res. 114, that is, the White House and the bipartisan House leadership.

I am also pleased to have the support of Mr. Lantos on this amendment. This is a very important joint resolution, and we want to make sure we do it right.

So the question occurs on the amendment. All those in favor, say aye.

Opposed, nay.

The ayes have it. The amendment is agreed to.

The question occurs on the motion to report the resolution H.J. Res. 114 favorably. All in favor, say aye.

Opposed, nay.

The ayes have it.

Mr. BEREUTER. Mr. Chairman, may we have a recorded vote.

Chairman HYDE. Very well. The clerk will call the roll. This is final passage.

Ms. RUSH. Mr. Gilman.

Mr. GILMAN. Aye.

Ms. RUSH. Mr. Gilman votes yes.

Mr. Leach.

Mr. LEACH. No.

Ms. RUSH. Mr. Leach votes no.

Mr. Bereuter.

Mr. BEREUTER. Aye.

Ms. RUSH. Mr. Bereuter votes yes.

Mr. Smith.

[No response.]

Ms. RUSH. Mr. Burton.

[No response.]

Ms. RUSH. Mr. Gallegly.

[No response.]

Ms. RUSH. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Yes.

Ms. RUSH. Ms. Ros-Lehtinen votes yes.

Mr. Ballenger.

Mr. BALLENGER. Yes.

Ms. RUSH. Mr. Ballenger votes yes.

Mr. Rohrabacher.

Mr. ROHRABACHER. Yes.

Ms. RUSH. Mr. Rohrabacher votes yes.

Mr. Royce.

Mr. ROYCE. Yes.

Ms. RUSH. Mr. Royce votes yes.

Mr. King.

Mr. KING. Yes.

Ms. RUSH. Mr. King votes yes.

Mr. Chabot.

[No response.]

Ms. RUSH. Mr. Houghton.

[No response.]

Ms. RUSH. Mr. McHugh.
 [No response.]
 Ms. RUSH. Mr. Cooksey.
 [No response.]
 Ms. RUSH. Mr. Tancredo.
 Mr. TANCREDO. Aye.
 Ms. RUSH. Mr. Tancredo votes yes.
 Mr. Paul.
 Mr. PAUL. No.
 Ms. RUSH. Mr. Paul votes no.
 Mr. Smith.
 Mr. SMITH OF MICHIGAN. Yes.
 Ms. RUSH. Mr. Smith votes yes.
 Mr. Pitts.
 [No response.]
 Ms. RUSH. Mr. Issa.
 Mr. ISSA. Yes.
 Ms. RUSH. Mr. Issa votes yes.
 Mr. Cantor.
 Mr. CANTOR. Aye.
 Ms. RUSH. Mr. Cantor votes yes.
 Mr. Flake.
 Mr. FLAKE. Aye.
 Ms. RUSH. Mr. Flake votes yes.
 Mr. Kerns.
 Mr. KERNS. Aye.
 Ms. RUSH. Mr. Kerns votes yes.
 Mrs. Davis.
 Mrs. DAVIS OF VIRGINIA. Aye.
 Ms. RUSH. Mrs. Davis votes yes.
 Mr. Green.
 Mr. GREEN. Yes.
 Ms. RUSH. Mr. Green votes yes.
 Mr. Lantos.
 Mr. LANTOS. Yes.
 Ms. RUSH. Mr. Lantos votes yes.
 Mr. Berman.
 Mr. BERMAN. Yes.
 Ms. RUSH. Mr. Berman votes yes.
 Mr. Ackerman.
 Mr. ACKERMAN. Yes.
 Ms. RUSH. Mr. Ackerman votes yes.
 Mr. Faleomavaega.
 [No response.]
 Ms. RUSH. Mr. Payne.
 Mr. PAYNE. No.
 Ms. RUSH. Mr. Payne votes no.
 Mr. Menendez.
 Mr. MENENDEZ. No is offered.
 Ms. RUSH. Mr. Menendez votes no.
 Mr. Brown.
 Mr. BROWN. No.
 Ms. RUSH. Mr. Brown votes no.
 Ms. McKinney.

Ms. MCKINNEY. I don't think there is any doubt.

A very strong no.

Ms. RUSH. Ms. McKinney votes no.

Mr. Hilliard.

Mr. HILLIARD. No.

Ms. RUSH. Mr. Hilliard votes no.

Mr. Sherman.

Mr. SHERMAN. Yes.

Ms. RUSH. Mr. Sherman votes yes.

Mr. Wexler.

Mr. WEXLER. Yes.

Ms. RUSH. Mr. Wexler votes yes.

Mr. Davis.

Mr. DAVIS OF FLORIDA. Yes.

Ms. RUSH. Mr. Davis votes yes.

Mr. Engel.

Mr. ENGEL. Yes.

Ms. RUSH. Mr. Engel votes yes.

Mr. Delahunt.

Mr. DELAHUNT. No.

Ms. RUSH. Mr. Delahunt votes no.

Mr. Meeks.

Mr. MEEKS. No.

Ms. RUSH. Mr. Meeks votes no.

Ms. Lee.

[No response.]

Ms. RUSH. Mr. Crowley.

[No response.]

Ms. RUSH. Mr. Hoeffel.

Mr. HOEFFEL. Yes.

Ms. RUSH. Mr. Hoeffel votes yes.

Mr. Blumenauer.

Mr. BLUMENAUER. No.

Ms. RUSH. Mr. Blumenauer votes no.

Ms. Berkley.

Ms. BERKLEY. Yes.

Ms. RUSH. Ms. Berkley votes yes.

Mrs. Napolitano.

Mrs. NAPOLITANO. No.

Ms. RUSH. Mrs. Napolitano votes no.

Mr. Schiff.

Mr. SCHIFF. Aye.

Ms. RUSH. Mr. Schiff votes a yes.

Ms. Watson.

[No response.]

Ms. RUSH. Mr. Hyde.

Chairman HYDE. Aye.

Ms. RUSH. Mr. Hyde votes yes.

Chairman HYDE. Mr. Burton.

Ms. RUSH. Mr. Burton is not recorded.

Mr. BURTON. I will vote yes.

Ms. RUSH. Mr. Burton votes yes.

Chairman HYDE. Mr. Chabot.

Mr. CHABOT. Aye.

Ms. RUSH. Mr. Chabot votes yes.
Chairman HYDE. Mr. Chris Smith.

Mr. SMITH OF NEW JERSEY. Yes.

Ms. RUSH. Mr. Smith votes yes.

Chairman HYDE. Mr. McHugh.

Mr. MCHUGH. No—yes.

Ms. RUSH. Mr. McHugh votes yes.

Chairman HYDE. Mr. Pitts.

Mr. PITTS. Yes.

Ms. RUSH. Mr. Pitts votes yes.

Chairman HYDE. Have all voted who wish?

The clerk will report.

Ms. RUSH. Mr. Chairman, on this vote there are 31 ayes and 11 noes.

Chairman HYDE. And the motion is agreed to. My congratulations to the Committee.

The gentlelady from Georgia.

Ms. MCKINNEY. Mr. Chairman, I would like to request that Members have the opportunity to file dissenting and additional views, as well as extraneous material to be included in the report accompanying the resolution.

Chairman HYDE. Pursuant to the rule, the gentlelady will, of course, be granted that privilege. However, in order for the House to have the benefit of the Committee's report and the gentlelady's views prior to the Floor consideration, I would ask the gentlelady's cooperation in submitting her views for inclusion in the report by the close of business tomorrow. This will enable the report to be assembled, filed and printed in a timely manner.

Would the gentlelady agree with that?

Ms. MCKINNEY. Mr. Chairman, is there any way possible it could be by the close of business on Monday?

Chairman HYDE. Monday morning?

Ms. MCKINNEY. Okay, Monday morning.

What time, Mr. Chairman?

Chairman HYDE. Ten.

Ms. MCKINNEY. Ten Monday morning; it is agreed.

Chairman HYDE. Mr. Brown.

Mr. BROWN. Just an inquiry. Ms. Lee and Ms. Watson, who expressed their votes, those were not actually—expressed their desired position, those were not actually counted in the votes; is that correct?

Chairman HYDE. No. The votes cannot be counted unless you are here.

Mr. BROWN. I would just say, Mr. Chairman, that something as important as this, the media at least should understand that there were at least two more votes in this Committee of people—or three more, counting Mr. Houghton—at least three more when they look at the vote down here—

Chairman HYDE. Well, Mr. Faleomavaega would have voted the other way.

Mr. BROWN [continuing]. With those other ones announced.

That is fine.

Chairman HYDE. Without objection, the preamble and resolving clauses shall each be reported as single amendments incorporating

any—well, there were no amendments adopted by the Committee—except my amendment; that is right.

Without objection, the Chairman is authorized to move to go to conference pursuant to House Rule XXII. Without objection, staff is directed to make any technical and conforming changes.

The Committee stands adjourned.

[Whereupon, at 4:15 p.m., the Committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF THE HONORABLE JOSEPH R. PITTS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. Chairman, I move to strike the last word.

Thank you, Mr. Chairman.

Today we are considering a resolution that, without a doubt, weighs heavy on everyone's heart.

To cast a vote on whether or not to authorize our President to use military force against an enemy is one the most important responsibilities we have as Members of Congress.

This is not an easy decision. It is a very complex state of affairs that will have foreign policy and national security implications for many years—beyond the service of many Members here today.

So, we must not simply think about today, but we must also think about what the future holds.

With this said, we must look at the big picture.

It is a complex picture, but there are several things we do know for sure.

- 1) For many years, Saddam Hussein has brutally oppressed his people. He has committed mass murder, mass starvation, and gross violations of human rights.
- 2) Saddam Hussein has developed chemical and biological weapons with the capability to attack neighboring countries, like Israel, Jordan, and Saudi Arabia—our allies.
- 3) Saddam has already used chemical and biological weapons against his own people and his enemies—we know he is not afraid to use them.
- 4) Saddam has vowed to use these weapons against anyone or any country that stands in his way, including the U.S., our allies, and even the Shia population in his own country.
- 5) Saddam is seeking nuclear weapons and is not far from obtaining this capability, and
- 6) For over a decade, Saddam has routinely disregarded the will of the U.N. and obstructed its weapons inspectors.

I could go on, but the point is clear. Saddam is a tyrant and a madman that poses a direct threat to the United States, our allies, and his own people. His reign of terror must end.

That is why we are here today. And that is why we must pass this resolution today without amendment.

The timing is right. We must give the President the full authority to use force when he deems it is the right time. If now is not the time, then when? When Saddam's launches an attack against the U.S. or one of our allies, or when he provides terrorists with the capability to attack us?

Some have said that the use of military force against Saddam will destabilize the region. But, Saddam has already destabilized the region. Other nations and the vast majority of Arab people in the region do not like Saddam, they fear him. They know what he can do and that he is willing to do it.

They know that Saddam is bent on an imperialist vision that will establish him in history as a "great" man—a conqueror, prophet, and king.

Further, some will say that this authorization will lead to unilateral action. It is my hope that we do not have to act unilaterally, and I believe that when the time is right, we will not have to.

However, let's not forget that we have been acting multilaterally for over the past decade. Yet, today, Saddam has regained his dominance and his power, and the international community has been silent—the U.N. has not enforced its own resolutions. At what point does the security of the American people trump the desire for multilateral action.

Mr. Chairman, this resolution before us is the right action for Congress at the right time. The resolution has been carefully crafted with broad bipartisan support.

We should give the President the authority to use the military to protect our national security. We should not wait until we are attacked. We should not wait to see if the President uses military force before we authorize him to do so.

We should be unified behind the strong leadership of the President. We should show Saddam that his days are numbered.

I urge my colleagues to vote for this resolution without amendments and give the President the authority he needs to protect our national security and end the terror of Saddam's regime.

I yield back the balance of my time.

PREPARED STATEMENT OF THE HONORABLE DARRELL E. ISSA, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Thank you Mr. Chairman. Today, as a Committee, a Congress, and a country, we face one of the most difficult dilemmas in the human experience. We are considering the question of war. The debate has returned us to the fundamental questions all leaders need to face: when is it time to fight? Is it ever time to fight? And if we fight, how should we do it? Mr. Chairman, these questions need to be addressed, and I appreciate the opportunity we have today to debate this issue.

There are strategic reasons to remove Saddam Hussein. Many critics of the President's position have asked if we have any "proof" of an "imminent threat" from Saddam. Mr. Chairman, we have over 20 years of proof. Since the early 1980's, Saddam has aggressively attempted to develop weapons of mass destruction, from nerve gas, to weaponized anthrax, to nuclear weapons. He has used some of these weapons many times already, against Iranian civilians and soldiers in his decade-long blood-bath with Iran, and against Kurdish villages in 1988. Many Kurds believe he attacked them out of retribution, but also as an experiment for a much larger attack against his true enemy, the United States.

The United Nations weapons inspectors did their best to track down Saddam's "special weapons," as he calls them, but they were unable to locate the most dangerous material. According to Gary Milhollin, the Director of the Wisconsin Project on Nuclear Arms Control, inspectors could not find an estimated four tons of VX nerve gas; 600 tons of ingredients for VX; 3,000 tons of other chemical agents; and at least 550 artillery shells filled with mustard gas. Inspectors were also not able to dismantle Saddam's nuclear weapons, which were being aggressively developed throughout the seven years of inspections.

When these weapons are combined with Saddam's support for terrorism, the result will be disaster, for us and for our allies. We know that Saddam is at least harboring members of al-Qaeda in his country, if not supporting them altogether. He may not have participated in the planning for the September 11 attacks, but he has gone out of his way to prop up anti-American terrorist regimes that will, if left alone, strike us again.

Saddam may not be planning to use weapons of mass destruction against us next week, but there is no doubt that he intends to attack us and our allies until we either acquiesce to his aggression, or defeat him.

Mr. Chairman, there are also moral reasons for removing Saddam. Since he seized power in 1979 Saddam has built up one of the most brutal, merciless dictatorships in the history of the world. He has embarked on a massive ethnic cleansing campaign against the Kurds, who he thought were not loyal enough to him in his war against Iran. Aside from his chemical weapons attacks in 1988, Saddam has also attacked Kurds by forcing them into concentration camps and literally starving them to death. He has recently engaged in cultural genocide against the Kurds. Saddam's secret police have been forcing Iraqi Kurds to "correct" their identity documents by claiming that their birth records are false, and that they have always been Arab. If they refuse, they are forced off their property to make room for Arab families. Saddam is trying to erase the Kurdish past, to "cleanse" Iraq of this ethnic group he hates so bitterly. A prominent Iraqi expert, Peter Galbraith, describes Saddam's persecution of the Kurds as "a policy of genocide, a crime of intent, destroying a group whole or in part." Mr. Chairman, this regime is an Orwellian nightmare. It cannot and will not be tolerated in a civilized world.

The rap sheet on Saddam is long and detailed. If the international community applied a three strikes law to the world's tyrants, Saddam Hussein would have struck out long ago. The simple fact is, there are plenty of reasons to go to war with Iraq, and very few reasons not to. The going will be tough, particularly after Saddam is gone. But the difficulty of the situation does not necessitate a head-in-the-sand approach to this problem. Saddam will continue to defy any sort of inspections program as long as he is in power. We have a vested interest in seeing the Iraqi people live prosperous lives in a fair and just democracy. It is time to make that happen. I urge my colleagues to support this resolution today and I yield back the balance of my time.

PREPARED STATEMENT OF THE HONORABLE JEFF FLAKE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ARIZONA

Saddam Hussein poses an immediate and grave threat to the security of American interests and to American lives. We know that Saddam has weapons of mass destruction in the form of biological and chemical weapons, and he has made clear his intent to develop nuclear weapons, if he has not already done so.

Saddam Hussein has used such weapons on people in his own country and on his neighbors. He has also defied the United Nations by expelling inspectors who had identified and destroyed some of his arsenal. Saddam's actions have demonstrated a determination to carry on with his program of weapons of mass destruction—and to what end? To carry out attacks against the United States and his other enemies.

Our government has a responsibility and duty to take the essential steps to eliminate the threat posed by Saddam against the United States.

As previously mentioned, United Nations and the United States have tried diplomatically to eliminate this threat through weapons inspections. Rather than complying and cooperating with weapons inspectors, Saddam lied to them, limited their access, and eventually, forced them out of Iraq. Diplomacy has failed in the past, and President Bush has clearly outlined the failures in his recent address to the United Nations. The President has urged the United Nations to make another determined, decisive, and effective resolution. If the United Nations, however, cannot eliminate the threat to Americans, then the United States must.

This resolution will authorize President Bush to use military force, if he deems it necessary, to eliminate the threat posed by Saddam. As dangerous as it is to commit military troops to forcefully remove the threat posed by Saddam, the risk of doing nothing is far greater.

Many countries recognize that it is not merely in the United States' interest to remove the threat posed by Saddam, but it is in the world's interest. Saddam is a brutal dictator who has no respect for democracy or human rights. He creates instability and volatility to a region of the world that needs stability and certainty.

Other countries have expressed their concerns with United States action in Iraq. As much as I respect the advice and opinions of those countries, the job of the United States government is to act in the interests of the people of the United States.

It is very much in the interest of the American people to eliminate the threat posed to them by Saddam Hussein. This resolution is absolutely necessary to ensure the future of American democracy, American ideals, and the American way.

PREPARED STATEMENT OF THE HONORABLE JOSEPH CROWLEY, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW YORK

The decision to declare war is one of the most important responsibilities our Constitution has charged to us as Members of Congress. As a parent, there is no responsibility that weighs on me more heavily than the decision to send our sons and daughters off to war.

The 650,000 citizens in the Bronx and Queens whom I represent have only just recently started rebuilding their lives from last September eleventh's attack on the World Trade Center, an attack which shattered families, devastated New York's economy, and caused profound changes in the communal and social lives of New York City's many communities.

I have thought long and hard about what this vote means not only for me as a Member of Congress and as a representative of my constituency, but also for what it means to me as a New Yorker.

September 11th changed New York as a City and the United States as a nation. The events of last September altered our nation's priorities. Protecting Social Security and Medicare and extending prescription drug coverage to our nation's senior

citizens and bringing jobs to local neighborhoods are still critical issues. But the need to protect our country, our families, and our children is growing in importance. If our country is not secure, then our future cannot be secure.

I have sought out as much information as possible on the threats and risks posed by launching a military confrontation with Iraq, as well as the risks of not acting. I have heard intelligence briefings on Saddam's military capabilities, including his chemical, biological, and nuclear capabilities. I have heard Administration officials and experts on Iraq make both sides of the argument in testimony to Congress. I have thought about the hundreds of thousands of young men and women who will be sent to fight this war, as well as their parents.

And I have thought of their families. During the Vietnam war, my own neighborhood of Woodside, Queens, and its surrounding ZIP code lost the highest number of people per capita in the nation. Countless constituents have called me and written to me to express their concerns about the impact that a war against Iraq will have on the nation, on the economy, and on their communities.

This is not the best time to consider military action against Iraq. We have worked carefully over the past year to compile a broad-based international coalition to help us in the fight against global terrorism, which is and should remain our top national priority. Yet by calling for the overthrow of the regime in Baghdad, we are weakening the international support and good will that we have worked so hard to achieve. I am concerned that military action against Iraq will distract us from the more important work that we and our allies are doing to root out and eliminate the threat posed by al-Qaeda and other terrorist entities.

That said, the Administration has decided that now is the time to address the threat posed by Saddam Hussein, and it has fallen to this Congress to decide whether to authorize the use of force against Iraq or not. After carefully considering the evidence, the allegations, and the arguments, I have concluded that Saddam is, in fact, continuing to develop chemical, biological, and nuclear weapons in violation of UN Security Council resolutions, and that he maintains the ability to deploy and use small numbers of chemical and biological weapons. As a result, Saddam does, in fact, pose a severe threat not only to the Middle East, to our allies in Israel, to the United States, but to the entire world.

I do believe that Saddam is close to acquiring nuclear weapons or to once again using his chemical or biological weapons. I do believe that it is only a matter of time before these weapons, unless eliminated, are used against the United States or our allies.

Many of my colleagues, and many in the international community, have called for weapons inspections to be given one last try. But years of UN weapons inspections and international monitoring have demonstrated that inspections cannot work as long as the Iraqi regime is determined to thwart them. And it is clear that Saddam remains as determined to block such inspections as he was before. We cannot wait any longer to address the threat of Iraqi weapons of mass destruction; the longer we wait, the more likely the United States and the international community will face an Iraq armed with nuclear weapons.

It is also clear that Saddam has no plans to end his support for international terrorism. While the Administration has not, in my mind, proven that Saddam has provided support to al-Qaeda, Saddam is integrally linked to Palestinian terror attacks against innocent civilians in Israel, paying a sliding scale of benefits to the families of Palestinians who are killed or injured in such attacks. The families of Palestinians who blow themselves up in suicide bombings receive \$25,000 in cash; the families of those killed in other attacks against Israelis receive \$10,000; Palestinians seriously injured in attacks on Israelis receive \$1,000; and Palestinians lightly injured in attacks on Israelis receive \$500. Saddam has volunteered to be the workers compensation plan for Palestinian terrorists, whose homicidal intentions are no different from the nineteen murders who flew airplanes filled with innocent people into the World Trade Center, the Pentagon, and a field in Pennsylvania. Only when Iraq ceases to be a threat and takes its place as a responsible member of the international community will Israel's future be secure.

Because of Saddam's continued support for terrorism and the serious threat posed by Saddam's continued efforts to develop weapons of mass destruction, I want to express my support for this resolution.

I commend President Bush, as well as the Democratic Leadership of the Senate and House and the Chairman and Ranking Member of this Committee, for their work to address some of my concerns regarding war against Iraq and a preemptive strike. In fact, many of the concerns expressed by my fellow Democrats have been included in the resolution under consideration.

I have been extremely concerned about the risks of unilateral military action. None of our European allies save Great Britain have indicated support for pre-

emptive military action, and none of the allied countries neighboring Iraq—Turkey, Saudi Arabia, Kuwait, Bahrain, and Qatar—have indicated support for military action unless it is authorized by the UN Security Council. If we want to bring an end to religious extremism and terrorism in the Middle East, we must work *with*, not against, leaders in the region and in the international community.

The resolution being considered today, however, now includes a provision supporting the president's efforts to seek Iraqi compliance through the UN Security Council. I wish that the resolution made multilateral support and UN Security Council authorization absolute preconditions for the use of force, but I am pleased that it calls on the president to work through the Security Council to secure Iraq's compliance with existing UN resolutions. It is imperative that the United States act in concert with allies and partners with the authorization of the United Nations Security Council. U.S. national interests are not served by unilateral military action.

While I am convinced, as I have said, that weapons inspections will not contribute to Saddam's disarmament, I am concerned that the rest of the world will judge us harshly because we appear too willing to use force to address the Iraqi threat. It is therefore extremely important that the resolution prevents the president from using force against Iraq unless and until he declares to Congress and to the American people that he has exhausted all possible diplomatic efforts and attests that further diplomatic means will not protect U.S. national security or lead to enforcement of UN resolutions. This means that the use of force will truly be a last resort.

The resolution also requires 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 and terrorist organizations. This ensures that the war against terrorism, which must remain our top national priority, will not be pushed aside by efforts in Iraq.

Finally, the resolution requires the president to report every 60 days on military operations and on the planning for post-conflict activities such as reconstruction and peacekeeping. This provision is critical, as I do not believe that the Administration has yet developed a strategy for rebuilding Iraq.

The post-Saddam effort to transform Iraq into a democratic, multi-ethnic, free society will require a tremendous financial contribution from the United States amounting to tens, if not hundreds, of billions of dollars. Such an endeavor will require international support and participation. Without a long, committed international reconstruction effort, Iraq is destined to fall back into chaos and fall victim to a new despotic regime, and the sacrifices of U.S. military personnel will have been in vain.

As with Afghanistan, if we start the process of political change in Iraq by overthrowing the current regime, we must remain there to see the process through. We will have to rebuild Iraq—reconstruct critical infrastructure, bolster the educational system, invest in the oil industry, and deploy U.S. and coalition soldiers there for years while basic law and order is established—in order to bring long-term peace and stability to this region. We will need to do this not just because the Iraqi people need such assistance after decades of living under Saddam's despotic regime; we will need to do this because ensuring that Iraq is democratic, prosperous, and stable furthers U.S. national interests.

Mr. Chairman, despite my misgivings, and though I wish the Administration had decided to wait to pursue its anti-Saddam crusade until we and our allies had made more substantial inroads against terrorist groups around the world, I will support this resolution.

Noting, however, that this resolution does not provide the Administration with a blank check, I encourage you and our colleagues on the Committee to ensure that the Administration proceeds wisely:

- That it consults with allies and partners on the steps ahead;
- That it seeks authorization from the United Nations Security Council; and
- That it works with allies, partners, the United Nations, and other multinational institutions to develop a concrete, thorough plan for Iraq's reconstruction, and that it commits the necessary resources—both financial and human—to finish what it seeks to start.

Thank you.

PREPARED STATEMENT OF THE HONORABLE EARL BLUMENAUER, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF OREGON

Since becoming a member of Congress, I've been struck by how often there is a gap between the needs and the concerns of the public and the ability of Congress to hear and give voice to those needs and those concerns.

Nowhere is that gap between the people and their government wider than what is happening over a possible war with Iraq.

I've talked to dozens of members of Congress from different states, from both parties, with highly varied districts, and without exception, we all hear the same reactions.

The people are asking very hard questions about the wisdom of our past actions. There is, to be charitable, little enthusiasm for unilateral American action.

People suspect that part of the instability in the Middle East is the result of our past missteps and miscalculations, giving aid and comfort to Saddam Hussein and the Taliban, not thinking it through fully at the front end, and then walking away when our attention is diverted or we become fatigued.

People want to know, "What's the rush? What's changed?" and they are skeptical about what appears to be political timing.

The responses from constituents who bother to formally contact our offices are overwhelmingly opposed to war with Iraq, often by ratios of 100:1, even 500:1.

I think the American public has it right.

We're not finished with the war on terrorism; and this is highly distinct from our ongoing conflict with Iraq.

We're not finished yet in Afghanistan. President Karzai is barely the mayor of Kabul, and owes his life to his American Delta Force bodyguards. It is not clear that we or the countries who supported us in Afghanistan are ready to do what it takes to finish that job.

Indeed, we're not even finished yet in the Balkans.

It has been an open secret on Capitol Hill that, contrary to some of the administration's formal pronouncements, there's been much greater caution and skepticism from the leaders in the Pentagon. Former generals have openly declared their concerns before Congress.

Some of the voices that have expressed concern, and in some instances opposition, have been those of distinguished political leaders in both parties, names familiar to the public: Arme, Gore, Lugar, Hagel, Kennedy.

There are many more concerned leaders whose voices are not as well known. These are the voices of our colleagues who don't need focus groups or more famous politicians to validate their own deeply held convictions.

My bottom line is that no president deserves a blank check when it comes to waging war. And despite some additional verbiage in this resolution, the authorization delegates the decision to the President's unfettered judgment.

Some claim the strong words of the President got the United Nations engaged. This is probably true; that is his job and his prerogative. Now Congress needs to do its job.

I am not opposed to the use of force. I have supported it in the past, and could do so in the future. However, this is a situation where neither has the case been made, nor the foundation established.

It is terrorism that is the greatest threat to America. Inappropriate action against Iraq could actually expose Americans to greater risk.

I urge the leadership and the diverse membership of this committee to be part of a diplomatic solution internationally, and to engage honestly with the American public here at home.

Congress and the American people have a right to know the costs and consequences before following this path.

We should reject the notion of a pre-emptive, unilateral, go-it-alone attack on anyone we deem a threat.

A unilateral preemptive strike, without direct provocation, is both wrong and dangerous, especially when undertaken by the most powerful nation the world has ever seen.

If we can't live up to our principles, how can we expect other countries to obey the rule of law?

To respect the integrity of the reasonable strategic diplomatic and moral position of the United States is not to imply any sympathy for Saddam Hussein and his brutal regime.

There is a bipartisan consensus in Congress:

- to work with our allies—not tell them what to do beforehand;

- to use the United Nations to lay the foundation for a muscular aggressive regime of effective inspections and enforcement of United Nations resolutions.

Such an approach will be the most likely to produce the results the administration claims it wants. It is entirely consistent with where the American public is, based on the most accurate measurement: what we actually hear from people when we take the time to listen to them.

The situation in the Middle East is the most volatile it has been in our lifetime. Iraq is but one troubling part of the equation.

Yet this can be the beginning of a new chapter of diplomacy and thoughtful action on the part of the United States.

I hope the Congress will be equal to this challenge as we work our way through this process.

Mr. Chairman, I appreciate your leadership and commitment to your committee doing its job.

