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 BILL YOUNG,
 JOE SKEEN,
 DAVE HOBSON,
 HENRY BONILLA,
 GEORGE R. NETHERCUTT,
 Jr.,
 RANDY "DUKE"
 CUNNINGHAM,
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 FRELINGHUYSEN,
 TODD TIAHRT,
 JOHN P. MURTHA,
 NORMAN D. DICKS,
 MARTIN OLAV SABO,
 PETER J. VISCLOSKEY,
 JAMES P. MORAN,
 DAVE R. OBEY

(Except for sec. 8149
 relating to corporate
 expatriates).

Managers on the Part of the House.

DANIEL K. INOUE,
 ERNEST F. HOLLINGS,
 ROBERT C. BYRD,
 PATRICK J. LEAHY,
 TOM HARKIN,
 BYRON L. DORGAN,
 RICHARD J. DURBIN,
 HARRY REID,
 DIANNE FEINSTEIN,
 HERB KOHL,
 TED STEVENS,
 THAD COCHRAN,
 ARLEN SPECTER,
 PETE V. DOMENICI,
 CHRISTOPHER S. BOND,
 MITCH MCCONNELL,
 RICHARD C. SHELBY,
 JUDD GREGG,
 KAY BAILEY HUTCHISON,

Managers on the Part of the Senate.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

Mr. PAYNE. Mr. Speaker, it is with pleasure I yield 5 minutes to the gentleman from California (Mr. BECERRA), a member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, any nation engaged in a program of building weapons of mass destruction presents a danger to international peace and stability. Any leader who flouts the rule of law is a menace to liberty and democracy.

In my mind, the President has made a strong case that Iraq must disarm, pursuant to the United Nations resolutions enacted following the close of the Persian Gulf War. But the President did not convince me that we should go to war and go it alone, nor has he made the case that we should change our longstanding policy and defy international law and commit to a first strike.

The threat posed by Iraq is a threat which confronts the entire world, not just America. This resolution before us gives the President authorization to send American troops into Iraq to strike unilaterally and, indeed, to strike first. Congress has never before granted this extraordinary power to any previous President. We can address the threat posed by Saddam Hussein without expanding Presidential authority beyond constitutional standards.

A declaration of war is the ultimate act of humankind. It presumes to endow the declarant with the right to kill. In many instances, it amounts to a sentence of death, not just for the guilty but for the innocent as well, whether civilian or soldier. In measurable respects, that is why the Framers of our Constitution wisely assigned the power to commit America to war not to the President but to the people's democratic representatives in Congress.

The President should approach Congress and ask for a declaration of war when and only when he determines that war is unavoidable. The resolution before us leaves the question of war open-ended by both expressing support for diplomacy and authorizing the President to use force when he feels it is the correct course of action. Yet, in his own words, President Bush stated that "war is not unavoidable." So why, then, is he insisting on being given now, today, the power to go to war?

We are the lone superpower economically and militarily in the world. Our words have meaning, our actions have consequences beyond what we can see.

The implications of a unilateral first strike authorization for war are chilling. A unilateral attack could lead the world into another dangerous era of polarization and create worldwide instability. It would also set a dangerous precedent that could have a devastating impact on international norms.

Consider India and Pakistan, Armenia and Azerbaijan, Russia and Chechnya, Cyprus, Taiwan, Colombia, Northern Ireland, Central Africa. How might the people or the government in any of these countries which are engaged in or at the brink of hostilities interpret this resolution today? Why should not other countries adopt the President's unilateral and first strike policy to address conflicts or threats themselves? Would not a unilateral attack galvanize other potential enemies around the globe to strike at the United States and our interests?

In our efforts to focus on what the President described as a grave and gathering danger thousands of miles away in Iraq, let us not lose sight of the dangers which are grave and present, not gathering but present, here at home: the al Qaeda plots targeting our airports, our water treatment facilities, our nuclear power plants, our agricultural crops.

Just this Tuesday, CIA director George Tenet told Congress that Saddam Hussein, if provoked by fears that an attack by the United States was imminent, might help Islamic extremists launch an attack on the United States with weapons of mass destruction. We must consider how our actions may impact on the safety of the American people. The answer may not be always what we expect.

We must also ask, will the death and destruction it takes to eliminate a sovereign, albeit rogue government, lead

to good will by the Iraqi people toward America and Americans?

Well, let us look at the record. During the Gulf War of 1999, we dropped some 250,000 bombs, many of them smart bombs, over a 6-week period on Iraqi forces. That is close to 6,000 bombs per day. We deployed over 500,000 troops. The war cost over \$80 billion. None of that money was spent on reconstruction in Kuwait, and all of this is what it took simply to expel Iraq from tiny Kuwait.

And what is our, and for that matter the world's, recent record on supporting post-war reconstruction? Ask the people of Bosnia and of Kosovo, and now ask the Afghans.

Certainly there are situations where the United States must prepare or be prepared to act alone. I voted in September, 2001, to give the President that power to punish those who attacked this Nation on September 11. But the question is, are we at the point on the question of Iraq to go to war without international support?

Mr. Speaker, the President was clear in his speech on Monday. Iraq can lead us down a dangerous course, but I believe it is time for us to recognize that if we do this, we do this together, not alone.

Let us vote for the separate resolution, go the right way and send a good message, not just to Iraq but to the rest of the world.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in order to have the dialogue stay focused, I think we need to periodically look at the threat.

We have no doubt in this body. Speakers on both sides of the aisle have repeated the need to deal with someone who has used mustard gas and other agents against his own people. There is no question in this body about the war crimes committed by this dictator.

But when we talk about the threat not being imminent, I just want to read from an unclassified document something for us all to focus on as we again talk about do we or do we not empower the President to deal with all the cards in his hand, not missing the one of potential military action.

"Mustard gas, potential agents based on best estimates, 200 metric tons; sarin gas, 200 metric tons; VX, up to 200 metric tons; and anthrax, at least 8,500 liters. That is 2,245 gallons, but it could be as much as 10-fold that, 22,457 gallons of anthrax.

We all know in this body all too well what an almost infinitesimal amount in an envelope can do. I hope that we will think about this as we talk about whether or not to empower the President to have all the full force of our military at his disposal in negotiations.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. ESHOO), a member of the Committee on Energy and Commerce.

Ms. ESHOO. Mr. Speaker, I thank the gentleman from New Jersey for yielding time to me.

Mr. Speaker, the Congress is now debating the most serious and sobering of issues, whether we go to war, war against Iraq. We do this as we stand on the threshold of a new century.

I believe this debate is as much about voting to declare war as it is about what kind of country we are and what we want our country to be in the future. This resolution of war is an extraordinary and unwise departure from our history of a principled American tradition, that we stand foursquare against unprovoked attacks and for a foreign policy of deterrence.

The Bush doctrine reverses this policy and sets forth that the United States of America has the unrestricted right to attack other nations. This resolution trades deterrence for preemption. This resolution trade multilateralism for unilateralism.

This go-it-alone policy has become the imprimatur of this administration. We have witnessed their abrogation of nearly every international treaty they inherited from previous Republican and Democratic administrations.

This administration has allowed the underfunding of the Nunn-Lugar law, leaving the tools of terrorists unprotected and up for grabs across the former Soviet Union.

This administration has withdrawn from the ABM Treaty, withdrawn from the Comprehensive Test Ban Treaty, withdrawn from START II, rejected the Biological Weapons Convention, and rejected the International Criminal Court.

This administration makes war the first and only option, rather than a last resort. It has, in one brief summer and fall, upended decades of our time-tested, tenacious foreign policy of deterrence, which has served our Nation and the world so well.

□ 2330

The President has not answered the haunting questions of thousands of my constituents and the American people. Why now? How many troops will we need to wage this war? What will it cost? How long will we be there? What is the plan to manage the chaos in the aftermath of regime change; and, finally, how will it affect the war on terrorism?

Respected military leaders and statesmen have testified to Congress about their deep concerns with preemption and unilateralism. These experts have seriously undercut the President's case of what Saddam Hussein has and the President's remedy to deal with it. And classified briefings have raised more questions than answers.

Today's newspapers were filled with the information that our own intelligence agencies have concluded that Saddam Hussein is unlikely to initiate a chemical or biological attack against the United States. Not one of us carries a brief for Saddam Hussein. We know

what he has done and we know how he rules. We know about his accumulation of chemical and biological weapons and the other weapons that threaten his neighbors and us.

Our answer today, send a thousand troops of weapons inspectors to Iraq. This time they must have unrestricted access to everything and with deadlines to achieve disarmament. The world community will watch and as we disarm him. He will loosen the noose he holds.

We can be tough and principled as we have been in the past. We can bring other nations with us and when we do, Saddam will know he cannot dodge or be deceitful any longer. That is why I support the Spratt resolution which calls for action only if the U.N. determines action is required and the President seeks approval from the Congress.

Finally, Mr. Speaker, when the framers wrote our Constitution, their vision spoke to the innermost yearnings of every human being, then, over the centuries, and now. They created what I have called the best idea that is ever been born: democracy. Their call is the same today in this new century that we lead through the enduring strength of our democratic principles backed by the might we possess. Today our Constitution and my conscience beckon me to oppose the President's resolution for war. I shall vote against the resolution and I urge my colleagues to do so as well.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. LARSON), a member of the Committee on Armed Services.

(Mr. LARSON of Connecticut asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in an effort to unite this body behind the Spratt resolution. I oppose House Joint Resolution 114 because this resolution sets a dangerous new precedent in foreign policy, a policy of preemptive first strikes and go-it-alone unilateralism. This is a radical departure from long-standing United States policy of deterrence, diplomacy, containment and collective security. We are drifting away from the successful coalition-building of former-President George Bush in Desert Storm and our current President's administration's coalition that is currently prosecuting the war on terror in Afghanistan.

We are united behind the President in his continued prosecution of this war on terror, a mission we need to relentlessly pursue and not be deterred from. We are united behind the President in our efforts before the United Nations, and strongly support a tough, new, robust, unfettered weapons inspection process that is currently being negotiated by Colin Powell. We are in unanimous agreement about the brutal dictatorship of Saddam Hussein, the

atrocities he has perpetuated against other nations and his own people, and the need to remove him. We stand united behind our men and women of our armed services no matter the outcome of the vote.

Where we differ is not whether, but how, we address this threat. As former Secretary of State Jim Baker points out it is not whether to use military force to achieve this, but how we go about it. While we address the near-term danger presented by Saddam Hussein, we must be equally mindful of the dangerous long-term consequences of first-strike, go-it-alone policy. To that extent, there is a notable divide in past and current Bush administrations and within this Congress and amongst people across this Nation.

This divide stems from those advocating the abandonment of long-standing policy in favor of going it alone. This is not about the use of force. I voted for the use of force in Kosovo and in Afghanistan. It is about the preemptive and unilateral use of force. The United States is the undisputed preeminent military, social and economic leader in the world; but there are many issues we simply cannot solve alone. Issues like the environment, disease and global economic stability are but a few examples and only further underscore the problematic concerns of our ongoing debate about going alone.

There is no question that we have the military might or that we will prevail against Iraq or any nation. But what lingers is whether we have the restraint as the world's lone superpower to lead by the rule of law and use our terrible swift swords only as a last resort.

The goal of the administration is to isolate Saddam Hussein and bring about his demise. In the process we must make sure that it is not the United States that is isolated and alone. For even with all our military might and resources, we cannot solve all the global problems by ourselves. The internationalist wing of the Republican Party best expressed the perils of preemption, in going it alone in Brent Scowcroft, the former National Security Advisor to both President Ford and former President Bush, who has argued that attacking Iraq will take away from the effort against the war on terror and do long-term damage to the stability needed in the Middle East.

Retired generals like Norman Schwarzkopf and Secretary of State Eagleburger, hardly appeasers, come down on the side of caution and coalition building. General Zinni, retired Commander in Chief of U.S. Central Command, talks about the need to be intensely involved in the peace process between Israel and Palestine. In staying focused on Osama bin Laden and al Qaeda, he wonders aloud about those in the administration who have never served in the military who seem so anxious to place our troops in harm's way; and those in the administration

who characterize heroes like General Wesley Clark, former Commander in Chief of the U.S. European Command, who urged the two-step approach of the Spratt resolution and calls them dreamers.

This is a time that the President, Congress, and the people need to be united. It is why we have introduced the Spratt resolution. This resolution strengthens the President's hand and demonstrates national resolve. It preserves the constitutional authority that resides with Congress and does not abrogate our role to the executive branch.

The people in my district feel strongly about this and have spoken out in town hall meetings. They are deeply opposed to a go-it-alone policy; and while understanding the potential threat posed by Saddam, they want us to pursue the course the President outlined before the United Nations.

Make no mistake, there is broad support for the President and implicit understanding of the awesome responsibility he bears as Commander in Chief. There is also an equal expectation that elected representatives will ask the tough questions and will measure the consequences and collateral damage of our actions. Our system is one of checks and balances; and clearly from my perspective, the use of force preemptively and unilaterally needs to be held in check, debated, discussed and not rubber stamped in a climate of fear and crisis.

The people's House must question the unintended consequences of this new policy. What are those consequences? What will be the collateral damage associated with preemptive unilateral attacks?

I say it can be said no better than our Ambassador to Saudi Arabia, Robert Jordan, when I asked him if we were facing a gathering storm in the Middle East. He replied, no, Congressman, you are from New England. Surely you have read the book or seen the movie. This is not a gathering storm. This has all the makings of the perfect storm.

Our relationship with our allies in the Middle East in the prosecution of the war on terrorism is fragile. There is great unrest in the region from economic instability to religious fanatics spewing hate towards the United States. A preemptive unilateral attack on Saddam Hussein could accomplish what Osama bin Laden failed to do, and that is unite the Islamic world in a jihad against the United States. Going it alone may well bring down a tin pan dictator, but will the consequences of that be the recruitment of tens of thousands of new terrorists bound for our shores?

□ 2340

Thomas Friedman, noted New York Times columnist, spoke at a recent book tour about the long-term consequences of our doctrine, and I was struck by the reaction of a man who simply reached into his wallet and

showed a picture to Friedman of his children.

Nothing else need be said. Support the Spratt amendment.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HONDA), a member of the Committee on Transportation and Infrastructure.

(Mr. HONDA asked and was given permission to revise and extend his remarks.)

Mr. HONDA. Mr. Speaker, I thank the gentleman from New Jersey for yielding me the time.

I rise this evening as Congress considers one of the most difficult decisions a nation must make. President Bush and leaders from the House negotiated a resolution to authorize the use of force against Iraq. However, this new resolution still allows the President to launch a unilateral, preemptive attack without providing any evidence to Congress that the U.S. is under imminent threat.

The President says that he is willing to go it alone against Iraq as a last resort, but there is no mechanism in this resolution to ensure that it is just that, a last resort.

Let one thing be clear. A vote for this resolution is more than an authorization for use of force. It is a declaration of war, and I will oppose it.

We all agree that it is critical for the United States and the world community to ensure that Saddam Hussein is not developing weapons of mass destruction. I believe we can accomplish this goal by working with the U.N. Security Council to gain consensus on a tough and effective plan to gain unfettered access to inspect Iraq facilities. A powerful multinational force created by the U.N. would carry legitimacy and strong support in the United States and abroad. If the U.N. does not heed our call to action, then other options should be explored.

As of today, it is clear that the administration has yet to exhaust diplomatic options.

Many generals, military strategists and Republican policy-makers have expressed reservations with President Bush's approach to Iraq. Iraq does not exist in a vacuum. The decisions our government makes relative to Iraq will have consequences that will extend to all corners of the world, as well as potentially destabilize the Middle East. Will the concentration of our Armed Forces in Iraq limit our resources for a war against al Qaeda?

Additionally, experts agree that a war against Iraq will be much different than the Gulf War. Intensive, urban combat against an entrenched force is likely. How many thousands of American lives is the administration willing to imperil? What are the long-term plans for the stabilization of Iraq, and how many billions of dollars will this cost American taxpayers?

After September 11, the United States made great strides with the international community in our war

against terror. A unilateral effort by the United States would not only weaken our relationship with our allies but also will increase resentment in the volatile Middle East and further embolden anti-American opinion throughout the world.

We must rid Saddam Hussein of any weapons of mass destruction. However, I urge the administration to continue to work with the U.N. to gain support for a tough resolution with an accompanying national multinational force, if necessary. Diplomatic efforts must continue. This war can still be avoided; and, as such, I cannot vote to put American lives and innocent civilians in harm's way, straight from our war against terror, or create uncertainty that could further hamper our struggling economy.

I will not support this resolution.

Mr. ISSA. Mr. Speaker, it is my pleasure to yield 7 minutes to the gentleman from Iowa (Mr. LEACH), a member of the Committee on International Relations, in fact, the Chairman of the Subcommittee on East Asia and the Pacific and a man who has great insight into this region.

(Mr. LEACH asked and was given permission to revise and extend his remarks.)

Mr. LEACH. Mr. Speaker, as all Members know, this resolution involves a difficult set of decisions that neither the Congress nor the executive can duck. Anyone who is not conflicted in their judgment is not thinking seriously.

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

Because time is brief, I would like to emphasize three points:

One, 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 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 little understood is that Iraq already controls a weapon of mass destruction more dangerous than nuclear bombs,

biological agents, and what is underestimated is the nature of his likely response to outside intervention.

The tactical assumption is that Saddam will be on the defensive with an American and 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 the use or lose option with his 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 graver 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 plague may not be determinative. These are living organisms that can multiply. They can invade a region and potentially the planet.

The most important issue is not the distinction between the various resolutions before us, each should be defeated, but the need to rethink our responsibilities in the manner in which they are carried out. Regime change can be peaceful, it can be discreetly violent, but it need not necessarily entail war.

Over the last half century America's led the world in approaches expanding international law and building up international institutions. The best chance we have to defeat terrorism and the anarchy it seeks is to widen the application of law and the institutions, including international ones that make law more plausible, acceptable and, in the end, enforceable.

Strategies of going it alone, doctrines of unilateralism must be reviewed with care. Nothing plays more into the hands of terrorists than America lashing out. Nothing is more difficult for them than international solidarity. Americans would be wise to craft strategies which are based on our original revolutionary appeal to a decent respect for the opinions of mankind.

We used to have a doctrine of MAD, mutually assured destruction, between 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 an American intervention could easily trigger an Iraqi bi-

ological attack on Israel which could be met by a nuclear response. Not only would we be the potential precipitating actor but our troops would be caught in crosswinds and crossfire.

□ 2350

This is a strategic precipice we should step back from.

The United States today faces a series of challenges unprecedented in our history.

The 20th century was symbolized by three great international struggles: World War I and the challenge of aggressive nationalism, World War II and the battle against fascism, and the Cold War challenge of defeating communism.

Now the United States is confronted with the menace of international terrorism, a phenomenon as old as recorded history, but with elements that are new because of the potential for access to weapons of mass destruction (WMD), the manipulation of religious precepts, and the transnational character of international terrorism in a globalized world.

At issue today is the potential crystallization of these challenges in the Iraqi regime of Saddam Hussein, and the appropriate response of the United States and the world community.

In American history explaining what we do and why we do it is important. Our first revolutionary document, the Declaration of Independence, was an exposition of political philosophy and an explanation of grievances that compelled Americans to act. Today, in a world in which rumor and paranoia and distrust is pervasive, we are obligated to be precise in laying out our objectives and the rationale for military or other actions.

In this regard, there is in Eastern history a hallowed intellectual methodology for determining when a particular military intervention may be considered ethical. This doctrine, developed by ecclesiastics and jurists, followed by statesmen, instinctively accepted by the peoples of many countries in tradition and right, is the doctrine of just war. What is this doctrine? Briefly, it holds that for war to be considered just, it must be animated by a just cause and informed by righteous intention, that it be undertaken by lawful political authority and only as a last resort, and that resort to force be proportionate to the nature of the wrongs committed.

The just war issue is relevant for two inter-related reasons. First, the issue of war involves the gravest of moral questions. Second, not merely the theory but the history of international relations since the First World War embodies distinctions between just and unjust causes of war. The Covenant of the League of Nations, the United Nations Charter, and the Charter of the Military Tribunal at Nuremberg all reject the doctrine of *realpolitik*, the anarchical notion that ours is a Hobbesian world where might makes right.

Although there is a "realist" school of international relations theory which asserts that raw national interest considerations alone should govern all policy making, the more progressive view is that modern world politics are founded upon a conception of international society analogous to the laws and customs of coercion in domestic societies, that resort to violence in international affairs must be regarded either as response to lawful police action or crime. In other words, resort to armed force in international affairs is legitimate only if it is used on behalf or in service to the funda-

mental principles and purposes undergirding international law.

Thus the moral philosopher Michael Walzer observes that "aggression is the name we give to the crime of war." Indeed, the founders of the United Nations were determined, in the words of the Charter, "to save succeeding generations from the scourge of war . . . and to ensure, by the acceptance of the principles and the institution of methods, that armed force shall not be used, save in the common interest." Similarly, the Charter obligates the Member States of the UN to "settle their international disputes by peaceful means," as well as "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any manner inconsistent with the Purposes of the United Nations" (Articles 2(3) and 2(4)). Instead, the Charter attempts to enshrine a system of collective security in which the security Council is authorized to "determine the existence of any threat to the peace, breach of the peace, or act of aggression" and to "decide what measures shall be taken . . . to maintain international peace and security" (Article 39).

In postwar American diplomacy, the classic exposition of this principle was stated by President Truman in October 1945, when he declared that the fundamentals of American foreign policy would rest in part on the proposition "that the preservation of peace between nations requires a United Nations Organization comprised of all the peace-loving nations of the world who are willing to use force if necessary to insure peace."

The concept of international law enforcement through collective security, therefore, is embodied in the UN Charter and is an integral part of international law, as well as—through the Supremacy Clause—the law of the United States.

Here, the constitutional duty of Congress is clear. Not only does the Constitution vest the power to declare war in Congress, but also it further contemplates that a status or condition fairly described by armed hostility between the U.S. and another state—whether a declared or undeclared war—must be legislatively authorized.

The framers of the Constitution believed that the gravest of all governmental decision—the making of war—should not be the responsibility of a single individual. It should be taken by a democratically elected, geographically and socially balanced legislature after careful debate and deliberation. It would either be tyrannical or irresponsible for a Congress of, by, and for the people to shirk its responsibility and transfer the power to make war to the Presidency. In America, after all, process is our most important product.

In this context, neither the Congress nor the Executive can duck the fundamental question of Constitutional fidelity.

Perspective is always difficult to apply to events of the day, but it would appear that in wake of the events of 9/11 a watershed in American history occurred. A concerned terrorist attack was perpetrated against our institutions, people, and way of life. The imperative to respond is clear. Less clear how and against whom.

In the period following 9/11 the Executive Branch began to articulate a bold new doctrine

of national security, both to shape our response to the new dangers of international terrorism and to define a new vision of leadership for the United States in world affairs.

According to this new national security concept, the United States should be prepared to act decisively and unilaterally to eliminate potential terrorist threats. Because suicidal terrorists use anarchist techniques rather than rely on traditional armies, the case for America to reserve the right to take preemptive, anticipatory military action in the name of self-defense must be considered. In practical terms, since terrorist groups may either be assisted by foreign powers, or seek sanctuary in weak countries with limited control of their own borders, the option to intervene in another nation-state to constrain rogue behavior cannot be ruled out. Likewise, the doctrine contemplates the need to counter the threat that certain despotic regimes—like those the President labeled as evil: Iran, Iraq and North Korea—may develop or actually possess weapons of mass destruction and threaten to use them or put them in the hands of terrorists. In addition, because our own power is so disproportionate, and because the threat from international terrorists so grave, the strategy suggests that America need no longer be constrained in its actions by international rules, treaties, and even traditional security partnerships.

While elements of the new doctrine are not new, the public articulation of a doctrine of preemption is in fact a novel departure. In terms of precedents, the Congressional Research Service reports that the U.S. “has never, to date, engaged in a ‘preemptive’ military attack against another nation. Nor has the U.S. ever attacked another nation militarily prior to its having first been attacked or prior to U.S. citizens or interests having first been attacked, with the singular exception of the Spanish-American War.” The latter being unique, in that the principal stated goal of U.S. military action was to compel Spain to grant Cuba its political independence.

There is of course ample precedent for the United States using its military to intervene in other nations to support our national security interests. Citing the Monroe Doctrine, which outlined American objection to European colonialism in this hemisphere, the United States intervened repeatedly in the Caribbean and Central America in the 19th and 20th centuries. In addition, the U.S. employed overt military force to seek regime change in Mexico in 1914 and Panama in 1989, as well as covert action in Iran and Central America in the 1950s.

Of greater historical relevance, the most significant instance in which the U.S. seriously contemplated preemptive military action was during the Cuban missile crisis of October 1962. Despite the introduction by the Soviet Union of nuclear-capable ballistic missiles into Cuba that could threaten most of the eastern United States, President Kennedy considered and rejected preemptive options, imposed a U.S. military “quarantine” around Cuba, and ultimately reached a peaceful diplomatic solution.

Hence it is imperative that Congress and the American people debate the long-term foreign policy consequences of a potential, largely unilateral, strike against Iraq that may well not be supported by many of our historic allies. It is also crucial that Congress review the logic and implications of a new global strategy

apparently premised on go-it-alone interventionist themes which, if taken to extreme, could erode the foundation of the rule-based, post-World War II international system the United States largely helped to create.

While the threat of transnational terrorism self-evidently requires a robust response, the implication of the United States using its extraordinary power and authority at this critical juncture in world history to enshrine and legitimize the principle of preemption as a basis for conduct in international relations is profound. One need only to contemplate the application of this principle by others elsewhere, such as South Asia, the Taiwan Strait, or the Middle East, to grasp its potential reach.

It is suggested to many around the world that the United States may be disproportionately relying on military power rather than the strength of law and persuasion to attempt to “lock in” a favorable order that commands the allegiance of others. In the language of political scientists, our new approach could suggest a strategy less of transformation than dictation.

The question is not simply whether the new doctrine of preemption has a modicum of legitimacy—the events of 9/11 suggest it does—but whether it is applied with proper judgment and appropriate restraint. The greater the power, the more important it is used with care. Otherwise, the danger is the use of force will be viewed as hubristic with its application likely to be counterproductive. Iraq is a case in point. The goal of regime change must involve an approach that enhances rather than retards international support for core American values like democracy and respect for individual rights. Engaging in war the wrong way can jeopardize the outcome not only of the underlying conflict against terrorism but American leadership on a host of international issues from arms control to commerce to the environment.

Unilateralist approaches sow unease and distrust of American power and American motives from Brussels to Johannesburg, from Sao Paulo and to Seoul. They dissipate reservoirs of good will for the United States and reduce, rather than expand, the pool of cooperation that we can draw on in the future.

The nature of the foreign policy challenges we face—curbing the proliferation of weapons of mass destruction, eliminating terrorism, combating the spread of diseases like HIV/AIDS, promoting free trade and market economics, advancing respect for human rights and the rule of law—cannot be met by one country, no matter how powerful, acting alone.

Three years ago in one of the most irrational acts of the Senate in the 20th century a comprehensive test ban (CTB) was turned down. Upon taking office, the Bush Administration concurred in this judgment, and then in a little noticed decision rejected a protocol that had been long in negotiation to the Biological and Toxin Weapons Convention (BWC) which would have added new verification provisions to that treaty. Ironically, if a CTB had been ratified, there would be more worldwide support for U.S. efforts to deter small states from obtaining nuclear arms and if the BWC protocol had been adopted the case for inspectors entering Iraq would be iron clad.

Count me among those who believe Saddam Hussein must be removed from office and his weapons of mass destruction destroyed, but also as one who is concerned

with the unilateral veer in American foreign policy. We cannot lead the world unless we pay attention and, to the maximum degree appropriate, give respect to the judgments and opinions of others.

Policeman for the world is a lonely beat. It makes us a target. More, not less, vulnerable.

Leadership requires resolve; it also demands restraint, and an understanding that there are both prudential and real limits to America's unparalleled power. Likewise leadership requires magnanimity, an understanding of what causes people to rebel, and an uplifting, inclusive vision of a world order which realistically deals with the causes of conflict.

At issue with the Iraqi crisis is less an outcome where individual nation-states may be winners or losers, but one in which the international system has an enormous stake. From challenge springs opportunity. Hopefully, once the storm clouds have passed, the international community will be able to conclude that the United Nations has functioned as its founders intended. But if this conflict is not resolved in a way that upholds the authority and the credibility of the United Nations, our current international structure will be seriously degraded and grievously jeopardized.

In this regard, as the prospect for conflict increases, the danger of unintended martyrdom also rises. The United States must be careful to ensure that its policies do not turn a tin-horn Hitler into an Islamic Allende.

Hence I would urge the Administration to make it clear to Saddam that in the event he continues to defy the will of the United Nations he will inevitably find himself in the docket before Nuremberg-like proceedings—either the newly established International Criminal Court or perhaps an ad hoc tribunal—for egregious violations of internationally recognized human rights and arms control conventions.

Potentates, whether petty or mighty, who through violation of international law attempt to take the world hostage must be held accountable.

Likewise, the U.S. and UN should make clear that if any individual in Iraq participates in usage or unleashing of a weapon of mass destruction, they also will be held accountable as war criminals.

Tragically, the United States has not been able to become a party to the new ICC, which will be the first permanent international court with jurisdiction to prosecute the most heinous individual violators of human rights—genocide, war crimes, and crimes against humanity.

By background, the United Nations, many human rights organizations, and many U.S. allies have expressed support for the new court. The Administration, however, has renounced any U.S. obligations under the treaty.

Although the U.S. has valid concerns about the ICC—chiefly that the ICC might become politicized and capriciously assert jurisdiction over U.S. soldiers or high officials charged with “war crimes”—our belligerent opposition to the Court also carries obvious downside risks to American leadership.

America's well-deserved reputation as a champion for human rights and extension of the rule of law has been called in question. Our efforts to play hardball in the UN Security Council by threatening to withhold support for UN peacekeeping missions unless the U.S. is granted immunity from the ICC alienated friends and allies abroad. The withholding of

military assistance to members of the ICC may be seen as an attempt to undermine the court and influence the decisions of other countries to join the ICC. By demanding special treatment in the form of immunity from the ICC, the United States is seen as bolstering the perception of its preference for a unilateral approach to world affairs and a determination to operate in the world exclusively on our own terms. As a result, U.S. efforts to build coalitions in support for the war against terrorism as well as the enforcement of UN resolutions against Iraq may have been impaired.

As an early advocate for the establishment of a permanent international criminal court based on balanced recognition of international statutes, I confess to being chagrined both at the inability of the international community to accommodate legitimate American concerns, and the all-or-nothing approach of our government that has left us without effective means to ensure that the ICC operates in ways that are consistent both with credible rule-of-law principles and with sensitivity to U.S. interests designed to advance democratic governance.

The problem is that as a great power called upon to intervene in areas of the world or disputes such as the Balkans, Afghanistan and troubled areas of the Middle East, the U.S. is vulnerable to charges being leveled against actions which we might reasonably consider to be peacekeeping, but another power or government might charge to be something very different. For instance, what would happen if Serbia were to bring a case against an American naval pilot when such a pilot is operating under both a U.S. and NATO mandate? The President has suggested we should, exclusive of all other countries, be allowed to veto over applicability of international law with regard to the ICC. Many other countries, including strong U.S. allies, have angst about this demand because they see this approach as establishing the principle of one country being entitled to operate above the law.

This is not an irresolvable dilemma. When the ICC treaty was under negotiation, it was the assumption of many that the Security Council where all the permanent members have a veto would play a determinative role in bringing matters better the ICC. If such was the case, the United States because of its veto power within the Security Council could fully protect itself as could the other permanent members. Unfortunately, because the past administration played an ambivalent role in development of the treaty, it failed to get the nuances right. This common sense approach was not adopted and the Bush administration was put in the embarrassing position of objecting to an important treaty because of the failed diplomacy of its predecessor.

Based on discussions with European officials it is my understanding that there may be an inclination to seek a reasonable compromise on treaty language, even at this late date. It would appear to be an umbrage to many countries to craft a provision excluding the United States alone from ICC jurisdiction, but it would seem reasonable on a process basis to return to a Security Council role. On this basis the U.S. and the international community could be credibly protected.

The court would function as a treaty organization founded on state consent, while respecting Security Council authority to refer any matters affecting international peace and security to the court's jurisdiction. This approach

has the advantage that it does not make a pure exception for the United States. Understandable concerns of some countries about inequitable protection of the nationals of permanent members of the Council would need to be balanced against the enhanced durability and legitimacy of the court. A protocol to the Treaty ensconcing this approach should be actively pursued today.

Laws, to be effective, must constrain governments in their foreign policies as well as individuals in domestic acts. In order to hold governments accountable there must be individual accountability at the highest as well as lowest levels of society. Justice must be brought to the international frontier or life for too many will, in Hobbes' piercing phrase, continue to be "nasty, brutish, and short."

The central issue in classic just-war theory is the cause question. Just-war theorists from Augustine to Grotius typically referred to an offense that was a just cause for war as an "injuria," a term that meant both injury and injustice. There were three generally accepted just causes of war: defense against aggression, recovery of property, and punishment. Wars waged for the first cause were by their nature defensive. Wars taken to avenge injustice and to punish the perpetrators of injustice were offensive in the sense that defense of one's own territory was not necessarily at issue.

It is sometimes forgotten that the United States is engaged in military combat operations over Iraq almost every day, maintaining "no-fly" zones over the northern and southern parts of the country. A decision by Iraq to ban almost all U.N. inspections on October 31, 1998, led the U.S. and Britain to conduct a 4-day air operation against Iraq on December 16–20, 1998 (Operation Desert Fox). The two allies launched approximately 415 missiles and dropped more than 600 bombs targeted at Iraqi military and logistical facilities. Since the December 1998 operation, the U.S. and Britain have carried out air strikes against Iraqi air defense units and installations on a frequent basis, in response to Iraqi attempts to target allied aircraft enforcing the no-fly zones. However, to launch a full-scale military invasion of Iraq, fully considering its potential consequences, based solely on violations of the no-fly zones would appear to be out of proportion to the offense occasioning it.

A potentially more compelling basis for just cause would be action undertaken in self-defense, in this case anticipatory self-defense.

Although the UN Charter is premised on the concept of collective security, it is important to recognize that the Charter also recognizes the right of nations to use force for the purpose of self-defense. Article 51 provides that nothing in the Charter "shall impair the inherent right of individual or collective self-defense" in the event of "armed attack." The question, of course is what constitutes armed attacks.

In this regard, no American administration has ever sought to give an expansive interpretation to the definition of an armed attack. Indeed, none of our interventions since the end of World War II have relied for justification on the doctrine of preemptive attack.

Tellingly, when the United States was directly threatened during the 1962 Cuban missile crisis, President Kennedy did not invoke any notion of "anticipatory self-defense." While the risks of nuclear conflagration were high, the president's legal arguments were

conservative: the imposition of a naval quarantine was justified by reference to the regional peacekeeping provisions of the U.N. Charter. More recently, when America has claimed self-defense, it has been in less controversial settings—citing a clearly defined threat to U.S. citizens or, after September 11, the need prevent a second attack by hostile terrorists.

Rather than expanding the scope of preemptive attack, American statesmen have historically played leading roles in carefully limiting the doctrine.

The classic formulation of the right of preemptive attack was provided by secretary of State Daniel Webster. In 1837, the British sought to stamp out a simmering revolt in Canada that had received support from private militias in the United States. To cut off this source of support, British troops launched a night raid into New York, burning an American ship and sending it over Niagara falls.

Some five years later, Secretary of State Webster reached an agreement with the Foreign Office that prohibited future cross-border raids. Preemptive force under customary international law could be justified only if there was a "necessity of self-defense, instant, overwhelming, leaving no choice of means, and no moment for deliberation," and if the use of force in such circumstance were proportional to the threat—not "unreasonable or excessive." Webster's formulation remains the core sense of international law today.

Some might object that these standards are unreasonable and inappropriate for a new era of global insecurity hallmarked by the threat of stateless terrorism. On the other hand, it surely cannot be in our interest to legitimize war by hunch. The danger is that new standards we seek to reserve exclusively for our use become legitimate as well for other nations—such as Russia, China, India and Pakistan. Do we want to empower others to claim that issues relating to self-defense are not a proper subject of international concern, but are solely unilateral national decisions unreviewable by any state or multilateral organization? Without clear standards, whenever a nation believes that its interests, which it is prepared to characterize as vital, are threatened, then its use of force in response would become permissible.

As to the precise nature of the threat posed by Saddam, the historical record is well-known. Saddam Hussein is a menace to his own people and a continuing threat to the Middle East and the Persian Gulf. Saddam is without question an international criminal with a long rap-sheet.

He began successive wars of aggression against Iran and Kuwait, amassed a large inventory of chemical and biological weapons in violation of the Biological and Toxin Weapons Convention (BWC), and has feverishly sought to build nuclear arms in violation of the Nuclear Nonproliferation Treaty (NPT). On the orders of Saddam Hussein, his army committed some of the worst war crimes in half a century, gassing Kurdish villages and killing thousands of innocent civilians. Even after its defeat in the Persian Gulf War, Saddam sought to hide and even reconstitute his weapons of mass destruction in violation of numerous UN Security Council Resolutions. There is little dissent, therefore, from the proposition that the Iraqi regime represents a continuing threat to the region and a challenge to international

order. Indeed, regime change has been the official policy of the United States under two presidents, Bill Clinton and George Bush, since 1998.

What is the urgency of the current threat from Saddam Hussein? Despite some uncertainties, a great deal is known about Iraqi military capabilities, particularly its conventional forces.

Despite the loss of some 40 percent of its army and air force as a result of the Gulf War, Iraq remains a major military power by regional standards. Iraq still has armed forces with around 425,000 men, with some 2,200 main battle tanks, 3,700 other armored vehicles, and 2,400 major artillery pieces. It also has 300 combat aircraft with potential operational status.

By all accounts, sanctions and the impact of the Gulf War have had a substantial negative impact. The regime's inability to recapitalize and modernize its armed forces means that much of its nominally large military capacity is either obsolescent or obsolete, with doubtful combat readiness, and will be difficult to sustain in combat.

Much more ominous are Iraq's weapons of mass destruction. By way of background, UN Security Resolution 687, passed in April 1991, established the formal cease-fire between Coalition forces and Iraq. Key among the terms was the prohibition against Iraq retaining, acquiring, or developing WMD and long range missiles. In addition, there was a demand that Iraq unconditionally accept the destruction, removal or rendering harmless its WMD under international supervision. However, from the start of United Nations Special Commission (UNSCOM) in 1991 through their termination in 1999 Iraq engaged in the techniques of deception and denial in order to conceal the full extent of its WMD programs. Although there were some successes in defeating Iraq's concealment efforts, many other failed.

In December 1999, one year after UNSCOM left, the UN Security Council passed Resolution 1284, reaffirming all previous UN Security Council resolutions, disbanding UNSCOM, and establishing the UN Monitoring, Verification, and Inspection Commission (UNMOVIC). Until September 16, Iraq had rejected resolution 1284 on the grounds that it does not set a clear timetable or criteria for lifting sanctions. Although the Iraqi position may well be a ruse, Baghdad now claims with semantic waffling to be willing to allow the return of weapons inspectors without conditions.

As is well known, on the eve of the Gulf War, and in violation of its commitments under the NPT, Iraq was on the verge of producing significant amounts of heavily enriched uranium that would have allowed it within two or three years to produce a nuclear weapon. Fortunately, the Gulf War heavily damaged Iraq's nuclear facilities. By the end of UN inspections in 1998, the International Atomic Energy Agency (IAEA) was confident that Iraq's indigenous nuclear weapons program had not produced more than a few grams of weapons useable material. However, Iraq's nuclear potential was not completely eliminated. The scientific and technical expertise of Iraq's nuclear program survived, and Baghdad has tried to keep its core nuclear teams in place working on various civilian projects.

Publicly available consensus analysis produced by the London Institute of International Strategic Studies and others suggests that:

Iraq does not possess facilities to produce fissile material in sufficient amounts for nuclear weapons, that it would require several years and extensive foreign assistance to build such fissile material production facilities, but that it could assemble nuclear weapons within several months to perhaps one or two years if it could obtain relevant fissile material.

Prior to the Gulf War, Iraq produced Biological Weapons (BW) agents in volume. Subsequent to its invasion of Kuwait, Baghdad accelerated large scale BW agent production and assembled rudimentary BW munitions. These weapons were distributed to military units, who were delegated to use them if allied forces advanced on Baghdad or used nuclear weapons. Most of the regime's key BW facilities, which had been hidden from Western intelligence agencies, escaped attack during the Persian Gulf conflict. But in violation of the BWC that Iraq ratified as a condition of the 1991 Gulf War cease-fire agreement, Saddam continued to conceal his BW program until 1995. Since December 1998 when UN inspectors left the country, there has been virtually no verifiable information about the status of Iraq's BW program.

Credible, public reports suggest Iraq can produce new stocks of bulk BW agent, including botulinum toxin and anthrax. BW agent could be delivered by short range munitions including artillery shells. Delivery by ballistic missile is more problematic. Refurbished L-29 trainer aircraft could operate as weapons-carrying unmanned aerial vehicles (UAVs) with a range of over 600km. Such UAVs might be considerably more effective than ballistic missiles in delivering CBW. Commando and terrorist attack is also possible.

The best estimates of the current situation suggest that: (1) Iraq has retained substantial growth media and BW agent (perhaps thousands of liters of anthrax) from pre 1991 stocks, and the regime is capable of resuming BW agent production on short notice at existing civilian facilities and in new mobile laboratories; (2) it could have produced thousands of liters of anthrax, botulinum toxin and other agents since 1998, but actual stocks are unknown.

As is well known, Iraq used chemical weapons extensively against Iranian troops from 1982-1988. In the years immediately prior to the Gulf War, Iraq made further progress in developing binary chemical munitions, producing and weaponizing the advanced nerve agent, VX. The Gulf War however devastated Iraq's primary CW production facilities and a large portion of its stockpile of CW munitions.

Through 1998, UNSCOM was able to dispose of large quantities of CW munitions, bulk agent, precursors and production equipment that were not destroyed in combat. In addition, unless Iraq has managed to modernize its 1990-era special warheads, its ability to disseminate effectively CW agent on ballistic missiles is questionable, since so much agent would be destroyed on impact. Iraq's known ability to marry chemical warheads to its rocket and artillery pieces (with ranges up to about 18.5 miles) could complicate operations for opposing forces, who would be required to wear protective gear.

The best publicly available assessment of the current situation is that: (1) Iraq has probably retained a few hundred tons of mustard and precursors for a few hundred tons of sarin/cyclosarin and perhaps similar amounts

of VX from pre-1991 stocks; (2) it is capable of resuming CW production on short notice (months) from existing civilian facilities; and (3) it could have produced hundreds of tons of agent (mustard and nerve agents) since 1998. Actual stocks, however, are not known.

Iraq of course prohibited by UN Resolutions from possessing ballistic missiles with a range greater than 150km. In the 1970s Iraq began to import Scud B missiles with a range of 300km from the Soviet Union and acquired roughly 820. In the 1980s Iraq worked to modify the Scud missiles in order to double their range. The new missile, called the al Hussein, with a range of 650km, was used during the war against Iran. In the wake of the Gulf War, much of Iraq's missile infrastructure lay in ruins. Moreover, the U. S. and U. K., during Operation Desert Fox in December 1998, attacked a number of missile related facilities.

During the inspections period Iraq continued to conduct small scale covert research and development on proscribed missiles. In addition, Iraq continued missile related procurement efforts. UNSCOM attempted to account for all imported missiles and for indigenously produced missiles, but that accounting was incomplete. It is prudent to assume that Iraq has been able to retain some of its proscribed missiles. Also, it is likely that Iraqi engineers will have been able to increase the range in its short-range al Samoud missiles to 200km with a few hundred kilograms payload suitable for CBW delivery.

The publicly available estimates of Iraq's missile capabilities suggest that: (1) Iraq has probably retained a small force of about a dozen 650km range al-Hussein missiles, which could be armed with CBW warheads, capable of striking Israel, Saudi Arabia, Turkey, Iran and Kuwait; (2) the Iraqi regime does not possess facilities to produce long range missiles and it would require several years and extensive foreign assistance to construct such facilities; (3) it may have a small number of al Samoud missiles with ranges of up to 200km able to strike Kuwait but only if deployed within the southern no fly zone; (4) Iraq is capable of manufacturing rudimentary CBW warheads, while its development of more advanced designs is unknown; and (5) Iraq has been developing very small unmanned aircraft suitable for CBW delivery.

According to the Department of State, Iraq is also a state sponsor of terrorism. Saddam Hussein's brutal regime has provided headquarters, operating bases, training camps, and other support to terrorist groups fighting the governments of neighboring Turkey and Iran, as well as to hard-line Palestinian groups. During the 1991 Gulf War, Saddam also commissioned several failed terrorist attacks on U.S. facilities. After the war, Saddam attempted to assassinate former President Bush. More recently, the question of Iraq's link to terrorism has become more urgent with Saddam's determination to develop weapons of mass destruction, which could be shared with terrorists.

At the present time, there is no hard evidence linking Saddam to the 9/11 attacks, and Iraq denies any involvement. However, his government expressed sympathy for those who attacked us and some Iraq watchers suspect Saddam was at least indirectly involved. In this regard, Czech officials reported last

year that Muhammad Atta, one of the September 11 ringleaders, met an Iraqi intelligence agent in Prague months before the hijackings, but U.S. and Czech officials subsequently cast doubt on whether such a meeting ever happened. Some militants trained in Taliban-run Afghanistan are helping Ansar al-Islam, a Kurdish extremist group that Saddam uses to harass his own Kurdish foes. Finally, al-Qaeda members fleeing Afghanistan have reportedly hid in northern Iraq, but in areas beyond Saddam's control. In addition, evidence has recently come to public light suggesting a wider array of contacts between al-Qaeda and the Iraqi regime than had previously been known, including hospital care for an al-Qaeda leader.

In this context, the case for military intervention at this time rests on three key assumptions: that the containment of Iraq through sanctions is a failed policy; that the Cold War concept of deterrence is no longer a viable strategy for dealing with an erratic Iraqi leadership potentially allied with al-Qaeda or other terrorists; and that new unrestricted weapons inspections, even if Saddam were to agree to them, are unlikely to be effective.

There is perhaps a fourth, albeit often unstated basis for intervention: that deposing Saddam and establishing a democratic, western-oriented government in Baghdad would decisively reshape the politics of the region in a manner highly beneficial to the United States, by delegitimizing the forces of radicalism and creating a powerful model of Islamic modernity and moderation.

Taken together, these assumptions make a compelling case for the United States and the United Nations to seek, both through the enforcement of existing resolutions as well as the enactment of one or more additional resolutions, Iraq's complete and unconditional compliance with all relevant UN resolutions, particularly those demanding the disarmament of its weapons of mass destruction.

To paraphrase the just war theologian Michael Walzer in his discussion of the ethics of Israel's preemptive intervention against Egypt in 1967 and an Iraqi nuclear reactor in 1981, Saddam Hussein, through his continued efforts to develop weapons of mass destruction and their means of delivery has demonstrated a manifest capability and intent to injure, and a degree of active preparation that makes that intent a positive danger. The great judgmental question is, to again cite Walzer, whether in the current situation waiting, or doing anything other than military engaging, magnifies the risk.

It is perhaps likely, even highly likely, that Saddam will ultimately refuse to meet the demands of the world community. Particularly if this is the case, authorization by the Security Council for regime change would be an appropriate response. But there is little evidence that suggests the immediate, urgent "necessity of self-defense," so instant, and overwhelming, as to leave the United States no choice of means, and no moment for deliberation. The case for regime change is compelling, but precipitating a change in leadership is different than going to war with a country and its people.

Containment through targeted sanctions—in effect, coercive arms control—is fraying, in part because of irresolution on the part of key members of the U.N. Security Council, such as Russia and France, and because both Iraq

and key regional states profit from sanctions-busting. According to the General Accounting Office, Iraq may have earned as much as \$2.2 billion last year in illicit exports and oil surcharges. Over time, the breakdown in containment would almost certainly create conditions under which Iraq could produce a nuclear weapon.

Nevertheless, flawed as sanctions may be, published reports in the press this summer suggested many senior U.S. military officers believed that Saddam Hussein poses little immediate threat and have concluded that the United States should for the time being continue its policy of containment rather than intervening directly.

Can Saddam be deterred from aggressive action now and in the future, particularly if he is able to successfully accelerate development of weapons of mass destruction? The evidence is mixed. During the Persian Gulf War, he refrained from using weapons of mass destruction because of American and Israeli threats of nuclear retaliation. He was likewise deterred from again attempting to attack Kuwait in 1994.

Yet he is so hostile to the United States and Israel, so bent on regional domination, his frames of reference and decision-making processes so opaque, and possibly irrational, and his ties to international terrorism such as obvious source of concern, that it is at best an open question whether a nuclear-armed Saddam is ultimately deterrable. In the long run, it is highly probable that no American president can afford to take that risk.

As to inspections, the evidence suggests that an intrusive inspections regime can produce positive results, but can never be fully reliable or completely effective. In their first five years, the United Nations Special Commission in Iraq (UNSCOM) made some progress toward inspecting and disarming Iraq's chemical, biological, and missile materials and capabilities. The so-called IAEA Action Team, did the same for Iraq's nuclear program. The main problem was that UNSCOM was never allowed to fully scan the country or finish its work. Since the Iraqi government terminated its work four years ago, the country has been free of monitoring and inspection.

Just war doctrine focuses on right intentions and prospects for success. Intentions and goals matter in war. A nation should only wage war for the cause of justice, rather than for self-interest or aggrandizement. The issue of intention must be balanced with concern for practicalities as well as consequences, both of which should be considered before declaring war. The decision to go to war must be essentially protective; the goal of war is to obtain a just and durable peace. The ancillary requirement that there must be prospects for success means that the use of arms must not produce negative effects and disorders graver than the evil to be eliminated.

In this case the risks of inaction are real; the risks of action extraordinary. The only certainty is that any military action involving a great power will bring about unintended consequences. It is a distinct possibility but not certainty that conflict with Saddam will be short and decisive, as it was during the Gulf War. It is also possible that a new regime can be found and put in place with as much ability and legitimacy as in Afghanistan.

On the other hand, one should always hope for the best but plan for the worst. America's

greatest living statesman, George F. Kennan, recently made the sage observation that "war has a momentum of its own, and it carries you away from all thoughtful intentions when you get into it. Today, if we went into Iraq . . . you know where you begin. You never know where you are going to end."

Many have expressed concern about the "end game"—the difficulty of potential street combat, of establishing legitimate government, of dealing with the long-term implications for American interests in the Muslim world of an intervention in Iraq. But concern for the "end game" should not cloud the enormous difficulties of the "beginning game." What happens when a strike commences?

What happens to our ability to secure cooperation in the long-term campaign against global terrorism? What about American leadership in the global economy?

From an operational perspective, the assumption in some quarters appears to be that once we initiate conflict Saddam will be on the defensive, hunkering down, perhaps waging defensive guerrilla warfare in the cities and countryside, while the United States and its allies enjoy the initiative.

This may be the case, but Saddam has had a lot of time to strategize on how to maximize American casualties, energize potential support outside Iraq—including terrorists—and increase his martyrdom.

My concern is that Israel may be underestimating the potentially devastating effects of a biological weapons assault while the United States may be understanding the potential of a pan-Muslim backlash.

In terms of military pitfalls for the United States, one "nightmare" scenario involves determined resistance in Baghdad and perhaps other major cities by the Iraqi Republican Guard. Should we be compelled to engage, the casualties on both sides, including civilians, could be substantial.

But the greatest danger that we cannot ignore is the possibility that a campaign against Iraq expands into a wider conflict within the Arab world against Israel. Indeed, it is virtually inconceivable that military intervention against Iraq will not cause an immediate retaliatory strike against Israel. In the Gulf War, Iraq sent 39 Scud missiles against Israel—missiles that could have been but were not tipped with chemical weapons. Chemical weapons were used with some devastation in World War I and in closed settings with gruesome ramifications in the Holocaust. Today the vastly greater danger is biological agents. Biological weapons pose a danger thousands of times greater than chemical weapons. The delivery of such weapons on missiles, unmanned aircraft, by hand and or through the mail could be traumatic for Israel and world society. Likewise, if Iraq were to launch any kind of weapons of mass destruction against Israel, Israel would have to seriously consider a retaliatory response, perhaps including nuclear weapons.

It is also conceivable that action against Iraq, particularly a prolonged campaign with significant civilian casualties, could spark outrage in the Muslim world, and unleash a new surge of anti-Americanism. While there is little support for Saddam Hussein outside of Iraq, there is extraordinary opposition to America going to war against a Muslim country. Terrorism around the world could be supercharged. Even without Israeli involvement, friendly governments in Jordan, Pakistan and

Saudi Arabia might be destabilized. A multi-year, multi-decade or multi-century conflict could ensue.

Should Saddam's hold on power or his personal security be in imminent jeopardy, it would appear probable that he may utilize the techniques of terrorism—possibly including weapons of mass destruction—to defend his regime and wreak revenge on his enemies.

In addition, it is also conceivable that new dangers would emerge with a feeble or hostile successor regime. Chaos, bloodshed and revenge might follow. Weapons of mass destruction might fall into a greater number of hands. An unstable Iraq could be a haven for terrorists and a continuing threat to regional peace.

Indeed, it is impressive how little, not how much we know, especially attitudinally in Iraq and the Muslim world about the potential of American intervention in Iraq. To what extent will support be manifested for Saddam? Will there be disorder, chaos, bloodshed and revenge? Will the Shia turn on the Sunni minority. Will the Kurds seek an independent state?

Moreover, it is important to ponder whether an invasion of Iraq would worsen rather than reduce the threat of terrorists gaining control of weapons of mass destruction. Saddam could decide to disperse his weapons stockpiles, and the scientists who build them, into the hands of global terrorists. Even if he did not order such, in the chaos of war it is conceivable that individual Iraqi commanders and scientists might make their own profit-oriented accommodation with terrorists.

More broadly, it is by no means clear that regime change in Iraq, even if successfully carried out, will significantly diminish the threat from Islamic extremists who share little in common with Saddam Hussein.

Hence the need for the United States to pursue a vigorous two-pronged approach in the Middle East: intensified efforts to resolve the Palestinian-Israeli conflict and greater focus on economic development and democratization in the region.

The importance of resolving the Israeli-Palestinian standoff cannot be underestimated. We know from attitudinal surveys that Muslims generally like Americans and admire American culture. Many have chosen to immigrate to the United States. They do not, however, trust our government. To win the war on terrorism we will have to convince Muslims throughout the world that we are, in fact, favor justice and the creation of just societies everywhere.

All Americans understand we share a common concern for the fate of the Israeli people and the viability of the Israeli state. The commitment of the United States to Israel must be bedrock. We must support Israel and help bring peace and stability to the region. There must be continuity of commitment, but there must also be recognition of opportunities to lead. Unfortunately, critical opportunities have been lost in partial measure because Presidents were imperfectly skilled and in some cases wanted to operate in relationship to timing they hoped to control rather than in relationship to circumstances and events in the region.

For example, optimism surrounded the Oslo accord precipitated by President Bush's father. Yet the United States lagged in efforts to push immediately thereafter the logical steps that should have been taken to create a long-term framework for peace. To his credit, President

Clinton pressed at the end of his administration for a breakthrough agreement. At Camp David, Arafat turned his back on the most forthcoming peace proposal Israel has ever formally made. The tragedy of Arafat was not that he had to accept every parameter of the proposal put forward by Prime Minister Barak, but that he failed to make a counteroffer, thereby destroying prospects for peace, implicitly thumbing his nose at Israel and the prestige of the American presidency.

Following the breakdown of the Camp David talks in July 2000, and the subsequent outbreak of violence on September 28, the sides nevertheless agreed to continue negotiations at lower levels during December and January 2001 at the Egyptian town of Taba. As President Clinton left office, Barak's government had but a few weeks of life left before the election that brought Ariel Sharon to power. The outbreak of the violence had made it unlikely that Israelis would approve any proposal of concessions to the Palestinians in a referendum. Nonetheless, both sides hammered out proposals that came much closer to each other's positions than before.

No official summaries of the proposals were issued, but subsequent leaks provided some details. The Palestinians, according to Israeli sources, agreed to a map that would allow Israel to keep most of its settlements and about 4 percent of the territory.

But given the short time left to the Barak government, the preoccupation with the transition in Washington, and the continuing violence, the proposals came to nothing. Both sides had agreed that the proposals would be binding only if they resulted in an agreement. The joint communique noted, however, that foundations had been laid for future discussions.

The new administration held that President Clinton had attempted to negotiate on his time frame and increased tension by seeking a resolution that was not ripe. My sense is that the Bush team was half right. President Clinton had pressed on his time frame but erred by being tardy instead of premature. If pressed two or three years earlier by the Clinton Administration, the Barak approach would have been more sympathetically received. And if the Taba framework had been immediately pressed on the parties by the new Bush foreign policy team which was initially so well received in the Arab world, quite possibly a breakthrough agreement could have been made.

Two opportunities for resolution of the Israeli-Palestinian issue, one in this and the other in the prior Administration, were not grasped and this circumstance hangs like dangling fruit to terrorists the world over.

The major US foreign policy concern in the region must be resolution of the Israeli-Palestinian issue. All administrations at all times must dedicate themselves to this challenge. In this context, the need to achieve peace between Israel and the Palestinians is of far greater significance than waging war with Iraq. Whether we like it or not, whether it is fair or rational or not, we are simply in a far better position to deal in whatever way we choose with Iraq after an Israeli-Palestinian settlement. It is a far less favorable circumstance if we attempt to deal with Iraq beforehand.

Some contend that Israel is in a far stronger strategic position if the United States quickly and successfully disarms Iraq. This may be

the case. But no country carries greater risks during the conflict and in its aftermath than Israel if intervention proves messy, if Iraq is able to unleash an attack on Israel.

In the Middle East, there are two sets of value scales. From a Western perspective, the case for creating and protecting the state of Israel because of the history of pogroms and the Holocaust is compelling. From a Muslim perspective, an argument can be made that Arab peoples have a historical claim to parts of the Holy Land and its holy places and no responsibility for the Holocaust. The challenge is to take these juxtaposed value systems and reach a reconciliation both sides can respect and live with on a long-term basis. My sense is that somewhere around the points laid on the table at Camp David and Taba there is a basis for a credible resolution, but it is very doubtful given the current state of enmity and distrust between the parties that slow-paced, partial steps can lead incrementally to a larger vision of peace and accommodation.

Nation-building was used pejoratively during the last campaign, but America has no choice but to do more ourselves and to press our allies much more forthrightly for assistance to Afghanistan, a country in which we effected a constructive change of government. For all the unfortunate consequences that can sometimes befall policy, we are most fortunate to have a leader in charge that the world can respect. This circumstance, however, may change quickly based on reaction to actions inside and outside of Afghanistan. A U.S. war with a Muslim country will have wide consequences elsewhere, some good, some bad, most unpredictable.

Here it should be noted that there has been relatively little discussion about the commitments, likely to be of a long-term character, that Washington must undertake after a military campaign against Iraq. The term "regime change" does not adequately describe the full scope of what we expect to achieve as a result of a military campaign in Iraq. We would be expected to work with Iraqis, including those outside Iraq, to both develop a new constitutional structure as well as find credible post-Saddam leadership—leadership that hopefully would share our objectives with respect to the elimination of weapons of mass destruction, development of democratic institutions, etc. We will almost certainly need substantial forces on the ground in order to prevent bloodletting, secure important economic and military assets, and prevent possible Iranian meddling. And although Iraq has substantial oil reserves and therefore a better resource base than Afghanistan from which to assist in financing reconstruction, the costs of humanitarian assistance and rehabilitation could nevertheless be in the billions of dollars.

We lack firm estimates of the domestic cost to the U.S. of a potential conflict. Seat of the pants White House estimates range from \$100 billion to \$200 billion, with the price of oil estimated to rise to perhaps \$30 a barrel for some unknown period of time. More recently, the Congressional Budget Office estimated that fighting a war with Iraq could cost the U.S. between \$6 and \$9 billion a month, with preparing for a conflict and terminating it later adding other \$14 billion to \$20 billion to the total.

The 1991 Persian Gulf War cost \$60 billion in 1991 dollars, with the brunt picked up by

our friends and allies, notably the Kingdom of Saudi Arabia, Kuwait and Japan. It is unlikely there will be comparable help in defraying the costs of a military action and any subsequent nation-building in Iraq.

Our war aims with Iraq also need clarification. The goal of the U.S. should not be the total disarmament of Iraq, as some appeared to have called for, but the elimination of his weapons of mass destruction. Disarmament implies that Iraq cannot have an army, a proposition no sovereign state is likely to accept. Indeed, Western policy in the region for decades advocated a balance of power, not vacuum of power. The reason to distinguish the elimination of weapons of mass destruction versus total disarmament is more than theoretical. U.S. policy should be based on establishing a strong unitary Iraq with a professional army accountable to democratic forces. As we proceed toward possible invasion, the goal should be to seek the Iraq army to identify with the United States, not Saddam.

The challenge is to make it clear that our goal is more democracy, prosperity, and the uplifting of Iraqi society, one which can lead the Muslim world with a model of modern democracy and prosperity.

Saddam is a rogue leader, but Iraqis are not a rogue people. Care must be taken to distinguish the leadership from the country itself. No country or peoples are intrinsically evil, though individual leaders such as Saddam can clearly be malevolent.

In historical terms, Saddam is a Stalinist. The case for regime change is real, but the prospect of our demolishing Iraqi society or Saddam blowing up his own country's infrastructure—bridges and oil fields—is not a happy one. Perhaps the prospect of such a catastrophe will lead to regime change precipitated internally, which could be the maximum outcome for all.

In Just War theory, the criterion of right authority determines who is to decide whether or not resorting to war is justified.

Reasonable men and women can agree in a "just war" context on the moral and legal authority of the President, acting with the express authorization of the Congress of the United States, to initiate a police action to enforce international law.

Likewise, reasonable men and women generally ought to be able to agree on the moral and legal authority of the Security Council to authorize the enforcement of UN resolutions requiring a country to abide by international conventions on weapons of mass destruction.

It should be self-evident that while a country like the United States has an obligation to protect its citizens without a formal UN resolution, it is vastly preferable for American strategy to be based on formal international support.

UN support would impress upon Saddam Hussein that he is not just facing a United States Administration, but the will of the world community. Security Council endorsement would bolster American security by helping make it politically possible for others to join in enforcing international law and by undercutting the legal and moral base of those who might object.

In this context, the President is to be commended for taking the case to the United Nations. He is to be commended for endeavoring to reach out to the world community by deciding that the United States should rejoin UNESCO. He is to be commended for laying

out the challenges Iraq poses to the world community and to the region. He is further to be commended for bringing his case to the Congress.

Words matter. Care must be taken in their use. Words lead to processes that sometimes make careful judgments difficult to obtain. At this time, for instance, the case for regime change is powerful. But this does not necessarily mean that urgency for military intervention, even with UN authorization, is compelling. There have been too many instances in history where leaders have boxed themselves in with words, and when actions tied to words may cause, domino fashion, further actions to transpire which might not be contemplated or warranted by the initial statements made.

Utterance restraint is an attribute that has received less attention and less approval than should be the case in statesmanship. In this context, the unintended consequence of describing countries as evil and personalizing strategic doctrines must be recognized.

In Vietnam, for instance, the basis for our engagement stemmed more from a domino theory of decision-making than the more widely discussed domino government-toppling potential. When American presidents make statements, policy decisions can result which lead to actions which may not fit the circumstance in which the statement was originally framed.

More recently, in the Balkans, America got involved after giving a series of warnings that if Serbia didn't go along with the Rambouillet Accord, the United States and NATO would intervene. The United States made threats which were not taken seriously by adversaries which led to intervention that might not have occurred if the warnings weren't made. The decision to intervene was made in part because of a concern about preserving presidential credibility, and the need to make a particular president's words meaningful, despite the fact that few Americans knew the president had made statements in this arena.

In the case before us it is suggested that authorization for use of force may cause others to act in such a way as to make use of force unnecessary. But the greater problem seems to me to be problem of a leader who pushes for authorization and then faces the question of follow through. The logic is force may not be inevitable but its authorization surely makes a decision for restraint difficult.

There is a thin line between the exercise of superpower responsibility and the prospect of superpower folly. The timing, perhaps more than the substance of this resolution is in doubt. Judgment and timing must go hand in hand. It may have been a mistake back in 1991 not to have pursued Saddam because of our assumption that the Iraqi people would come to their senses and replace him. But that failure to act does not necessarily legitimize assumptions that intervention today can legally be carried out in the context of resolutions both Congress and the UN applied a dozen years ago. The greatest legal case against Saddam relates less to Security Council resolutions than his development of biological weapons which contravene international law and jeopardizes the health of the region.

In general, the criterion of last resort has a common sense interpretation in which it functions as a reminder that the resort to violence must be, to a significant degree, reluctant. It enjoins us to make serious efforts at peaceful

resolutions of our political problems before going down the path of war. The term "peaceful" is itself open to varied interpretations, but is usually taken to include a comprehensive range of nonviolent methods that may involve "coercive diplomacy," including sanctions of an economic and political character.

The principle of proportionality evaluates the effects or ends of war. In this regard, proportionality is "counting the costs" or cost-benefit analysis. In just war theory this principle insists that there be due proportion, that is, less evil following from acting rather than not acting in the manner contemplated. War is not justifiable if it will produce more death and destruction than it prevents. Understood properly, proportion has the potential for overriding just cause.

Although Iraq is clearly a menace, there is little evidence to suggest that it poses a direct and immediate threat to the vital interests of the United States sufficiently grave as to lead to no other credible alternative to war. As former NATO commander General Wesley Clark testified before congress, "There is nothing that indicates that in the immediate—the next hours—the next days—that there is going to be nuclear missiles put on launch pads to go against our forces or our allies in the region. And so I think there is, based on all the evidence available, sufficient time to work through the diplomacy of this."

Former National Security Advisor Brent Scowcroft argued this summer in the Wall Street Journal, that Saddam's strategic objectives appear to be to dominate the Persian Gulf, to control oil from the region, or both. This clearly poses a real threat to U.S. interests. But there is little hard evidence to suggest Saddam has close ties to al-Qaeda, and even less to the 9/11 attacks. Given Saddam's psychology and aspirations, Scowcroft considers it unlikely that he would be willing to risk his investment in weapons of mass destruction by handing them over to terrorists who could use them for their own purposes "and leave Baghdad as the return address." Saddam, Scowcroft suggests, seeks weapons of mass destruction not to arm terrorists, but to deter us from intervening to block his aggressive designs.

In addition, as of this moment, with current sanctions in place and the Security Council contemplating reintroducing weapons inspectors under existing or new UN resolutions, it cannot credibly be claimed that America or the world have exhausted non-violent alternatives.

I accept in principle that military intervention against Iraq might be considered legitimate law enforcement under just war doctrine. What I do not accept is that it is justified at this time because of the disproportionately horrendous consequences such action may precipitate.

The reason I am doubtful relates less to the risks to American national interests which accompany intervention in the Muslim world, as real and as large as I believe them to be, but principally because of the risks invasion may pose to civilization itself.

As I have listened to various proponents, the efficacy of military intervention is based on the assumption that a cornered tyrant will not initiate the use of weapons of mass destruction, providing the U.S. and others the opportunity to destroy or otherwise seize effective control of such weapons before Baghdad can issue orders to strike.

This assumption may represent the most dangerous intelligence estimate and the safest tactical assumption in human history.

What is known is that Saddam Hussein controls tons of biological agents. What is known is that he is attempting to develop a nuclear explosive device, and while it is unlikely, it is conceivable he may control such a weapon today. Even if we assume our intelligence to be correct and his nuclear capacity is yet to be achieved, we can be sure he has a BW capacity, portable and hidden. We know he has the means of delivery.

Therefore, intervention assumes Saddam's delayed contemplation of BW usage. But what if Saddam is prepared to use BW immediately? What if he seeks wider Arab support by attempting to engage Israel? And what if Israeli leadership responds proportionately, perhaps disproportionately?

If biological agents are released in Haifa or Tel Aviv, the prospect of a nuclear response is not remote. American troops could be caught in the crossfire and crosswind of two sets of weapons of mass destruction coming from different sources, each equally dangerous. Is not the next 6–8 weeks the most dangerous in the history of the region?

Before any strike, it would seem to me the U.S. must know the location of every biological weapon cache in Iraq and have a clear plan and capacity to destroy or control these weapons within minutes of the initiation of military action. Absent that capability, military intervention would be based upon inadequate intelligence and a potentially catastrophic misjudgment of intent.

The risks are extraordinary. However, it is suggested that as large as the risks are today, they will be graver in subsequent years. Surely, it is said, we cannot allow Saddam's weapons of mass destruction to deter the United States from taking necessary action.

This line of argument has substantial merit. But it does not necessarily provide a compelling rationale to intervene today. The reason it doesn't is because of a lack of understanding of the danger of biological agents. Pounds or ounces of biological agents, such as plague or anthrax, can be devastating. Saddam Hussein controls tons. Given these quantities, adding more does not make him that much more dangerous.

While a shield may be technologically feasible to develop to shoot down a missile that leaves the earth's orbit, there is no such thing as a biological shield. Delivery systems can be rudimentary and multi-faceted.

The coming conflict with Iraq is not only symptomatic of the problem of terrorism but arguably stands as the most difficult confrontation in world history. If biological weapons through usage are legitimized as instruments of war, the survival of man is in desperate jeopardy. While the Middle East contains many conflicts rooted in differing approaches to faith, the Iraq issue is fundamentally different. It has far more to do with the conjunction of science and despotism than a clash of civilizations.

The reason the United States led the world community in the development of the Biological and Toxin Weapons Convention in the 1970s to prevent the development, production, and stockpiling of biological weapons is that we came to the conclusion not only that the use of biological weapons could jeopardize society itself but we also decided that even ex-

perimenting with these weapons was too dangerous in the world's most sophisticated scientific community. It is a public health trauma of unprecedented proportions to stockpile these agents, let alone use them in war.

In this context, the case that Iraqi leadership is lawless is compelling. And the case for lawful regime change is real. But we are courting unprecedented danger to the American national interest and the existence of the state of Israel to move from a policy of containment and deterrence to a policy of military intervention that may actually precipitate usage of such horrendous weapons of mass destruction.

Based upon the mendacity of leadership in Iraq, it is hard not to provide our President with full discretionary support. The problem is that this resolution contemplates an act of war of unprecedented consequences. The logic of its words leads to consequences too awful to contemplate. I must vote no.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Oregon (Ms. HOOLEY), a member of the Committee on the Budget.

Ms. HOOLEY of Oregon. Mr. Speaker, the September 11 attack claimed the lives of thousands of Americans, and dozens more have perished in our war against terrorism. Just yesterday, a U.S. Marine was killed in Kuwait by al Qaeda-trained terrorists. According to press reports, our Marine was killed in a supposedly secure area, and Kuwaiti authorities are baffled over how the terrorists were able to carry out their murder.

I bring up the death of this Marine because it should serve as a reminder that there are no guarantees in war. We must think through the consequences of a war in Iraq and get answers to our questions. Because if we do not ask the tough questions now, in a few short weeks, while Americans are comfortably at home doing their last-minute holiday shopping, hundreds of thousands of our troops are going to be deployed to another combat zone. That, in turn, makes each and every one of us taking part in this debate responsible for our national security and the welfare of our troops.

This vote is undoubtedly one of the most important that many of us will ever cast. This is not a vote on whether the President of the United States should be able to broaden our war against terrorism to include Saddam Hussein. It is a vote on whether now is the best time to attack, given that we do not yet have a new U.N. Security Council resolution or the support of our closest friends and allies in the international community. It is a vote on whether now is the best time to attack given that we have not used the full weight of our economic and diplomatic might to avert a war. It is a vote on whether we proceed with war when we have not determined what its objectives are, how long it will last, how much it will cost, or what kind of a regime will be set up afterwards.

This is not Desert Storm, where Iraq invaded Kuwait, where we had clear goals and the support of the inter-

national community, and we only paid about 10 percent of the cost of that war.

Mr. Speaker, I would not raise any of these questions if Congress had been informed that Iraq posed an imminent threat to the security of the United States. We have not received that information. And I have many more unanswered questions, such as: How will the war affect our economy? How will the war affect our homeland security? What happens to international cooperation in our hunt for terrorists? What happens if Iraq lashes out at Israel? Are we prepared to recast our military as an army of occupation for the entire Middle East?

I am raising these questions because they are the same ones posed to me every weekend back in Oregon. While there has been a lively debate on this resolution, it has been far from persuasive. Nobody seems to have the answers. And, trust me, I have tried, through briefings, through talking to experts, through going through classified materials. At this time, I cannot go home with a clear conscience and explain why I voted to broaden this war with so many questions left unanswered.

So I will oppose the resolution. And for those who have committed themselves to voting for this measure, please consider asking these tough questions. It is easier to ask questions before we go to war, not after we commit ourselves and our young people to battle. When we have received answers to our questions, and when we have received assurances that we have tried everything, and that the only way left to nullify Iraq's threat to our national security is military action, only then would I vote to use force.

We do not have the answers to the questions. We do not have those assurances, and so I will vote "no" and urge my colleagues to do the same.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. MILLENDER-McDONALD), a spokesperson really for justice.

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank the distinguished gentleman from New Jersey for yielding me this time.

Mr. Speaker, I join with my colleagues on both sides of the aisle in this historic debate with some trepidation and troubled feelings. I have been marshaling views, like many of my esteemed colleagues, not only to contribute to this dialogue but, more poignantly, to try to make sense of what lies ahead for our great country.

Each Member has been consumed with this very critical issue. I am sure that none of us wants a war, as we know its great cost in human capital. Therefore, we must go the extra mile necessary to exhaust all possibilities before America commits to force. That is why this debate is so critical. And the implications of our decision that follows will have such portent, not only for us but also for the parents of

the young men and women whom we ask to make perhaps the greatest sacrifice.

Until this past weekend, I was quite undecided as to how to respond to the President's insistence on moving against Iraq, and I took particular notice of the open-ended nature of the original draft resolution. Now, as the result of ongoing discussions with the leadership of the House and Senate, he has thought twice in seeking unilateral authority. Instead, this revised resolution allows for a preemptive use of force against Iraq and for his reporting to Congress after the fact. In short, Mr. Speaker, more questions were raised in my mind than answers given.

In the past, I have voted to support legislation designed to protect America's security. After 9-11, I was a clear and avid supporter of many pieces of legislation to support the President. Thus, I believe it is clear to all observers that I am a woman of conscience and not afraid to go on record when this Nation is faced with a clear and present danger to our way of life, our liberties, and our security.

I too believe that the world is dealing with a tyrannical dictator in Iraq and that he should not be allowed to terrorize neighboring states nor his own citizens. Saddam Hussein must and should be stopped. But how? What is the best and most appropriate way to contain him and destroy his unbridled power? Is it by having the U.S. go alone to confront this geopolitical problem that has a far-reaching impact on the entire world?

That is why this debate needs to be thorough and public, Mr. Speaker. We must look at the long-term domestic and international consequences and policy implications of intervening in Iraq. Before a declaration of war can be proclaimed, there must be an accounting of the cost both at home and abroad.

In his talk to the American people this past Monday, the President upped the ante, so to speak, and I, for one, was pleased to hear him say that war is the last resort. We must not forget that we are already fighting a war in Afghanistan and are deeply obligated to help bring security and reconstruction to that country. The costs are great, more than \$1 billion a month. Can we continue to meet such expenditures? How long will our commitments continue there? Can we afford to fight two wars? What is the exit strategy after we go into Iraq when there is none in place for Afghanistan as yet?

Mr. Speaker, many of my constituents have overwhelmingly called me to let me know they do not stand for having their sons and daughters go to war and return home in body bags until all possible diplomatic avenues have been exhausted. They want to see us, the political leaders of this great country, commit ourselves to working with the United Nations in every conceivable manner to exercise international action against a tyrant in Iraq. They

want to see us enter into a rigorous international alliance under the U.N.'s banner to force the dismantling of Iraq's massive weaponry through a comprehensive inspection system.

The American people are not fools. They know that war with Iraq inevitably will mean that their domestic priorities would suffer from a lack of attention and resources. Our unfinished business on health care, prescription drugs, welfare reform, and a faltering economy, due in large part to corporate greed and malfeasance, and the President's top tax cut, would remain on the back burner.

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I agree that Iraq has carried out regression on its own people and has not met its obligations under the U.N. resolutions.

Mr. Speaker, I will not be supporting this resolution.

Mr. ISSA. Mr. Speaker, I ask unanimous consent to yield 40 minutes to the gentleman from New Jersey (Mr. PAYNE), and ask that he may control that time.

The SPEAKER pro tempore (Mr. SHUSTER). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California for yielding me the additional time. We appreciate the cooperation from the other side.

Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. BAIRD), a member of the Committee on Transportation and Infrastructure.

Mr. BAIRD. Mr. Speaker, the Constitution of the United States reserves to the Congress of the United States the authority to declare war. That is as it should be, for no more weighty matter confronts a nation, and it is fitting in a Republic that a decision such as this be made by the people's representatives.

Let us be clear. Saddam Hussein is a dangerous, malicious dictator. He has committed multiple atrocities, both towards his own people and others in the Middle East. He has refused to comply with U.N. resolutions or to allow weapons inspectors to fully identify and destroy his arsenal of chemical, biological and potential nuclear weapons. He has circumvented economic sanctions and has spent money from oil sales on weapons systems and personal luxuries for himself and his political cronies, rather than on the Iraqi people.

Given those facts, I believe we must increase the pressure on Iraq and insist on expanded weapons inspections with much greater resources and no restrictions. This should be done through a multinational effort coordinated through the United Nations and with the support of allies and other nations throughout the world.

The United States is absolutely right to insist on this and to take the lead in

this effort. With international support, the United States stands the greatest chance for a successful outcome; and if military intervention is necessary, the number of casualties will be reduced and the regional repercussions will be lessened.

That is why I will support the Spratt amendment authorizing the President to seek international support for expanded inspections; and if Saddam Hussein refuses to comply with such inspections and an international coalition exists, the President would be authorized to commit U.S. military resources under U.S. command.

If, however, it is not possible to achieve a multinational coalition, in those circumstances the risks, the costs, and the international implications of a unilateral attack will be far more severe. Such an attack may be necessary, but before taking that step, the President should return to the Congress, explain why agreements have not been reached. And if in his judgment force is still necessary, he should, consistent with Article I of the Constitution, seek the authorization of the Congress for military force.

Throughout the discussions of war with Iraq, I have asked fundamental questions: What threat is posed by Iraq now and in the future? What is the military strategy for reducing that threat? What will the cost of that strategy be in human casualties on all sides? What are the international implications and potential regional scenarios that might be developed, and what is our long term strategy for the region?

I believe the first question has been answered. It is apparent that, while the threat to our own Nation may not be imminent, if allowed to go on Saddam Hussein will eventually develop even more dangerous weapons. Beyond that, however, the remaining questions have not been fully addressed. For each of the issues I have raised, and many others have as well, the potential risks and costs would be dramatically greater if the U.S. acts unilaterally rather than in a multinational effort.

Even some of our strongest allies have indicated they would not support us militarily or financially if we go it alone. Yet the risks, costs and consequences of unilateral action have not been adequately explained to the American people. Whatever course is chosen, I believe we will not solve the problem of international terrorism or weapons of mass destruction solely by attacking Saddam Hussein or solely through the broad use of military force. I understand well the impulse and the desire to do something and do it now to reduce the threat and fear created by September 11, and I believe it may yet be necessary to disarm Saddam Hussein, but we must all recognize that there is no course of action without risk or that we will eliminate all risk in the future.

Ultimately, we must look at the source of international conflicts; and

we must work to reduce the perceptions and the real conditions that allow terrorists and others to foment hatred toward our Nation. If we do not understand and deal with how our actions are perceived internationally, we will run the risk of defeating Saddam Hussein only to foster new threats and new hatreds elsewhere.

We can and must dedicate ourselves to the battle against terrorism, and we can and must hope the pressure applied to the Iraqi regime will bring about change and greater security. But as we seek that end, we must not neglect the challenges we face here at home; and we must not neglect our responsibility to address those challenges with honesty, forthrightness, and a sense of justice, fairness and a sense of shared sacrifice befitting a truly great Nation in times such as these.

The President of the United States and all Members of Congress have dedicated their hearts, minds and souls to protecting the safety and well-being of the American people. There are legitimate differences about how to achieve that in these times; but whatever the result of this vote, let no one question the motives, the courage, or the patriotism of those who will make this fateful decision.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. BARRETT), a member of the Committee on Energy and Commerce.

Mr. BARRETT of Wisconsin. Mr. Speaker, President Bush spoke on Monday night about the many threats Saddam Hussein poses to international security and why the President believes he should have the authority to launch a preemptive, unilateral attack on Iraq to force a regime change in that nation.

While I respect the President and his sincerity in seeking this authority, I am not convinced that such an attack is in the best interest of our Nation.

We all agree that Saddam Hussein is a dangerous man, yet that is not the topic under discussion here tonight. We are debating whether a unilateral military invasion is the best way to address the threats posed by Iraq. I must vote no on this grave issue because I am not persuaded that a preemptive, unilateral attack is the most effective way to control Saddam Hussein.

I agree with President Bush that the United States, in conjunction with our allies in Europe and the Middle East, must make a new effort to readmit a weapons inspectors into Iraq. A new inspection policy must give U.N. personnel unfettered access to any and every facility and have the ability to conduct unannounced surprise inspections. This new effort needs the full and vigorous cooperation of the U.N., NATO and nations in the Middle East. A united front is essential to success, and the international community must join the U.S. in enforcing U.N. resolutions.

As we survey the international community, however, nations in Europe

and the Middle East, including key allies, range from lukewarm to downright hostile to the idea of launching a solo strike against Iraq. Many nations would react negatively to such an action, viewing such a preemptive U.S. attack as overly aggressive.

The world's response to our attack could easily include a global anti-American backlash, severely hampering our ability to fight the war on terrorism, build security and peace in the Middle East, and protect vital U.S. interests. We must not forget that the war on terror requires the support and cooperation of our key allies in the Middle East, Europe and around the world. We rely on these nations to root out terror cells within their borders and share with us important information.

We must also remember that since the end of the Gulf War the U.S. has kept a close eye on Iraq. We have maintained a strong military presence in the region, imposed sanctions, conducted thousands of military flights over no-fly zones, and focused our intelligence community on Baghdad. We have made clear that any misbehavior by Saddam would be met immediately by overwhelming force. As a result of our deterrence, Saddam Hussein has not attacked Saudi Arabia, Israel, Kuwait or others since the Gulf War because he knows that such a move would bring the full weight of the U.S. and the world upon him. His desire to cling to power supersedes his hunger for conquest.

If we strike first, we change that dynamic. Knowing his survival would be at stake, Saddam would have a powerful incentive to use every weapon in his arsenal to defeat American troops. He might target Israel, hoping to fan the flames of conflict between Israel and the Arab world to create chaos in the region.

I am concerned that our preemptive unilateral strike would trigger the very events we hope to avoid: regional war, rampant instability, and use of weapons of mass destruction.

We also must recognize that a preemptive unilateral attack against Iraq would represent a major shift in American diplomatic and strategic thinking.

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For nearly 50 years we relied upon deterrence to check upon Soviet expansionism. Deterrence brought us victory in the Cold War without having to fight a hot shooting war under the shadow of nuclear annihilation. That same strategy has kept Iraq at bay for more than a decade.

Now that doctrine is on the verge of being discarded. The potential consequence of such a shift in strategic thinking includes an emboldened China moving against Taiwan, Russia acting aggressively against the nations of her former empire, and India and Pakistan attacking each other with nuclear weapons.

There are several other critical questions to which we have heard very few

answers. We must have a clear plan on how an attack on Iraq would transpire, including identifying our military options, determining our strategy to change the regime, calculating the potential casualties, and estimating how much an operation would cost and how it would be funded. We must also see a plan to build democratic and free market institutions in a post-Saddam Iraq. History teaches us that how we win the peace is just as critical as how we win war. Thus far these critical issues have received scant attention.

The international community has an important obligation to ensure that Saddam Hussein cannot repeat the aggression of his past; and as the world's most powerful country, we have a commitment to lead. Through U.N. inspections, continued monitoring, and increased scrutiny of Baghdad we can meet that responsibility. We cannot, however, move in a unilateral manner that could jeopardize the peace and security of the Middle East if not the world. I must vote "no" on H.J. Resolution 114 and urge my colleagues to do the same.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), one of our top constitutional lawyers in this House.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, if our goal is to disarm Iraq, I believe the best way to accomplish that goal would be to utilize the strategy articulated a few weeks ago by Secretary of State Colin Powell, that is, to reinstate, utilizing established rules and supported by multilateral military force if necessary. This policy has the best chance of working, and it has the support of the international community. If military force is needed to enforce the inspections, it will be targeted, focused, and not requiring a massive invasion force. It will be unlikely to provoke widespread warfare all over the Middle East; and it is just as likely to fulfill the goal of disarming Iraq as widespread bombing.

If on the other hand we merely start dropping bombs, how do we even know where to bomb if we have not inspected first? If we do know where the weapons are, those locations can be placed first on the inspection list, and if there is any resistance to the inspection, multilateral military force could be targeted on those sites.

But today we are discussing a resolution authorizing the use of force before the inspectors have even had an opportunity to do their jobs. This resolution represents the last opportunity for Congress to have a meaningful input in the decision to go to war, and unfortunately there are many problems and unanswered questions with granting this authority now.

The first problem is that although the resolution suggests that the President first try to work with the U.N., that provision is unenforceable. This is a problem especially because the President has already stated that he did not

need the United Nations, and this resolution allows the President to just notify Congress that, based on the authority granted in this resolution, he has decided to attack Iraq. Furthermore, the broad authority granted in this resolution is inappropriate because of the timing of this vote, less than a month before the election.

Twelve years ago under the first President Bush, the vote to use military force in the Persian Gulf was taken after the election. The timing of this resolution also raises questions because there is nothing shown to be urgent about the situation in Iraq. If the President discovers that the U.S. is in imminent danger, he is already authorized to defend the Nation and no one would expect him to wait for a congressional resolution. If the argument is that the urgency was created a year ago on September 11, the evidence supporting the connection between 9-11 and Iraq is at best tenuous.

In addition to these problems, granting the authority in the resolution is premature because many questions are unanswered. For example, what plans have been made for the governance of Iraq after we win the war? And what chance is there that a regime change will create any better situation than we have now? And to the extent that Iraq has chemical and biological weapons, is it a good idea to invade Iraq and place our troops right in harm's way? And what will the war cost, and how will we pay for it?

Eighteen months ago we had the largest budget surplus in American history. Today even without the cost of a war, we are approaching the largest deficit in American history with huge deficits already projected for the next 10 years. So what is the plan to pay for the war? Are we going to cut funds for education and health care? Are we going to raise taxes, or will we just run up additional deficits? And what will the domino effect be? If we attack Iraq, Iraq may attack Israel, Israel will attack back, and then everyone in the Middle East will choose sides, and how will that make us better off than we are now?

If we are to make progress against terrorism, we have to recognize that hate is as big an enemy as complex weapons. That hatred may increase because others will resent the fact that we have chosen to apply rules to others that we are unwilling to have applied to us. We would not tolerate applying regime change to the United States, nor would we accept preemptive strikes as an acceptable international policy. The CIA has now reported that the chance that Iraq will use chemical or biological weapons has actually increased since all of the talk about a war began.

Mr. Speaker, all of these problems persist and questions remain unanswered, and they lead to the same basic uncertainty. What is the plan both before and after the war and what are the consequences? Some have argued that

a vote against the resolution is a vote to do nothing. That is not true. We should act, but based on the information we now have, I believe the wisest course is to proceed with the strategy proposed by Colin Powell, and that is U.N. weapons inspections in Iraq enforced with multilateral military power. That strategy has the support of the international community. It is most likely to actually disarm Iraq; it does not require a massive unilateral invasion force; and it reduces the risk of provoking widespread armed conflict in the Middle East and terrorism in the United States.

I therefore urge my fellow Members to vote against the resolution.

Mr. Speaker, these votes on the Iraq resolution pose difficult questions for all of us. A large part of the difficulty is caused by the Administration's inconsistent policies on what we should do, when we should do it, and whose approval we need. Not many days ago, the Administration articulated the policy that it could proceed unilaterally, without U.N. support, and without Congressional approval, to attack Iraq, with a preemptive strike, without the necessity of an imminent threat to the United States, for the purpose of "regime change". On one recent Sunday, Vice President CHENEY and Secretary of State POWELL articulated inconsistent descriptions of the Administration's policy. This resolution, which the Administration is now supporting, repudiates the initial Administration policy by requiring the Administration to seek both U.N. cooperation and Congressional approval. Last weekend, the Boston Globe began an article on the Administration's position on Iraq with the sentence "As administration officials struggle to reach an agreement with U.S. allies about Iraq, President Bush has been shifting his rhetoric in favor of less aggressive language that emphasizes disarming Saddam Hussein rather than ousting him." So because of these constant changes, formulating a response to the Administration's position has been difficult.

The first question we must address is this: what is the goal? If the goal is to disarm Iraq, I believe that the best way to accomplish that goal would be to utilize the strategy articulated a few weeks ago by Secretary of State POWELL: reinstate U.N. inspections, utilizing the established rules, supported by multilateral military force, if necessary. This policy has the best chance of working. At a minimum, it is an important first step. And it has the support of the international community. If military force is needed to enforce the inspections, it will be targeted, focused and not requiring a massive invasion force; it would be unlikely to provoke widespread warfare all over the Middle East; and it is also just as likely to fulfill the goal of disarming Iraq as widespread bombing.

If, on the other hand, you merely start dropping bombs—how do you even know where to bomb, if you haven't inspected first? If you do know where the weapons are, those locations could be placed first on the inspection list, and if there is any resistance to the inspection, multilateral military force could be targeted to those sites.

But today we are discussing a resolution authorizing the use of force, before inspectors have had an opportunity to do their jobs. Unlike the first Administration resolution offered a few days ago, this resolution does require the

President to cooperate with Congress and to try to work with the U.N. This resolution is not as broad as the previous draft. It is limited to Iraq, not the entire Middle East, but it still gives the President the authority to attack, if he determines it to be necessary and appropriate.

This resolution represents the last opportunity for Congress to have meaningful input in the decision to go to war. And unfortunately there are many problems and unanswered questions with granting this authority now.

The first problem is that although the resolution suggests that the President try to work with the U.N., the provision is unenforceable. The President merely has to notify Congress, if he chooses to launch an attack. If we are truly interested in making sure that the President fully exhausts diplomatic efforts before using force, then the resolution should not authorize a military attack without a subsequent statement from Congress.

There is a consensus in the United States that we should work with the U.N. to the extent possible. But after this vote, Congress will have no opportunity to require meaningful efforts to seek cooperation with the U.N. This is a problem especially because the President has already state his disdain for the U.N. by saying at first that he didn't need the U.N., and when he finally sought U.N. support, he implied that if they failed to support the United States, he would proceed to attack without them. Furthermore, the Administration is now insisting on new, unprecedented rules for inspections, a position which may provoke Iraq into resisting the inspections and creating an unnecessary impasse at the U.N. A more prudent strategy would be to require the President to come back to Congress and explain that he made the good faith effort to work with the U.N.—rather than allowing the President to just notify Congress that based on the authority granted in this resolution, he had decided to attack Iraq.

Furthermore, the broad authority granted by this resolution is inappropriate, because of the timing of this vote—less than a month before the election. This problem is magnified by the fact that nearly all of the President's statements on the need for this resolution have been made at partisan political fundraisers, where he attacks Democratic officeholders. Twelve years ago—under the first President Bush—the vote to use military force in the Persian Gulf was taken after the election. That would be a good model to follow, because then members voted without the interests of personal political considerations competing with the national interests.

The timing of the vote on this resolution also raises questions because there is nothing urgent about the situation with Iraq. We have the same information now that we had 2 years ago. For example, we have known that Iraq has had the capability to build biological and chemical weapons for years; in fact we know this because they bought some of the materials from the United States. Furthermore, no case has been made that there is an imminent threat to the United States. So why is it essential for the President to have the authority to attack Iraq now? If the President discovers that the United States is in imminent danger, he is already authorized to defend the nation, and no one would expect him to wait for a Congressional Resolution. So what is different now? If the argument is that the urgency was

created a year ago on September 11th, the evidence supporting the connection between 9/11 and Iraq is at best tenuous. So what is the urgency to authorize force right before the election?

Another problem with the broad authority granted in the resolution is that this issue appears to be personal for the President. He admitted as much when he described Saddam Hussein as "the man who tried to kill my Dad." The United States should not go to war to settle a personal vendetta.

In addition to these problems, granting the authority in the resolution is premature because many questions are unanswered. For example, if the President uses the authority granted in this resolution and attacks Iraq, what plans have been made for the governance of Iraq after we win the war.

And what chance is there that a regime change will create any better situation than we have now. We cannot forget that the United States was involved in the regime change in Cuba in which Batista was kicked out and we ended up with Castro. So why isn't it likely that Iraq will select someone who hates us even more than Saddam Hussein.

And other questions need to be addressed, such as, to the extent that Iraq has chemical and biological weapons, is it a good idea to invade Iraq and put our troops right in harm's way. "And what will the war cost and how will we pay for it? There is no question that we are willing to pay whatever it costs to be successful in the war, but we can't ignore the questions of "how long" and "how much money." Eighteen months ago, we had the largest budget surplus in American history. Today, even without the costs of a war, we are approaching the largest deficit in American history, with huge deficits projected for the next 10 years. The direct costs of the war have been estimated at \$100 billion; the indirect costs, such as higher oil costs, have not even been estimated. And so, what will we be giving up in terms of being able to fund education and health care and other needs here in the United States? Or is the plan to raise taxes? Or is the plan to just run up more deficits?

What will be the domino effect? If we attack Iraq, Iraq will attack Israel, Israel will attack back, and then everyone in the Middle East will choose sides. How will that make us better off than we are now, especially in our fight against terrorism?

And in the end, what will we have won? In making progress against terrorism, we have to recognize that hate is as much of an enemy as complex weapons. The weapons used to cause mass destruction on 9/11 were boxcutters. Firearms and explosives are easily available in the United States and can be used against buildings or modes of transportation. If the result of the war is that others hate us worse than they do now, then we have to understand that suicide bombings in the United States may increase.

Moreover, that hatred may increase because others will resent that we have chosen to apply rules to others that we are unwilling to have applied to us. We would certainly not tolerate another country applying "regime change" to the United States. And we would never approve of preemptive strikes when there is no imminent threat as an acceptable international policy. Recently, the Administration threatened Iraqi military personnel with

trials as war criminals; but the U.S. policy is not to subject our personnel to the jurisdiction of international criminal tribunals. The CIA has now reported that the chance that Iraq will use chemical or biological weapons has actually increased since all of the talk about war began.

Mr. Speaker, all of these problems persist and questions remain unanswered, and they lead to the same basic uncertainty—what is the plan, both before and after the war, and what are the consequences. Some have argued that a vote against the Resolution is a vote to do nothing. That is not true. We should act, but based on the information we have now, I believe the wisest course is to proceed with the strategy proposed by Secretary of State Powell—U.N. weapons inspections in Iraq enforced with multilateral military power. That strategy has the support of the international community; it is most likely to actually disarm Iraq; it does not require a massive, unilateral invasion force; and it reduces the risk of provoking widespread armed conflict in the Middle East and terrorism in the United States.

I therefore urge my fellow members to vote against this resolution.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. INSLEE), a member of the Committee on Financial Services.

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, at its heart this debate tonight is not about Saddam Hussein. That debate is finished. We know that he is a tyrant and a thug. The debate tonight is about what our vision of America in this new age of new threats should be, and the one thing we should all agree on is America is the greatest Nation on Earth because it has always hued to certain principles. It has always matched the might of its Armed Forces with the force of its principles. It has never resorted through trial and tumult and storm to shortcuts even in times of difficulty.

And there are three principles that we should think about tonight: number one, it is an American principle that we engage the international community in a system of mutual security and international law; number two, it is an American principle that countries do not engage in first strikes absent international accord or truly imminent threat; number three, it is an American principle that the United States Congress is the group that makes the declaration of war. And unfortunately, Mr. Speaker, this resolution violates every single one of those basic tenets of American democracy.

They have put some legislative lipstick on it. They put some nice fuzzy language around it. But ultimately it violates this rule: no Congress should give any President a blank check to start a unilateral, ill-timed war, to let him start a war for any reason at any time with or without any allies. And in doing so, these principles are violated.

Let me address the first one, the basic principle that America stands for

international cooperation, and this has been a bipartisan principle for decades in this country. Republican and Democratic Presidents alike have worked with the international community to develop international law, international support systems; and we have led the Nation in doing so.

□ 0020

We have led the Nation, because a world where countries can strike one another without international support, without a true imminent threat, is a law of the jungle. This Nation, even in today's threat, should lead the world forward to international law, rather than backward to the law of the jungle.

This concept is more important after September 11 than less, and it is more important because of what the generals have told us, General Hoar, General Zinni, General Clark. We need to heed their advice, because what they have told us is simple and alarming.

They have told us that if we engage in a unilateral attack in the Middle East, it has the capacity of supercharging Osama bin Laden's recruitment efforts. There is no victory in the destruction of one tyrant while breeding 10,000 terrorists. It is true that a unilateral attack that inflames the Middle East has the capacity of reducing our security rather than increasing it. This violates an American principle.

Second, we have a principle of honoring our troops. We do not owe Saddam Hussein any more time. We do not owe Saddam Hussein anything. But we owe the soldiers and sailors and our sons and our daughters who we would send into the streets of Baghdad the ultimate effort to go the last mile to see if we can resolve the disarmament, and the total disarmament of weapons of mass destruction, before war. We owe our soldiers and sailors to make war the last option, not the first step.

I got a letter from a mother from Wenatchee, Washington, this week making one plea to me that when I took this vote, to say that she understood her son could be involved in a sacrifice at the cause of liberty, but not until every option is exhausted, and every option has not been exhausted. That is why we should pass the separate resolution, which will call for the President to go to the United Nations, get a tough, certain, guaranteed disarmament effort, and get this job done.

Third, we are a people who keep our eye on the ball. We have a principle in this Nation of not becoming distracted, and we do not know why we should take our eye off the ball, off the threat of al Qaeda, which 1 month ago was listed as a high threat of repeated terrorist attacks in this Nation, and go put our precious resources in dealing with what the CIA yesterday said was a low threat of terrorist activities. It does not make sense to the American people to do that.

So for those purposes and those principles, international cooperation, honoring our troops, and keeping our eye

on the ball, Mr. Speaker, we should reject this resolution and pass the Spratt amendment. This is the American way.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CUMMINGS), a member of the Committee on Transportation and Infrastructure.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this Nation once again considers a course of action that will define our moral standing in the history of free peoples. I agree that America should speak with one voice in response to the challenges to international peace, security, and human rights posed by the regime in Iraq. That voice must be founded on the most fundamental of moral principles: the sanctity of human life.

The value of human life has been the basis for the settled, bipartisan international policy toward Iraq that we in this Congress have expressed in the past. In 1998, Congress reflected a strong, unified voice when we voted to support legislation that noted Iraq's violation of U.N. disarmament demands to eliminate all weapons of mass destruction, as well as their development.

In that same year, we also enacted the Iraq Liberation Act that authorized U.S. support for Iraqi liberation forces in their efforts to replace the Iraqi regime of Saddam Hussein. We did so because Saddam Hussein has proven himself to be a serious threat to regional stability in the Middle East, a growing threat to the United States, and a leader who deserves to be tried in an international tribunal for crimes against humanity. However, we did not authorize the unilateral use of U.S. military forces towards that end.

Neither the American people nor their elected representatives have wavered in our support for the values of human rights, security, international stability, and democracy reflected in those 1998 congressional resolutions.

However, as we consider this resolution, we must not forget one essential fact. As the gentlewoman from California (Ms. PELOSI) of the Permanent Select Committee on Intelligence has concluded, we have seen no evidence or no intelligence to suggest that Iraq indeed poses an imminent threat to our Nation. In the absence of an imminent threat to the United States, I cannot support the resolution proposed by the Bush administration that would authorize preemptive military strikes by the U.S. forces to enforce all relevant U.N. resolutions, some of which deal with issues other than Iraqi weapons of mass destruction.

I agree with the senior Senator from West Virginia, who has observed that the President's proposed resolution is dangerously hasty, redefines the nature of defense, and reinterprets the Constitution to suit the will of the executive branch.

The resolution proposed by the administration would codify the doctrine of preemption, the assertion that America has the unilateral right to attack a nation that has not attacked us. This, in my view, would be a precedent with disastrous consequences. A unilateral first strike would almost certainly result in substantial loss of life, both among American troops and among Iraqi civilians. A unilateral first strike would undermine the moral authority of the United States and could set a devastating international precedent that we could then see echoed in conflicts between India and Pakistan, Russia and Georgia, China and Taiwan, and in many other corners of the world.

In addition, unilateral U.S. action may well destabilize the Middle East, harming the international cooperation that we need to defend America against terrorism.

Experts tell us that the United States might have to remain in Iraq for a decade, a commitment requiring international support and engagement.

Finally, the economic costs of going it alone would undermine the ability of our Nation to address our unmet domestic priorities.

Although this resolution would authorize the President to take this Nation to war, it is not a declaration of war, it is a blank check to use force without the moral or political authority of a declaration of war. Congress must not abandon its authority under the Constitution. This resolution would do just that.

The course of action that is more consistent with the values and security interests of the United States is to support a multinational collective security strategy towards the threats to regional peace and international stability that are posed by the regime in Iraq. The administration has indicated some progress within the United Nations Security Council towards that goal. I join the President in urging all members of the Council to act with due diligence.

I also join in the position advanced by our colleague, the gentleman from South Carolina (Mr. SPRATT), who has proposed that we once again authorize U.S. military support for a renewed and strengthened U.N. Security Council resolution that demands true disarmament by Iraq. This is a threat that the civilized world must face together. The regime of Saddam Hussein, after all, is the world's problem as well as our own.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. JEFFERSON), a member of the Committee on Ways and Means.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, our Nation is on the verge of opening a new front in the global war on terror. It is a front fraught with peril. It is a front that may send thousands of young Americans, men and women, to uproot a

ruthless dictator that has committed unspeakable acts against his own people and wrought havoc on the world.

No decision is more difficult, more wrenching for a U.S. President, the Congress, or the American people than to commit our soldiers and our Nation's prestige to a military conflagration. It is for this reason that we must consider all possible diplomatic and military options short of war.

As noted 19th century French author Guy de Maupassant wrote, "Every government has as much of a duty to avoid war as a ship's captain has to avoid a shipwreck."

Mr. Speaker, I rise today in strong support of the Spratt substitute to House Joint Resolution 114. It offers the best and most certain way to achieve our objectives of disarming Iraq of weapons of mass destruction and the best chance of avoiding a hasty decision to go to war. It is a sensible, prudent approach to managing the use of force by our country.

Eleven years ago, then President George Bush created one of the most impressive multinational coalitions that the world has ever seen. He very wisely determined that it was not in our Nation's interest to act unilaterally to liberate Kuwait.

The Spratt substitute is informed by that experience. It limits the opportunity of our current President for unilateral action to liberate Iraq.

I am pleased that President George W. Bush has engaged the U.N. during the current crisis. I am grateful that he has recognized that our Nation should work with the United Nations Security Council and allow weapons inspections to go forward and this process to occur.

□ 0030

I am relieved the President said that war is not inevitable. And I am encouraged that he has said that he would give a diplomatic course to disarm Iraq through a U.N. process every chance to work ahead of using force.

Mr. Speaker, the Spratt resolution guarantees the President's stated intentions are made law. As set forth in the Spratt substitute, our Armed Forces should take action only against Iraq only in conjunction with a new U.N. Security Council resolution that calls for the complete elimination of Iraq's weapons of mass destruction.

If the U.N. Security Council resolution is violated or the U.N. does not act, the President would need approval from Congress for unilateral action, and then only after making certain important certifications to Congress. Thus, this vote would occur only if the President has certified that further U.N. action is not forthcoming, force remains the only viable option, a broadbased international coalition is being formed, and the global war on terrorism would not be adversely affected by an Iraqi invasion.

Mr. Speaker, there is no such thing as prudent haste. It is an understatement to say that we should take the

time for calm deliberation by the Congress in a proceeding uncomplicated by any question other than whether we should commit to a course of action that may cost a heavy toll in human lives, hundreds of billions of dollars, and the good will of the international community.

I urge support of the Spratt substitute. But what is our course if Spratt is not adopted? What then is the best course for us to address the threat of terrorism and the threat of the use of chemical and biological weapons in the hands of a brutal dictator? What is our best chance to evoke the response from Iraq that will lead to unfettered weapons inspections and eventual disarmament?

With long and careful thought I have come to the conclusion that the leadership of Iraq will only submit to a credible disarmament process based on inspections if it is faced with a credible threat of the use of force. It is the use of force authorization that I pray will never be used. And it is the use of force authorization that should never be used unilaterally. After Spratt, H.J. Res. 114 provides the only remaining prudent chance to stem these new threats of unthinkable horrific terror that our Nation and the world now face, threats that we are now only just beginning to understand. It is a chance that I believe our country through this Congress must commit to take at this time.

Mr. PAYNE. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), who has been a very active Member on this resolution.

Mr. DELAHUNT. Mr. Speaker, I wish to commend my colleague from New Jersey (Mr. PAYNE) for his perseverance. I know he has been here until the wee hours of the morning last night and this evening. And for those of us who oppose the underlying resolution, we are indeed in his debt. And I also want to thank him for his leadership within our caucus, not just simply on this particular issue but on many issues, particularly in terms of the continent of Africa. He is certainly someone who commands our respect.

Mr. Speaker, I think it is important to bring to the attention of the House disturbing reports that have recently appeared in the national press about alleged efforts to tailor intelligence information about Iraqi intentions and capabilities to fill the contours of administration policy. And I wish to note two particular stories from today's Washington Post and yesterday's Miami Herald.

Mr. Speaker, I will insert the articles now in the RECORD.

[From the Washington Post, Oct. 9, 2002]

ANALYSTS DISCOUNT ATTACK BY IRAQ
(By Dana Priest)

Unprovoked by a U.S. military campaign, Iraqi President Saddam Hussein is unlikely to initiate a chemical or biological attack against the United States, intelligence agencies concluded in a classified report given to select senators last week.

However, the report added, "should Saddam conclude that a US-led attack could no longer be deterred," he might launch a chemical-biological counterattack. Hussein might "decide that the extreme step of assisting Islamist terrorists in conducting a WMD [weapons of mass destruction] attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him."

The assessment was first made in a classified National Intelligence Estimate, which includes the analysis and opinions of all relevant U.S. intelligence agencies, that was given to the Senate intelligence committee last week. A declassified "white paper" on Iraq was released days later. At the urging of the committee, which is controlled by Democrats, additional portions of the intelligence report were declassified by the CIA Monday and released last night.

With lawmakers poised to vote this week on a resolution giving President Bush authority to attack Iraq, the new intelligence report offers grist both for supporters and critics of the administration's policy. The CIA assessment appears to suggest that an attack on Iraq could provoke the very thing the President has said he is trying to forestall: the use of chemical or biological weapons by Hussein.

But the CIA also declassified other elements of analysis that seem to back up the President's assertion that Iraq has active ties to al Qaeda—a growing feature of the administration's case for considering military action.

Among the intelligence assessments linking Iraq with al Qaeda is "credible reporting" that the group's "leaders sought contacts in Iraq who could help them acquire WMD capabilities," according to a letter to senators from CIA Director George T. Tenet.

Tenet added: "Iraq's increasing support to extremist Palestinians, coupled with growing indications of a relationship" with al Qaeda, "suggest Baghdad's links to terrorists will increase, even absent U.S. military action."

In his speech to the nation Monday night, Bush said: "Iraq could decide on any given day to provide a biological or chemical weapon to a terrorist group or individual terrorists. Alliance with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints."

The letter's release shed light on a behind-the-scenes battle over Iraq-related intelligence. The CIA's detailed, unvarnished view of the threat posed by Iraq is central, say many lawmakers, to how they will vote on the matter. Yet an increasing number of intelligence officials, including former and current intelligence agency employees, are concerned the agency is tailoring its public stance to fit the administration's views.

The CIA works for the president, but its role is to provide him with information untainted by political agendas.

Caught in the tug of war over intelligence, say former intelligence officials familiar with current CIA intelligence and analysis on Iraq, have been the CIA's rank and file and, to some extent, Tenet.

There is a tremendous amount of pressure on the CIA to substantiate positions that have already been adopted by the administration," said Vincent M. Cannistraro, former head of counterterrorism at the CIA. Tenet last night released a statement meant to dispel assertions that the letter contained new information that would undercut the case Bush made Monday night.

"There is no inconsistency between our view of Saddam's growing threat and the view as expressed by the President in his speech," the statement read. "Although we think the chances of Saddam initiating a

WMD attack at this moment are low—in part because it would constitute an admission that he possesses WMD—there is no question that the likelihood of Saddam using WMD against the United States or our allies in the region for blackmail, deterrence, or otherwise grows as his arsenal continues to build."

In explaining why the items in the letter were not also released before, Tenet said he did not want to provide "Saddam a blueprint of our intelligence capabilities and shortcomings, or with insight into our expectations of how he will and will not act."

Still, he noted, the agency could nevertheless declassify further information not previously disclosed. Included in his letter were snippets of an Oct. 2 closed-door session.

Included in that was questioning by Sen. Carl M. Levin (D-Mich.), in which he asked an unnamed intelligence official whether it "is likely that [Hussein] would initiate an attack using a weapon of mass destruction?"

The official answered: "... in the foreseeable future, given the conditions we understand now, the likelihood I think would be low."

Levin asked: "If we initiate an attack and he thought he was in extremis ... what's the likelihood in response to our attack that he would use chemical or biological weapons?"

The answer came: "Pretty high, in my view."

In his letter, Tenet responded to senators' questions about Iraq's connections to al Qaeda. "We have solid reporting of senior-level contacts between Iraq and al Qaeda going back a decade," Tenet wrote. "Credible information" also indicates that Iraq and al Qaeda "have discussed safe haven and reciprocal non-aggression."

[From The Miami Herald, Oct. 8, 2002]

DISSENT OVER GOING TO WAR GROWS AMONG
U.S. GOVERNMENT OFFICIALS
(By Warren P. Strobel, Jonathan S. Landay
and John Walcott)

WASHINGTON.—While President Bush marshals congressional and international support for invading Iraq, a growing number of military officers, intelligence professionals and diplomats in his own government privately have deep misgivings about the administration's double-time march toward war.

These officials charge that administration hawks have exaggerated evidence of the threat that Iraqi leader Saddam Hussein poses—including distorting his links to the al Qaeda terrorist network—have overstated the extent of international support for attacking Iraq and have downplayed the potential repercussions of a new war in the Middle East.

They charge that the administration squelches dissenting views and that intelligence analysts are under intense pressure to produce reports supporting the White House's argument that Hussein poses such an immediate threat to the United States that preemptive military action is necessary.

"Analysts at the working level in the intelligence community are feeling very strong pressure from the Pentagon to cook the intelligence books," said one official, speaking on condition of anonymity.

VIEWS ECHOED

A dozen other officials echoed his views in interviews with the Knight Ridder Washington Bureau.

They cited recent suggestions by Defense Secretary Donald Rumsfeld and National Security Advisor Condoleezza Rice that Hussein and Osama bin Laden's al Qaeda network are working together.

Rumsfeld said on Sept. 26 that the U.S. government has "bulletproof" confirmation

of links between Iraq and al Qaeda members, including "solid evidence" that members of the terrorist network maintain a presence in Iraq.

The facts are much less conclusive. Officials said Rumsfeld's statement was based in part on intercepted telephone calls in which an al Qaeda member who apparently was passing through Baghdad was overheard calling friends or relatives, intelligence officials said.

The intercepts provide no evidence that the suspected terrorist was working with the Iraqi regime or that he was working on a terrorist operation while he was in Iraq, they said.

In his Monday night speech, President Bush said a senior al Qaeda leader received medical treatment in Baghdad this year—implying larger cooperation—but he offered no evidence of complicity in any plot between the terrorist and Hussein's regime.

Rumsfeld also suggested that the Iraqi regime has offered safe haven to bin Laden and Taliban leader Mullah Mohammed Omar.

While technically true, that too is misleading. Intelligence reports said the Iraqi ambassador to Turkey, a longtime intelligence officer, made the offer during a visit to Afghanistan in late 1998, after the United States attacked al Qaeda training camps with cruise missiles to retaliate for the bombings of the U.S. embassies in Kenya and Tanzania. But officials said the same intelligence reports said bin Laden rejected the offer because he didn't want Hussein to control his group.

NO IRONCLAD PROOF

In fact, the officials said, there's no ironclad evidence that the Iraqi regime and the terrorist network are working together, or that Hussein has ever contemplated giving chemical or biological weapons to al Qaeda, with whom he has deep ideological differences.

None of the dissenting officials, who work in a number of different agencies, would agree to speak publicly. But many of them have long experience in the Middle East and South Asia, and all spoke in similar terms about their unease with the way that U.S. political leaders are dealing with Iraq.

All agreed that Hussein is a threat who eventually must be dealt with, and none flatly opposes military action. But, they say, the U.S. government has no dramatic new knowledge about the Iraqi leader that justifies Bush's urgent call to arms.

"I've seen nothing that's compelling," said one military officer who has access to intelligence reports.

Some lawmakers have voiced similar concerns after receiving CIA briefings.

Sen. Richard Durbin, D-Ill., said some information he had seen did not support Bush's portrayal of the Iraqi threat.

"It's troubling to have classified information that contradicts statements made by the administration," Durbin said, "There's more they should share with the public."

Florida's Sen. Bob Graham, chairman of the Senate Intelligence Committee, last week expressed frustration with the information he was receiving from the CIA and questioned the need to elevate Iraq to "our No. 1 threat."

In his Monday night speech, Bush stressed that if Hussein gained control of radioactive material no bigger than "a softball" he could build a nuclear weapon sufficient to intimidate his region, blackmail the world and covertly arm terrorists. But a senior administration intelligence official notes that Hussein has sought such highly enriched uranium for many years without success, and there is no evidence that he has it now.

Moreover, the senior official said, Hussein has no way to deliver a nuclear weapon against a U.S. target.

"Give them a nuclear weapon and you have the problem of delivery. Give them delivery, even clandestine, and you have a problem of plausible denial. Does anyone think that a nuclear weapon detonating in a Ryder truck or tramp freighter would not automatically trigger a response that would include Iraq, Iran, North Korea?" the intelligence official asked.

Here are some other examples of questionable statements:

Vice President Dick Cheney said in late August that Iraq might have nuclear weapons "fairly soon."

A CIA report released Friday said it could take Iraq until the last half of the decade to produce a nuclear weapon, unless it could acquire bomb-grade uranium of plutonium on the black market.

Also in August, Rumsfeld suggested that al Qaeda operatives fleeing Afghanistan were taking refuge in Iraq with Hussein's assistance.

Rumsfeld apparently was referring to about 150 members of the militant Islamic group Ansar al Islam (Supporters of Islam) who have taken refuge in Kurdish areas of northern Iraq. One of America's would-be Kurdish allies controls that part of the country, however, not Hussein.

WALKOVER NOTION

Current and former military officers also question the view sometimes expressed by Cheney, Rumsfeld and their civilian advisors in and out of the U.S. government that an American-led campaign against the Iraqi military would be a walkover.

"It is an article of faith among those with no military experience that the Iraqi military is low-hanging fruit," one intelligence officer said.

He challenged that notion, citing the U.S. experience in Somalia, where militiamen took thousands of casualties in 1993 but still managed to kill U.S. soldiers and force an American withdrawal.

Iraqi commanders, some officials warned, also could unleash chemical or biological weapons—although the American military is warning them they could face war crimes charges if they do—or U.S. airstrikes could do so inadvertently.

Hussein also might try to strike Israel or Saudi Arabia with Scud missiles tipped with chemical or biological weapons.

Mr. Speaker, the Herald story states, and I am quoting now, "that a growing number of military officers, intelligence professionals and diplomats within the administration have deep misgivings about the march toward war." The story continues, and again I am quoting from the Miami Herald, "These officials charge that the administration hawks have exaggerated evidence of the threat that the Iraqi leader Saddam Hussein poses, including distorting his links to the al Qaeda terrorist network. They have overstated the extent of international support for attacking Iraq and have downplayed the potential repercussions of a new war in the Middle East. They charge that the administration squelches dissenting views and that intelligence analysts are under intense pressure to produce reports supporting the White House's arguments that Hussein poses such an immediate threat to the United States that preemptive military action is necessary. 'Analysts at the working level in the intelligence community are feeling very strong pressure

from the Pentagon to cook the intelligence books,' said one official speaking on the condition of anonymity."

The article goes on to note that, again, I am quoting, "a dozen officials echoed his views."

Now today's Washington Post discusses what it calls a "behind-the-scenes battle over Iraq-related intelligence." And, again, I am quoting: "The CIA's detailed, unvarnished view of the threat posed by Iraq is central, say many lawmakers, as to how they will vote on the matter. Yet, increasing numbers of intelligence officials, including former and current intelligence agency employees are concerned the agency is tailoring its public stance to fit the administration's views."

The article goes on to quote a former head of counterterrorism of the CIA, one Vincent Cannistraro, who says that "there is a tremendous amount of pressure on the CIA to substantiate positions that have already been adopted by the administration."

I submit, Mr. Speaker, that if these reports are accurate, they represent a dangerous state of affairs. When we began our debate on this resolution yesterday morning, we did not have the benefit of declassified intelligence estimates released only last night, which indicate that Saddam Hussein is unlikely to initiate a chemical or biological attack against the United States unless he concludes that a U.S.-led attack is inevitable. Such contradictions between classified information in the administration's public statements make it very difficult for Congress to have a meaningful debate. It puts those few Members of Congress who have access to this information as members of the Permanent Select Committee on Intelligence in a truly awkward position and leaves the rest of us and the American people in the dark.

Senator GRAHAM, who chairs the Senate Permanent Select Committee on Intelligence, has said that the classified information he has received does not tally with the public statements of the administration. But, of course, he is not permitted to explain why. Based on what he knows, he has described the focus on Iraq as a distraction from the war on terrorism that allows Syria and Iran, countries which should be at the forefront of any intelligence effort against state sponsors of terrorism, off the hook.

Let me conclude by saying that we cannot discharge our constitutional responsibilities by allowing the administration to control the flow of information and simply trusting that they know what they are doing. That is an unacceptable situation in a democracy, Mr. Speaker. And that is not what the founders had in mind when they gave Congress, not the President, the power to declare war.

Mr. Speaker, what is the responsibility of a great power? Sometimes it is to act when others cannot, or will not, do so. Sometimes it is to refrain from acting when others would, so

as not to set a dangerous precedent that others might follow. Always it is to recognize that for better or worse our actions shape the rules by which the international system operates. The rule of law is a fragile thing. And through our actions, we either strengthen or erode it.

If you think this is merely a theoretical concern, let me share with you an article from last Sunday's New York Times. It is by Stephen Sestanovich, a senior fellow at the Council on Foreign Relations and professor international diplomacy at Columbia University.

The article is entitled, "Putin Has His Own Candidate for Pre-emption." It described the efforts of senior Russian officials to co-opt the rhetoric of the Bush Administration in their war of intimidation against the neighboring Republic of Georgia, where some Chechen fighters have taken refuge. Allow me to quote a few lines:

"On the eve of President Bush's Sept. 12 speech to the United Nations on Iraq, Mr. Putin wrote Secretary General Kofi Annan charging that Georgia's passivity toward Chechen fighters on its territory violated Security Council resolutions. Russia might therefore have to act unilaterally. The chief of Russia's general staff insisted that Mr. Shevardnadze was 'in no way' different from Mullah Omar of the Taliban."

"The Russian defense minister announced that no United Nations vote was needed to attack Georgia. One Russian newspaper published military plans to occupy all of Georgia—and thereby 'dictate the terms' of its future existence as a state. The headline: 'Pre-emption Moscow-Style.'"

Such are the dangers of unilateral assertions of power by the leader of the free world. Such are the risks that other nations with aggressive intentions may use stale evidence and ill-defined allegations to settle local grievances.

This is not to deny that there are times when it is necessary to strike first against an enemy who poses a "clear and present danger" to the safety and security of the Nation. The Constitution is not a suicide pact, as Justice Jackson famously said. And the same is true of the international legal order. We are not compelled to stand by and allow ourselves to be attacked before we can lawfully take action.

But any nation that engages in the preemptive use of force bears a heavy burden of showing that its actions were justified by the nature of the threat confronting it.

The principles that apply were formulated by none other than Daniel Webster, who was Secretary of State when the British launched a surprise attack on an American ship, the *Caroline*, in 1837.

Webster set forth the two conditions that must exist: first, the need for self-defense must be "instant, overwhelming, and leaving no choice of means and no moment for deliberation." And second, the degree of force used must be proportionate to the threat.

The resolution before us permits the President to take us into war without satisfying either of these requirements. It imposes no obligation upon him to show that the danger is truly immediate and the use of force truly necessary. Indeed, it speaks of a "continuing threat," which suggests an ongoing situation of indefinite duration. And it imposes no requirement that U.S. military actions be measured or proportionate to the threat we face.

In short, the resolution offers no rationale for the exercise of its broad grant of authority. Nor has the President provided one.

Last night, President Bush presented his case for a preemptive military strike against Iraq. I studied his speech with care, hoping that he would set forth clear and convincing evidence of the threat he perceives.

The speech offered ample evidence that Saddam Hussein is a bloodthirsty tyrant who has terrorized his own people and endangered his neighbors.

The speech offered ample evidence that Saddam Hussein has defied Security Council resolutions for 11 years by continuing to develop weapons of mass destruction.

And the speech made clear—in case anyone doubted it—that Saddam Hussein is deeply hostile to American interests.

What the speech failed to demonstrate is that Saddam Hussein poses a threat to America or vital U.S. interests that—Webster's words—is "instant, overwhelming, . . . leaving no choice of means and no moment for deliberation."

In fact, it demonstrated just the opposite. The President did not say, "Saddam Hussein presents an imminent threat to the United States." He said, "The danger is . . . significant and it only grows worse with time."

That is an argument for containment. It is an argument for coercive measures, including unconditional inspections, disarmament, and the freezing of assets. It may even be an argument for sanctions. But it is not an argument for launching an unprovoked military attack.

NUCLEAR WEAPONS

The President stated that the Iraqi regime has continued to pursue the development of nuclear weapons, and could one day soon be in a position to threaten America or the Middle East. He cited the Cuban missile crisis as precedent for a preemptive strike to contain that danger.

But the missile crisis involved the imposition of a naval quarantine to interdict the delivery of nuclear missiles capable of hitting the United States—as clear an example of a proportionate response to an imminent threat as can be imagined. In the present situation, the CIA's best estimate is that Iraq "will probably have a nuclear weapon during this decade."

Perhaps anticipating that some future administration might one day cite the missile crisis to justify preemptive military action, President Kennedy's own legal adviser expressly distinguished the Cuban missiles from what he called "threatening deployments or demonstrations that do not have imminent attack as their purpose or probable outcome."

CHEMICAL AND BIOLOGICAL WEAPONS

The President noted that Saddam Hussein has used chemical agents against civilian populations in his own country. This is true. It is also true that these attacks last occurred some 14 years ago—with the full knowledge of a U.S. government that did nothing to prevent them.

What is the imminent threat that such weapons might be used against the United States? The President didn't say. He said that Saddam Hussein "could decide on any given day to provide a biological or chemical weapon to a terrorist group." Indeed he could. So could any number of other nations, from Iran to North Korea.

But the historical record suggests that he can be deterred from deploying these weap-

ons. One the eve of Operation Desert Storm, Secretary of State Baker notified Iraq that any use of its weapons of mass destruction would result in a devastating American response. And the weapons were never used.

In fact, according to declassified intelligence estimates released only last night, Saddam is unlikely to initiate a chemical or biological attack against the United States unless he concludes that "U.S.-led attack could no longer be deterred." In other words, Saddam will unleash his arsenal only when he is facing annihilation—with nothing left to lose.

SUPPORT FOR TERRORISM

The President claimed that Saddam Hussein has links to international terrorism that justify a preemptive strike against his regime. What is the evidence? The President offered four arguments. First, he said that Iraq and al-Qaida "share a common enemy—the United States of America." Well, the United States and Iraq share a common enemy—Iran. But that's hardly evidence that we support Iraqi aggression.

Second, he said that the Iraqi regime "gleefully celebrated the terrorist attacks on America." This is hardly admirable, but it is also hardly evidence that they were behind the attacks. Any more than others who shared such sentiments elsewhere in the Arab world.

The President's last two arguments are more serious: that Iraq is continuing to finance terror in the Middle East and has continued to associate with leaders of al-Qaida, offering them safe harbor, medical treatment, and training in terrorist techniques. Yet assuming that these allegations are correct, they argue, not for invasion, but for treating Iraq as we treat the many other countries that provide various kinds of support for terrorism but against whom we are not making plans for war.

I do not mean to minimize these concerns. They are serious and deserve to be addressed, whether they occur in Iraq or in any other country—especially one in which internal repression, the appetite for conquest, and the possession of advanced weaponry go hand in hand.

I applaud the President's demand for immediate Iraqi compliance with Security Council resolutions. I would support a resolution that authorizes the limited use of our Armed Forces in support of international efforts to locate and dismantle Iraq's weapons of mass destruction should Iraq fail to comply.

Such a resolution would achieve the President's desire that we "tell the United Nations and all nations that America speaks with one voice."

Instead, the President insists on a resolution that goes further. That authorizes the President to "use the Armed Forces as he determines to be necessary and appropriate."

The President says that "approving this resolution does not mean that military action is imminent or unavoidable." If so, I am relieved to hear it. But if military action is imminent or unavoidable, then the broad language that would authorize it premature.

If the American people are satisfied that our cause is just and war is forced upon us, they will do what needs to be done. But before we risk the lives of our soldiers and countless innocent Iraqi civilians, before we divert untold billions of dollars from our other battles, before

we forfeit the moral authority that has distinguished America among the family of nations, we had better be sure we've taken every reasonable step to resolve this crisis without bloodshed.

Until then, I cannot support a resolution that gives the President a blank check to launch a military strike that meets none of the legal requirements for preemptive action. We have been down that road before. It is not a lesson we should have to learn again. And it's not the kind of example that the United States should set for the world.

□ 0040

Mr. PAYNE. Mr. Speaker, I yield myself the remaining time.

Let me conclude by thanking the majority for the kindness and the thoughtfulness that they have given us. The gentleman from Illinois (Mr. HYDE) should be commended, as I mentioned earlier, a gentleman always, but to allow everyone to have a word to say.

The past 2 days with over 24 hours of debate has been an historic time in this House. A debate has endured that will be noted and will be long-remembered what was said here. We have debated fundamental changes in the manner in which this country operates, first strike preemptive. Definitely a new course of action for this Nation.

Of course, first strikes are nothing new. In the medieval times there were many, France into Germany, Spain into Italy. In 1918, Germany entered France. December 7, Japan attacked the United States. So there has been preemptive strikes but never the greatest Nation in the world taking a decision to make first strikes preemptive, and so this is a new day for this great Nation.

The Framers of the Constitution, the Jeffersons and the Adams and Washingtons and Hamiltons, said let us be careful about power. We do not want a king or emperor or dictator, and, therefore, let us give the power of war to the Congress.

Here we are abdicating that responsibility and giving the right to declare war to one person, to say it is his decision to do what he wants and he has 48 hours to tell us later what he has done. Another principle that we have changed.

We jeopardize a coalition because I believe right now our number one fight is the battle against terror. The al Qaeda cells that are in this country and in 50 other countries and a false feeling of security will emerge when we attack Iraq if that is done, and Americans will, therefore, believe that there is a sense of security now and al Qaeda is gone. There is definitely a difference between the al Qaeda cells and the government of Iraq, and so we are leading people down a wrong path to believe that a defeat of Iraq, therefore, eliminates the war on terror.

We have heard recently that there is a connection between al Qaeda and the government of Iraq. This only was revealed in the last week or so. Many

wonder where this information is coming from and whether, in fact, it is indeed true. And, once again, we should not lull our people into a false feeling of security when we look over there and say Iraq is done, we are safe again, when the war on terror will still be here.

So we talk about a new concept, regime change, Saddam Hussein should go. This is a tall order. How do we do it? How long do we stay? How dangerous will it be? How costly will it be? How are we going to rehabilitate Afghanistan? We have not drilled the pumps to reach the low water tables as we promised. We have not started construction of schools as we said. We have not built the hospitals as we promised, but now we will go into Iraq and for how much? What will the cost be? \$100 billion? \$200 billion? No one really knows.

As the DOW has dropped from close to 11,000 down to close to 7,000, almost a 40 percent drop, how can we fund this? We spend \$1 billion a day today on a \$350 billion defense budget, with another couple of hundred billion dollars on the side. How can we do it with the unmet needs of PELL grants and student loans, the needs for prescription drug benefits for seniors and section 8 housing, vouchers funding for elementary and secondary schools in the leave no child behind legislation? How do we deal with that?

So as we move to vote we should engage the U.N., we should encourage them and support the inspectors to find and destroy those biological and chemical weapons of mass destruction. We should leave no stone unturned. We should go unfettered. We should demand that, and I believe then we can have the avoidance of war. We should attempt to avoid war at any cost. I do not believe that the United States is eliminating the danger of the al Qaeda cells in this country by us having a war and attack on Iraq.

I would like to say that we are a mighty powerful country. Let us use our power and might. We love this country. In school I used to recite the poem, This is my country, land of my birth; this is my country, the grandest on earth; and I pledge thee my allegiance, America the bold, because this is my country to have and to hold.

Let us not misuse the power that we have, but let us be sure that Saddam Hussein is contained, that this world is free of tyrants like that. Let us support the inspectors going in.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, as I close, I would like to thank the gentleman from New Jersey. This has been, in fact, a long debate. It has been spirited at times, but, in fact, it has always lived up to the gravity of what we are considering, and we owe that in no small part to the gentleman from New Jersey.

The gentleman from Illinois (Mr. HYDE) has empowered me to close, and I take that as a very unusual thing for a freshman and something that is pretty important for somebody who not only supports this resolution but who supports this resolution often to the dismay of other Arab Americans.

My family emigrated from the Middle East, one side of my family emigrated from the Middle East, and I bear an Arab surname, and so for me and I think for many people who are going to support this resolution tomorrow, this has to be a special case. We are not pushing an 11-year or 12-year war to the brink of a final military conflict lightly.

I would call the Speaker's attentions to these advertisements that came out of Baghdad September 11 and a year after September 11 as just another example of what is different about Saddam Hussein's regime.

After September 11, both as a member of the Committee on International Relations and I believe as one of the Members of this body whose ancestry goes back to the Middle East, I was visited by not just one but every single ambassador from the Middle East represented in this country. In every case they expressed their horror, their sympathy and distanced themselves from the terrible events of September 11; and they did so in private, not intending to do it for the camera, but so that I would understand. And I am sure they visited virtually every other Member so they would understand that that is not what the Arab people are about, that is not what Arab society, one of the great societies that helped create the world as we know it today, is about.

It is not what the Iraqi people are about, and to put out propaganda in the Baghdad press talking about September 11 being Allah's revenge, in fact, says it all about this regime.

Saddam Hussein and his party and his almost 30-year rule has been all about killing and violence and hatred. He is not alone, but he is in a league of his own. And as we close for tonight and we move into tomorrow's short debates of 1 hour and final passage probably by midday, I hope that all of us will remember that this is not about Arab people, not in this country and not anywhere in the world.

The need to empower the President to take this action, should it become necessary, is all about the uniqueness of this administration of Saddam Hussein and the actions he has taken in the past, he takes in the present, and we are quite certain that if that regime is not changed or replaced, he will take in the future.

I say as one Arab American to the many Arab Americans and Muslim Americans in this country and perhaps to the Arabs around the world, America and particularly my community in America has absolutely no hatred and no willingness to participate in anything that is adverse to the Arab people.

□ 0050

But we do have to insist that the kind of tyranny that has gone on in Iraq for so many decades must in fact stop, either by Saddam Hussein living up to his obligations under the U.N. resolutions or his being driven from power and an Arab leader who will respect the rule of law and who will provide the kind of fairness for his own people can be found.

Mr. MEEHAN. Mr. Speaker, I rise tonight with a heavy heart but with determined resolve. A member of Congress faces no more important debate than authorizing the President to use military force.

Just over a year ago, Mr. Speaker, the eyes of the world were opened to the depths to which evil men will descend in order to put fear in the hearts and minds of peace loving people.

In the post-September 11th world, Americans now understand that there are those who have no regard for human life, and that they will kill the innocent in untold numbers to achieve evil goals.

We now also know that sometimes our Nation must act to prevent that which may happen in the future.

Which brings us to Saddam Hussein and Iraq's pursuit of weapons of mass destruction.

Saddam has a unique brand of state-sponsored terror that threatens the world like no other.

Unchecked, he pursues chemical, biological, and nuclear weapons and has demonstrated the capacity to use them.

Among dictators and despots, his record stands by itself: he has brutally murdered and repressed his own people, he has used chemical weapons against his neighbors and his countrymen including women and children, he has launched unprovoked attacks on other nations, he sponsored an assassination attempt on former President Bush, he harbors terrorists including members of Al Qaeda, and he defies the will of the United Nations and the international community by refusing to disarm and continuing to develop every conceivable weapons of mass destruction known to man.

That is why it is critical that the United States asserts its unique leadership role in the international community and put an end to Saddam's pursuit of weapons of mass destruction.

Now is the time to work within the United Nations Security Council to move a tough Resolution calling for the complete disarmament of Iraq's weapons of mass destruction under threat of force by a global coalition.

It must be the policy of the United States to exhaust all forms of diplomacy within the United Nations and other appropriate forums before considering any other course of action relative to disarming Iraq.

And if that diplomacy fails, then we must act with the broadest coalition of nations as possible to force the disarmament of Saddam's weapons of mass destruction.

Mr. Speaker, the strategy that Secretary Powell briefed me on that we are pursuing with the U.N. Security Council is precisely the reason why I am such a strong supporter of the Alternative being offered by John Spratt of South Carolina.

The Spratt Alternative authorizes the use of U.S. military force in pursuit of a Security Council-sanctioned effort to disarm Iraq, by force if necessary.

That is what Secretary Powell and the Administration are pushing for within the U.N. right now and that is what the Congress should be supporting.

This alternatives makes clear that if the Security Council fails to take action that Congress will act immediately to vote on authorizing the President to use unilateral, if necessary, force against Iraq to disarm.

We are also considering the underlying resolution that provides the President with the authority to use force in accordance with United Nations Security Council Resolutions and unilaterally.

It is a significantly broader authorization than the Spratt Alternative. However, changes have been made including: (1) support for and prioritization of U.S. diplomatic efforts at the U.N.; (2) limiting the scope of the authorization to Iraq only; (3) requiring presidential determinations to Congress before the president may use force; (4) and requiring the President to consult with and report to Congress throughout this process.

I had hoped that there would have been more opportunity for the House to improve on the underlying resolution during the course of this historic debate.

However, I was deeply encouraged by the President's words Monday night when he said, "Approving this resolution does not mean that military action is imminent or unavoidable."

Likewise, I was deeply encouraged by my meeting yesterday with Secretary Powell in which he spelled out in detail our strategy for action within the U.N. Security Council.

I take both President Bush and Secretary Powell at their word. In the coming days, weeks and months, I plan on holding them to their words.

As a Ranking Member of the House Armed Services Committee, I've seen the bravery of our men and women in uniform.

In fact, I was able to visit many earlier this year in Afghanistan and I was struck by their determination to secure the peace for that nation thousands of miles from home.

It pains me that more families may be missing their loved ones soon.

Nevertheless, let there be no doubt that Saddam Hussein's unfettered pursuit of weapons of mass destruction are a real and growing threat to the United States and the international community, and that whatever course others may take—America will defend herself.

Mr. ABERCROMBIE. Mr. Speaker, I rise to speak against this resolution. We all recognize that Saddam Hussein is a tyrant and that he is a dangerous enemy. The question is whether this resolution is the right way to address the threats presented by his regime.

The Administration says that Iraq presents an imminent threat to the United States, that unless we give the President carte blanche to launch a unilateral, preemptive attack, we will be subject to attack by weapons of mass destruction. No one needs to convince us of the horror of weapons of mass destruction or the evil intentions of Saddam Hussein. But does that justify the blank check this resolution gives the President? We have listened to the testimony, read the briefs, and weighed the arguments presented by the Administration. In my view, they have yet to prove their case. They have presented no credible evidence that the United States faces imminent attack. They have presented no credible evidence that Iraq was involved in the September 11th

terrorist attacks or that it is giving material aid to those involved in those attacks.

Are we setting the bar too high? I don't think so. The evidence of imminent threat should be credible, conclusive and irrefutable if we are talking about the United States unleashing the dogs of war. Striking the first blow is unprecedented in American history. It has always been a point of honor that the United States does not start wars. If we are going to depart from a fundamental principle that has guided U.S. foreign policy for more than 200 years, the evidence of necessity must be iron clad.

This is much more than a point of pride. It is not an abstract argument. Through this action, the world's only remaining superpower is asserting a principle that the nations of the world—including the United States—have struggled to consign to the past. We have rejected the old idea that any nation which claims to feel threatened or aggrieved can unilaterally and preemptively attack another without the sanction of the international community. The power to initiate war is no longer untrammelled and absolute. Think for a moment of the precedent we are setting, of the Pandora's box we are opening. What if, tomorrow, India or Pakistan says the other constitutes an unacceptable threat? Would this justify one of these nuclear-armed countries attacking the other? What about China and Taiwan? What about any number of other countries whose relations with a neighbor are beset with tension, suspicion, threats, and insecurity?

More immediately, what about our relations with our allies, the nations on which we depend to help us keep the peace and bear the burden of protecting our interests? We should be careful not to initiate a new age of American unilateralism that leaves us without allies. The Administration thinks they are dispensable in the case of Iraq. Maybe they are. But if our alliances fray and disintegrate, it is certain that there will come a time when we do need them. Will they be there for us? Maybe, maybe not. But one thing we can be sure of: it is foolhardy in the extreme to ignore our allies' importance to the system of international relations and the maintenance of America's prosperity and national security interests.

I have every confidence that our troops will display the bravery and professionalism we have come to expect from them. But the consequences of a U.S. victory are liable to be a huge burden for the United States. We will have taken on the responsibility for peace and order, for feeding and sustaining an entire population, and guaranteeing the territorial integrity of Iraq. All this in the context of a population which may or may not be receptive to the presence of our armed forces. We will have to counter the centrifugal dynamics that drive the Kurds in the north and the Shiites in the south away from the Iraqi state. We will be responsible for defending Iraq's long border with Iran against incursions. We are talking about committing tens of thousands of troops, perhaps hundreds of billions of dollars, for many years, maybe decades.

And what will be the impact of an invasion in the rest of the Muslim world? The reaction will not be an outpouring of support for the United States. It will feed the flames of fanaticism. It could well destabilize Egypt, Jordan and other friendly nations. Are we prepared to commit more troops, more money, more prestige to shoring up these governments?

Finally, let me offer some observations as a member of the Armed Services Committee. Implications of a war against Iraq will reverberate at every level of the Department of Defense. Problematic issues the military faces today—global international commitments, increased personnel tempo, and over-reliance on the Reserves and National Guard—will only be exacerbated when military requirements for Iraq are thrown in the mix.

Of foremost concern is the inevitable enormous strain on military manpower. Secretary of Defense Donald Rumsfeld testified before the Armed Services Committee that no increase in troop end strength is necessary to carry out an invasion and peacekeeping activities in Iraq. No one else whom our Committee spoke to held this opinion. In fact, retired flag officers and distinguished military analysts all agreed that increased end strength was imperative for the ultimate success of our reconstruction of Iraq.

And the personnel problem extends far beyond the full time, active duty forces. Since the Persian Gulf war, our reliance on the Reserves and National Guard has grown to the point where it would be impossible for DoD to meet its worldwide commitments without the presence of these units. Reservists and Guardsmen no longer talk about the rare mobilization in support of a national emergency; rather, some units routinely deploy overseas alongside their active duty counterparts. How long can we continue to call upon these volunteers to shoulder more than their fair share? How long can we ask civilian employers and families of our Guard and Reserve to carry on without them? I sincerely hope that one of the first orders of business in the 108th Congress is a comprehensive overhaul of our military personnel system in order to ease the stress on our citizen soldiers. Otherwise, our Reservists and Guardsmen are sure to vote with their feet.

These considerations do not exhaust the questions raised by the prospect of an attack on Iraq. Serious as they are, the most serious questions of all are the ones none of us can anticipate. War has a way of creating new dynamics and unleashing new forces in the world. All too frequently, those consequences are inimical to the interests of established powers. Those who see the dawn of a new era of peace, stability and democracy in the Middle East as a result of a strike against Iraq would do well to think again.

Ms. HARMAN. Mr. Speaker, I rise in support of this resolution.

The threat from Iraq is very real and increasingly dangerous. Saddam Hussein's belligerent intentions and his possession and ongoing development of weapons of mass destruction to fulfill those intentions make him a clear and present danger to the United States and the world.

Particularly worrisome is the evidence of Iraq's UAV capability. Iraq's ability to use unmanned aerial vehicles to deliver biological and chemical weapons far outside its national borders represents a qualitative increase in the danger it poses.

History demonstrates Saddam Hussein's willingness to use such weapons against unarmed civilians, including his own people. And it demonstrates his unhesitating instincts to invade his neighbors—Iran and Kuwait—and to attack Israel.

That he appears, to quote Director Tenet's recent letter, to be "drawing a line short of

conducting terrorist attacks" does not persuade me that he won't.

He is impulsive, irrational, vicious, and cruel. Unchecked, he will only grow stronger as he develops capability to match his disdain for America and his Middle East neighbors.

History shows that had Israel not destroyed Iraq's nuclear reactor in 1981, Saddam Hussein would now have nuclear capability. But he did not cease his nuclear ambitions. Had coalition military forces not swept through Iraq in 1991, he would have possessed nuclear weapons by 1993.

The CIA now reports that Iraq is one year away from a functional nuclear device once it acquires missile material. Waiting one hour, one day, one month in such an environment, as some suggest, is too risky.

We have to act now because the U.N. resolutions following the gulf war have not contained the Iraqi threat.

With the passage of time, international resolve to enforce United Nations resolutions has weakened.

This resolution will demonstrate to the U.N. American resolve to act if necessary, but preferably in a peaceful and multilateral way.

The strong and forceful language in this resolution will help Secretary Powell persuade his counterparts at the U.N. and around the globe to join us.

The resolution we are considering is greatly improved from the draft the Administration proposed and I commend Leader GEPHARDT for negotiating these improvements.

This resolution narrows the scope of action to the threats to national security posed by Iraq and enforcing compliance with U.N. Resolutions.

This resolution stresses a strong preference for peaceful and diplomatic action, authorizing the use of force only if all peaceful options have failed.

This resolution requires the President to comply with the War Powers Act and report regularly to Congress should military action become necessary, as well as after the use of force is completed.

This resolution addresses post-disarmament Iraq and the role of the United States and international community in rebuilding.

And of crucial importance, this resolution requires the President to certify to Congress that action in Iraq will not dilute our ability to wage the war on terrorism.

Removing WMD from Iraq is an important priority, but it cannot replace our counterterrorism efforts at home and abroad. We must ensure that we do not divert attention from protecting our homeland—beginning with the creation of a Department of Homeland Security.

We must also strengthen and expand programs and policies aimed at stopping the proliferation of weapons of mass destruction and their components. The ready availability of material for chemical, biological and nuclear weapons, and the know-how to make them, has allowed Iraq to rebuild rapidly since 1991 and the expulsion of inspectors in 1998. But nonproliferation programs have been underfunded at a time when they need to be expanded.

If we don't stop the flow of scientists and materials for weapons of mass destruction, we will soon be faced with another Iraq. The axis of evil will grow to include more states. We will encounter the nightmare scenario of nuclear-

armed terrorist groups, capable of blackmailing or attacking our cities and citizens from within, with little hope of deterrence or diplomacy to stop them.

Sentiment in my district is high—both in favor and opposition to this resolution. I thank my constituents for sharing their views with me. I have listened carefully, learned as much as I could, and now it is time to lead.

Like all my colleagues, I fervently hope that the U.S. will not need to use force. But the best chance to avoid military action is to show the U.N. and Iraq that we will not flinch from it.

Giving diplomatic efforts every chance is the right policy and this resolution gives diplomacy its maximum chance to succeed.

Mr. RYAN of Wisconsin. Mr. Speaker, September 11, 2001, brought to light a horror that the American people and the world had up until then only seen in movies. On that day, we learned, as a nation, what it means to be terrorized. The nineteen men who hijacked airliners and used them as guided missiles showed us that even on our home soil Americans are not shielded from the reach of terrorism. Bearing in mind, we must continue to defend against these forces of evil and those who support them. We cannot spend the rest of our lives in fear. I support this resolution in order to protect the life of every American, at home and abroad, I also believe it offers the best chance for peace because it clearly communicates U.S. resolve to Saddam Hussein and makes clear that his continued refusal to disarm will be his undoing.

Mr. Speaker, granting the authority to send our brave men and women in uniform overseas to fight in hostile territory is the most difficult decision we make in Congress. That was true last year and it remains true today. Since the beginning of the first mission in Afghanistan on October 7, 2001, our military men and women have fought terrorists and disrupted their networks, liberated a country, and brought the prospect of peace and democracy to a nation that had not seen either in decades. While our military campaign in Afghanistan is slowly coming to a close, we must not lose sight of our primary objective, to rid the world of terrorists and those who sustain them. Saddam Hussein and his regime in Iraq fit this description.

Mr. Speaker, after sifting through the evidence, reviewing the facts, and probing the Administration, I am convinced Saddam Hussein's regime is a clear and present threat to the security of the United States and our allies. Since he came to power in Iraq in 1979, Hussein has waged war on his neighbors and terrorized his own people with chemical weapons. He has allowed terrorists groups, such as al Qaeda, to operate safely in Iraq. He has supported terrorist actions by compensating the families of Palestinian suicide bombers for their attacks on innocent Israeli citizens. He orders his military to fire missiles and artillery on U.S. and a coalition aircraft that patrol the U.N.-imposed no-fly zones that protect Kurd and Shi'a Muslims in Northern and Southern Iraq, respectively. He has attempted to assassinate a former U.S. President. Moreover, he has violated the basic human rights of his people, causing them to live in fear and poverty, while he builds Presidential palaces and lives of life of luxury. Currently, there is nothing stopping him from using weapons of mass destruction against the United States and our allies, or from giving them to terrorists.

After the gulf war in 1991, Saddam Hussein agreed to abide by United Nations Security Council Resolutions 686, 687, and 688. By agreeing to these resolutions, Hussein was required to, among other things: allow international weapons inspectors to oversee the destruction of his weapons of mass destruction; not develop new weapons of mass destruction; destroy all of his ballistic missiles with a range greater than 150 kilometers; stop support for terrorism and prevent terrorist organizations from operating within Iraq; help account for missing Kuwaitis and other individuals; return stolen Kuwaiti property and bear the financial liability for damage from the gulf war; and end his repression of the Iraqi people. Mr. Speaker, he has taken none of these required actions.

As a matter of fact, over the past decade, Saddam Hussein has shown nothing but contempt for the United Nations and its member-states. In all, Hussein has violated sixteen critical U.N. resolutions. It became obvious that Hussein had no intention of cooperating with the U.N. when Iraq ceased cooperation with weapons inspectors on October 31, 1998, after several years of evading, deceiving, and even harassing U.N. weapons inspectors. This flagrant violation of U.N. Resolution 687 prompted the passage of U.N. Resolution 1205, which called on Iraq to continue "immediate, complete and unconditional cooperation" with U.N. weapons inspectors. These events led to the Clinton Administration signing the Iraqi Liberation Act of 1998 into law, which clarifies the official position of the United States as promoting regime change in Iraq. Regardless, it has been four years since weapons inspectors last visited Iraq. There is no doubt that within this time Hussein has reinvigorated his weapons programs, and according to the International Institute for Strategic Studies, an independent research center based in London, there is little doubt that Hussein's nuclear capabilities are within reach.

If Saddam Hussein persists in violating U.N. Security Council resolutions and refuses to disarm and the use of force becomes our only option, then the goal of military action should not just be to remove weapons of mass destruction from Iraq. Military action must also have the end result of removing Hussein from power. In the end, nothing short of a regime change will liberate the Iraqi people, whom Saddam Hussein has repressed for more than two decades. Since April of 1991, Hussein has continued to ignore U.N. Resolution 688, which requires him to allow immediate access to international humanitarian organizations to help those in need of assistance in Iraq. Furthermore, Hussein punishes his people by diverting funds from the U.N.'s "oil-for-food" program to pay for his weapons programs. I believe Saddam Hussein will continue to do what he has done so effectively in the past: violate the basic human rights of every Iraqi citizen.

I would now like to read to you the following excerpt from the book *The Threatening Storm: The Case for Invading Iraq* by Kenneth M. Pollack. Mr. Pollack, a former analyst on Iraq for the Central Intelligence Agency who served on the National Security Council during the Clinton Administration, is one of the foremost experts on Saddam Hussein and the Iraqi regime.

This is a regime that will gouge out the eyes of children to force confessions from their parents and grandparents. This is a re-

gime that will crush all of the bones in the feet of a two-year-old-girl to force her mother to divulge her father's whereabouts. This is a regime that will hold a nursing baby at arm's length from its mother and allow the child to starve to death to force the mother to confess. This is a regime that will burn a person's limbs off to force him to confess or comply. This is a regime that will slowly lower its victims into huge vats of acid, either to break their will or simply as a means of execution. This is a regime that applies electric shocks to the bodies of its victims, particularly their genitals, with great creativity. This is a regime that in [the year] 2000 decreed that the crime of criticizing the regime (which can be as harmless as suggesting that Saddam's clothing does not match) would be punished by cutting out the offender's tongue. This is a regime that practices systematic rape against its female victims. This is a regime that will drag in a man's wife, daughter, or other female relative and repeatedly rape her in front of him. This is a regime that will force a white-hot metal rod into a person's anus or other orifices. This is a regime that employs thalium poisoning, widely considered one of the most excruciating ways to die. This is a regime that will behead a young mother in the street in front of her house and children because her husband was suspected of opposing the regime. This is a regime that used chemical warfare on its own Kurdish citizens—not just on the fifteen thousand killed and maimed at Halabja but on scores of other villages all across Kurdistan. This is a regime that tested chemical and biological warfare agents on Iranian prisoners of war, using the POWs in controlled experiments to determine the best ways to disperse the agents to inflict the greatest damage.

This is the fate that awaits thousands of Iraqis each year. The roughest estimates are that over the last twenty years more than two hundred thousand people have disappeared into Saddam's prison system, never to be heard from again. Hundreds of thousands of others were taken away and, after unforgettable bouts of torture that left them psychologically and often physically mangled, eventually were released or escaped. To give a sense of scale, just the numbers of Iraqis never heard from again would be equivalent to about 2.5 million Americans suffering such a fate.

It is true that Iraq has said publicly that it will allow weapons inspectors to return. While some members of the United Nations believe Iraq is taking the necessary steps to rectify its past transgressions, Iraq has placed several conditions that can only hamstring the U.N.'s efforts. If the U.N. bows to Hussein's demands, the legitimacy of the entire organization could be called into question.

The purpose of this resolution is to authorize the President to use such force as may be necessary to protect the national security of the United States from threats posed by Iraq and to enforce U.N. Resolutions. Yet even more clear than this language is the message it sends. This resolution sends the message of resolve. It shows that we are resolved to protect ourselves and our allies with whatever means are necessary. And, it is precisely because of this message that we open up the possibility of a peaceful settlement to this great threat. To be clear, after eleven years of dealing with Iraq one thing is certain: Saddam Hussein is motivated only when he finds he has no other options. This resolution demonstrates our unity behind action, should he fail to meet the demands of the international community. Without it, we can be assured that

Hussein's Iraq will continue stockpiling and developing weapons of mass death, providing safe haven for terrorists, and tormenting his own people. Meanwhile, the danger for American and our allies will grow even worse.

Additionally, we seem to be experiencing quite a logjam in the U.N. I believe that passage of this resolution will help break that impasse and secure a meaningful and direct resolution from the U.N., which will help build a larger multilateral coalition around this just cause. If these last attempts at a peaceful solution do fail, then we must show that we are resolved to act to rid the world of this great threat.

Mr. Speaker, war should always take a backseat to peace. I still hold out hope that a peaceful solution can be reached. Unfortunately, time and time again, Saddam Hussein has forsaken his opportunities for peace. He is aggressively seeking to acquire nuclear weapons and build up his other weapons of mass destruction. The longer he is allowed to make progress on these deadly projects, the greater the threat to us—including the threat that Iraq could supply terrorists with weapons of mass destruction. If Hussein refuses to comply, the United States must take action, or risk the use of biological, chemical, or nuclear weapons against us on our own soil.

Mr. WALSH. Mr. Speaker, the decision before the Congress this week is whether or not to give the President the option to use force with Iraq if all else fails. It is similar to the one before the Congress early in my career when the elder Bush was in the White House. The main difference was that Iraq had invaded a sovereign nation, Kuwait, to the outrage of the world community.

The world agreed that Iraq was the aggressor and must be driven out. The U.N. voted for precisely that and we led the effort. Although much clearer in circumstance, it was an extremely difficult decision.

Today things are not quite so clear. There has been no invasion and there, at least at the moment of this writing, is no U.N. sanction for military action.

The arguments are more like piling straws on a camel's back. Saddam Hussein is a murderer of his own people. He is a warmonger, witness Kuwait, Iran and the Kurds in his own country. He aggressively pursues the development of nuclear weapons. Remember Israel bombed an Iraqi nuclear facility many years ago. Hussein still pursues that goal. He has accumulated thousands of liters of chemical and biological weapons and is not afraid to use them, in fact he has used them against Iran and his own people. He planned an attempted assassination of an American president. He defies U.N. resolutions that ended the '91 Gulf War, which called for the destruction of all weapons of mass destruction. He refused to allow weapons inspectors to do their job and threatened and intimidated them at every turn.

Now we are told that Iraq may have become a weapons supermarket for terrorism. Some al Qaeda leaders are there and other terrorist organizations have close ties; i.e. Abu Nidal. We are told that Hussein provides \$25,000 to each family of the suicide bombers who attack Israel. And we can't forget that during the Gulf War Hussein rained Scud missiles down on innocent Israeli civilians in Tel Aviv and other communities. Iraq now is working to extend the range of their missiles.

Now, under the threat of U.S. action, Hussein agrees to let weapons inspectors back into his country. Can there be any doubt that the only thing this man responds to is the threat of deadly force? One is tempted to believe Hussein is now prepared to admit weapons inspectors. And indeed we should and must let that scenario play out before any act of war. But the skeptic in me doesn't believe a word that he says. History is a wonderful teacher and we all know this man's history.

The U.N. has shown itself to be incapable and unwilling to enforce its own resolutions. As a guarantor of world peace they have a checkered past at best. Without having the threat of military intervention, the U.N. is a paper tiger. I have long been a supporter of the U.N. I believe that the nations of the world must have a forum in which to settle their differences but when a tyrant like Hussein thumbs his nose at the world, something isn't right.

One last point, since the 9/11 attack on our country we have been pouring over the coals, literally and figuratively. One by one we have connected the dots that led to the attack. We have seen the threat that connects the plans to do great harm to our country and our people.

The President in these past weeks has connected the dots for us. He has pointed to Iraq with great alarm and tried to help us to understand the threat. It is real. What we don't know is how imminent and what shape the threat will take.

After much thought and prayer and consultation with my constituents and with people I love and trust, I have decided to support the resolution before the House. Not because I want to go to war. I don't, I remember the last one. I remember meeting with Marsha Connor, the mother of Patrick Connor of Marcellus who was killed in action. It was heartbreaking.

But if we don't give the President that option, Saddam Hussein and Iraq will continue to grow more troublesome and if they ever develop a nuclear weapon it would be horrific. I'll vote for the resolution but I will implore the President not to use force unless all else fails. Negotiation, weapons inspectors, and U.N. sanctions should come first.

And if we do indeed go, we should do so with the other nations of the world who should feel as threatened as we.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of House Joint Resolution 114 and the need to protect the United States from any threat posed by Iraq. However, my support for the resolution is coupled with several concerns associated with potential unilateral action against Iraq.

The September 11 attacks on the United States demonstrated the will of misguided, vengeful leaders whose determination to harm Americans seem boundless. Clearly, Saddam Hussein is one of these leaders. This dictator harbors terrorists, invokes chemical warfare upon his own people and openly defies United Nations Security Council Resolutions. His support of international terrorism, and pursuit of stockpiling weapons of mass destruction poses not only a threat to the United States, but also to the world.

Since 1998, this body has voted on four separate measures that appropriate funds for Iraqi opposition forces, as well as call upon Iraq to allow U.N. inspectors immediate, unconditional and unrestricted access to areas

they wish to inspect. Today's resolution takes a step further and acknowledges that sanctions, weapons inspection and containment have failed. It recognizes that Iraq and Saddam Hussein present an unrelenting hostility to the United States. And we know when it comes to the United States, Hussein has a very prolific partner in hate: al Qaeda. In fact, Saddam Hussein has openly praised the September 11 attacks.

The resolution before us authorizes United States military force under two circumstances: (1) In order to defend our national security against a threat by Iraq, and (2) enforce U.N. Security Council Resolutions relevant to Iraq.

Disarming Iraq is necessary to ensure our national security. I was encouraged to hear President Bush emphasize that Iraq can avoid military force if all weapons of mass destruction are destroyed. I hope that Saddam Hussein will heed this advice.

I was also encouraged to hear President Bush stress the importance of seeking a coalition, as I believe the support of the United Nations Security Council is critical. The President must persist in his efforts with the U.N. to approve a tougher inspection resolution. If inspection efforts fail, a U.N.-sanctioned military force is the best course of action, as it would garner support in neighboring countries, and enhance the chances of post-war success. If the U.N. were to fail to authorize force, then the President should come back to Congress and let us have a say about whether we go in unilaterally.

Finally, I was glad to hear the President pledge to rebuild a post-war Iraqi economy. This is very important, as the cost of military action must not only be weighed economically, but regionally.

Although this is one of the most difficult votes a Member of Congress will cast, I'm afraid it is an inevitable action needed to protect the United States from Iraq and the destructive weapons it seeks to acquire and use.

Today, each and every member will vote their conscience. Regardless of how we each vote, at the end of the day we must remember one thing: that we represent the people of the United States and we must come together as a body, and a people, just as we did on September 11.

Mr. SERRANO. Mr. Speaker, today I find myself standing here on the floor of the House with anguish in my heart. I have read and listened to all sides, and I have struggled to understand why our great nation would want to contemplate going to war.

When September 11th, 2001, happened, I was in New York City, and as the enormity of what terrorism could do to my City hit me, I was stunned. Then I wept for all of those innocent people who were simply doing their jobs and living their lives, who in one moment of hate lost their lives. There has, however, not been any conclusive evidence that links al Qaeda, those responsible for the tragedy of September 11th, with Iraq.

Some question whether those who oppose this resolution are forgetting those who died on September 11th; some question our patriotism. Though I should not have to affirm my patriotism, I say simply that I love my country, I love my city of New York, and I am not afraid to deal with those who attacked it. It is the most basic of our purposes as a national government, to defend our nation. But here we speak of a different matter.

I am certainly pleased that the President now recognizes that he must secure the approval of the Congress before taking our nation to war. This is progress and what our Constitution requires. However, if our ultimate goal is to disarm Iraq of all chemical and biological weapons, how does giving our President this right to go to war accomplish that goal? Wouldn't working with the United Nations to implement a program of rigorous inspections move us closer to our goal? I believe that force should always be used as a last resort, and never as the first way to accomplish a goal.

The new doctrine announced by the President, that the United States has the right to engage in a preemptive strike, which he seeks to implement through this resolution, frightens me and establishes a troubling precedent. This is a doctrine better left unused. It contravenes a half century of developed international law, of which the United States has been a champion. Taking this idea to its logical conclusion means that India and Pakistan, for instance, nations with nuclear weapons and a history of conflict, may no longer feel bound by the limitations on the use of force that have been agreed to by the family of nations. The United Nations will become irrelevant and the checks and balances that membership in the United Nations places on the member states will no longer apply. Even if we strike and successfully defeat Iraq militarily, will this make our nation a safer place to live?

The Bush Administration often talks about "regime change" in Iraq and the need to remove Saddam Hussein from power. In 1991 we decided against regime change because of concern about the overall stability of the region. What has happened since that time that has changed the goals of a military action?

As a nation we need to plan and think beyond what passage of this resolution and a military victory would mean. The United States would need to spend at least the next ten years involved in an occupation, reconstruction, and re-building effort. This will require a serious commitment of American resources and troops. Are we ready to commit to the rebuilding that will follow military action?

As a nation have we carefully considered what the impact of a unilateral attack by the United States would be on Israel? If everything that has been attributed to Hussein this evening is true, are we prepared to guarantee the stability of the entire region when Hussein finds himself threatened and decides to strike out at his neighbors?

Our State Department is actively involved in trying to improve the image of the United States in the Arab world and particularly among young Arab men and women. We do not want them to perceive the United States as an enemy. When we engage as a nation in a unilateral military action against an Arab nation, an action that our allies are cautioning against, how will the United States be viewed in the Arab world? Perhaps the result will be an increase in al Qaeda's membership and a renewed hatred toward Americans.

The United States is founded on the principles of justice and due process. If we disregard these principles and adopt a unilateral, macho and aggressive stance, we lose our moral authority in the world. Seeking the consensus of nations does not weaken us or expose us to danger; instead, it fortifies us and brings to our cause the strength of our allies.

We want nations to look at us with respect and not fear, outrage, and scorn. It is time for us to take the lead in removing all weapons from Iraq, but in a way that embraces other nations instead of isolating us from them.

I will vote against this resolution, which permits a unilateral military attack, because I do not believe that the President has made a convincing case or provided sufficient evidence to merit its passage. However, let me also make it clear that my vote against this resolution, which I do not believe will make our nation any safer, should not in any way imply that I think the men and women in our armed services are anything less than heroes. They are courageous and brave.

So I end this speech as I began it, with great sadness. I cannot agree with the course that our great nation is embarking on, one that brings the threat of war closer and the goal of peace further away.

Mr. GARY G. MILLER of California. Mr. Speaker, as Saddam Hussein continues to defy the United States and the world, the avenue of options available in dealing with Hussein shrinks with every step he takes toward attaining nuclear and other weapons of mass destruction. It is clear that Hussein does not aspire to acquire these weapons for the sake of self-defense. The goal of these weapons is aggression. This is not a man of peace. This is a man of war. He has made a mockery of the agreement ending the first Persian Gulf War, and now he holds out hope that he can continue to manipulate the world to hold on to power. And he intends to hold power and use it till he is successful in acquiring weapons of mass destruction and with it, the ability to bully and destabilize the Gulf region.

Hussein intends to use the currency of these weapons to hold hostage the entire region. What then? Some argue that if the attack is not on the U.S. (which we cannot guarantee), we should not get involved. But who believes that if he again invades another country that the United States will be able to sit on its hands as the stability of the Middle East unravels? If he uses these weapons against his neighbors, where will this nation be on moral ground to allow him to continue without reprisal? Appeasement will not be an option. Further, who believes that our country is better positioned fighting a nuclear armed Hussein than one that is currently without that capability? Who believes that the welfare of our men and women in uniform is better served in having them face an enemy with nuclear weapons than one who has not yet been successful in doing so? The answer is no one. With that being said, the urgency of dealing with Hussein is ever increasing.

If Hussein attacks, the most brilliant diplomatic minds combined will not be able to bring a peaceful end. However well intended those hopes may be, eleven years of defiance have shown that peaceful talks and negotiations are not an option for Hussein. Rather, they are an opportunity to a man who does not deserve to lead the Iraqi people and who we cannot continue to appease.

Between 1987–1989, he ordered the deaths of the Kurdish population by the tens of thousands—indiscriminately spraying their villages with poisonous gas. He has proven his imperialist nature through a path of destruction against Kuwait. He has allowed the Iraqi people to starve in favor of diverting resources to maintaining his grip on ruling Iraq. He has en-

gaged in the periodic shake-up of his own administration, brutally eliminating threats to his reign of power. He has suppressed every effort of democracy and change in Iraq with bloodied and unremorseful hands. Saddam Hussein has committed acts so far beyond the pail of decency and acceptability that it leaves one to wonder in shock why we have waited so long to end this madman's career of carnage.

Our nation stands for freedom and humanity and because it does, we had hoped we could reason with Hussein. We hoped he would comply with the conditions of the peace agreement ending the Persian Gulf War. In the 1990s, we hoped he would end the shenanigans of denying access to inspection teams and end his lies and deceit by ending his weapons program. In all these things, Saddam Hussein failed. Through no lack of effort, we have given diplomacy a chance.

No Saddam Hussein wants to fool the world again. And it is the job of this body to ensure that he does not. We have exhausted all reasonable efforts to deal with an unreasonable madman. We have risked all too much in the hope of peace, only to have these efforts manipulated by a illusionary director. It has not been our President, but Saddam Hussein himself that has made the most compelling case for the need for his removal. Saddam Hussein has in his actions, told the world that he is a threat, that he is dangerous, and that he will never be able to be held accountable unless removed.

We can wait no longer as with each passing day, Saddam Hussein draws closer to attaining unclear weapons and he exponentially increases the threat he poses to this nation, our allies, and peace and stability. We owe to the future generations not to make the mistake of holding out hope for Hussein. We must act with diligence to protect this country and we must act decisively.

Let this be clear that this country loves freedom and loves peace. We deserve (and the Iraqi people deserve) more than to be held in fear by a ruthless dictator whose actions have been unconscionable and continue to pose a threat to humankind. We know what Hussein is capable of and it is time to end the nightmare that he has unleashed on his people and bring a complete end to his imperialist aspirations. Therefore, I strongly urge an aye on this resolution.

Mrs. KELLY. Mr. Speaker, in view of Iraq's history of violence, deception and hostility, and the mounting evidence about its pursuit of powerful weapons, our objective must be the disarmament of Iraq and the fundamental reform of its current political leadership.

The Administration and many members of this body realize that this task is one that must be undertaken to protect America and its citizens. As we have learned, failing to recognize the seriousness of threats posed by our enemies can have grave consequences. I support this resolution because it is critical to our national security.

It does not obligate us to carry out military action, but it makes clear to Iraq and all nations the depth of our commitment to extinguishing the threat, and ensures that the Administration has every option available to achieve our objectives, including the use of military force.

There is a looming menace to America, and we ought not delay our efforts to neutralize it.

Mr. DICKS. Mr. Speaker, I rise today in support of H.J. Res. 114, which expresses the support of Congress for the Administration's efforts to enforce the United Nations Security Council resolutions mandating the disarmament of Iraq. Passage of this measure by the Congress will authorize the President to use American military forces to defend the national security of the United States against the continuing threat posed by Iraq.

Let me state at the outset that it is my judgment that the situation in Iraq is very serious and very perilous. I have served on the Defense Appropriations Subcommittee for 24 years, and on the Intelligence Committee for eight of those years. I have thus had a continuing interest in the campaign of deceit waged by Iraqi President Saddam Hussein ever since the day he agreed to abandon his weapons of mass destruction following the Gulf War. Based on the briefings I have had, and based on the information provided by our intelligence agencies to Members of Congress, I now believe there is credible evidence that Saddam Hussein has developed sophisticated chemical and biological weapons, and that he me be close to developing a nuclear weapon. And furthermore, I believe he will not hesitate to use these and any other weapons he has in his arsenal against America and against our ships and bases in the Middle East region.

The CIA's most recent report on Iraq clearly indicates that, after the ejection of weapons inspectors in 1998, Iraq continued its chemical weapons program, energized its missile program, and invested more heavily in biological weapons. Furthermore, Iraq's growing ability to sell oil—despite the ban—increases Baghdad's capabilities to finance weapons of mass destruction programs. Using these funds, it largely has rebuilt the missile and biological weapons facilities that were damaged during Operation Desert Fox and has expanded its chemical and biological infrastructure under the cover of civilian production. The Iraqis have also exceeded UN range limits of 150 kilometers for their ballistic missiles and they are also developing unmanned aerial vehicles, which would allow for a more effective and more lethal means to deliver biological and chemical warfare agents.

Beyond these weapons programs, there is the question of nuclear weapons. In 1991, inspectors from the International Atomic Energy Agency uncovered a secret Iraqi effort to build nuclear weapons after they intercepted a shipment of trucks loaded with huge electromagnetic isotope separators used to make weapons-grade uranium. These inspectors remained on the ground, working with U.N. arms inspectors, until the day they were thrown out of Iraq by Saddam Hussein, flagrantly violating the terms of the disarmament agreements he signed to save himself in the Gulf War cease fire. Since 1998, there is credible evidence that he has attempted to purchase uranium and the hardware necessary to produce the kind of weapon that could inflict infinitely greater damage than any of the destruction we witnessed on September 11th of last year. There can be no doubt that Saddam Hussein represents a growing menace. In the four years since he expelled United Nations arms inspectors from Iraq, he has become an emboldened dictator whose hatred of the United States has only grown stronger as he has regained his military capability.

I believe that it is extremely important that we continue our diplomatic efforts to gain international support for action. Saddam Hussein has blatantly violated 16 important UN Resolutions as he has continued the arms buildup he pledged to curtail. With the growing threat of those weapons, with the assistance Iraq is providing to terrorist groups—including al Qaeda—and with the compelling need to assert the authority of the international community, President Bush has appropriately urged the UN to enforce the sanctions that its members have approved over the last 11 years. I believe H.J. Res. 114—by showing Congress's strong support for the President's position on the issue—will substantially strengthen our effort to develop a consensus at the United Nations for a new and stronger resolution demanding the verifiable removal of Iraq's weapons of mass destruction.

I believe that it is important, in the language of our Joint Resolution in Congress, to emphasize that we are determined in this cause: that if these efforts to build an international coalition within the United Nations are not successful, we believe that the United States must still take action, joined by the British and other nations who support us already, to ensure that Iraq is never able to use the weapons of mass destruction it has and those it is actively developing. In my judgment, the possibility of Saddam Hussein using these weapons against U.S. targets or our allies in the region justifies the commitment of American military forces, however much I truly hope that diplomatic efforts can succeed and that war can be avoided.

Mr. Speaker, for our own safety and national security, I believe that we should support the position that the President expressed at the United Nations last month. It is time for action. We can no longer ignore the reality of what Saddam Hussein is doing and we should no longer postpone our response to the growing dangers of this weapons programs. I urge my colleagues to vote for H.J. Res. 114.

Mr. DEMINT. Mr. Speaker, Saddam Hussein has repeatedly demonstrated he is a threat to peaceful nations around the world. He has the money to finance his hostile intentions, he has the capabilities to blackmail nations with the use of weapons of mass destruction, and has shown a willingness to use them.

Everyday our pilots in the northern and southern no-fly zones of Iraq are the targets of Iraqi fire. Perhaps even more frightening, Saddam Hussein continues to develop and stockpile weapons of mass destruction and actively support international terrorism—both in violation of bona fide international agreements. In fact, in all of his actions, Hussein has demonstrated a persistent refusal to comply with every U.N. Security Council resolution in force regarding his country.

U.N. Resolutions called for Saddam to end both his WMD programs and his support for terrorism. Yet, before Hussein kicked them out of Iraq in 1998, weapons inspection teams could testify to the large amount of research, development, and materials associated with nuclear, biological and chemical weapons—despite Iraq's success in concealing the extent of its capabilities. However, Hussein did manage to hide a great deal from these inspectors, and it was not until defectors shared crucial information about hidden stockpiles that Saddam programs were set back, but never completely shut down. Now some people say

we should have new inspections and do nothing else, believing this time that inspectors will be able to do what they could not before—identify and dismantle Iraq's WMD capabilities. Sadly, recent history teaches us otherwise.

The same can be said about Iraq's involvement with terrorism. Hussein continues to maintain his ties with terrorist organizations. Today his terrorist training camps continue to breed more people intent on harming prosperous, free, and democratic nations around the world—and endangering innocent civilians in the process.

Hussein also targets innocent civilians in his own country in violation of U.N. Security Resolutions. For example, the U.N. oil-for-food program allows Iraq to sell enough oil to provide its citizens sufficient food and medicine to sustain a decent standard of living. However, the profits from the oil never make it to the Iraqi people; instead Saddam funnels this money into his weapons programs. He then bolsters his programs with illegal proceeds from smuggled oil.

In light of these actions, it is clear that the world has a problem with Saddam and the international community agrees. Yet instead of action, many people want to limit the United States to building broad coalitions and placing international pressure on Saddam. Unfortunately, history—and the past ten years—has shown us that no amount of international pressure can stop a dictator with such disregard for international agreements and no diplomatic coalition can change his contempt for human life.

For decades Saddam Hussein has brutally trampled on freedom and muzzled the self-expression of his people. He has threatened his neighbors, supported terrorists, and stockpiled weapons of mass destruction. We cannot remove ourselves from the struggle between freedom and tyranny—good and evil. Saddam Hussein is already engaged in a battle, and he has been firing shots for the past decade. Doing nothing is not an option.

With this resolution, Congress acknowledges that something must be done and expresses full support for the President. President Bush's speech on Monday demonstrated that he—like the rest of us—does not want to go to war. And the fact that President Bush waited almost a month before using force in Afghanistan makes obvious his desire to build coalitions and utilize every peaceful opportunity to end international disagreement before resorting to war.

However, he also understands the United States carries an incredible burden of leadership in the world. For this reason when he took office, President Bush assembled one of the finest national security teams this nation has ever seen. They have proven their leadership in previous military conflicts and understand the cost of military action. Their role in the war on terrorism has also demonstrated how much they care about U.S. troops and the loss of life for anyone involved—both military and civilian. Now is the time to have faith in the President's proven leadership and allow him and his advisors to implement the strategy that finally ends the threat Saddam poses to the free world.

Mr. ROGERS of Kentucky. Mr. Speaker, today I rise in strong support of House Joint Resolution 114, authorizing the President to employ the use of our Armed Forces against Iraq, and urge its adoption by this Chamber.

For the past 2 days, the House of Representatives has had under consideration one of the most serious resolutions it is capable of adopting and, like my colleagues, I take it very seriously. Some have argued that this resolution is not necessary, that Iraq poses no immediate danger to the United States or any other nation, and that we should not employ military force against a sadistic terrorist regime that displays not the slightest regard for human life. Mr. Speaker, I disagree.

For the past 10 years, Saddam Hussein has developed and stockpiled chemical and biological weapons and continued to construct facilities capable of producing nuclear weapons. Evidence of this and other destructive activities on the part of Saddam Hussein is overwhelming. Mr. Speaker, for the sake of our Nation's safety and that of our neighbors and allies we cannot ignore this problem any longer. Either Saddam Hussein gives the U.N. weapons inspectors full, un-fettered, and unconditional access to all Iraqi facilities or the United States will take action to disarm him.

I applaud President Bush, who has prudently and methodically made a strong case for why the United States has the moral and political authority to take action against Iraq, if necessary. Mr. Speaker, we are at the end of the line and words and international declarations will no longer do against a dictator who has nothing but contempt for the freedom-loving world and his own people.

In addition to its stockpile of weapons of mass destruction, Saddam Hussein has repeatedly violated the Persian Gulf War ceasefire agreement, snubbed numerous U.N. resolutions, brutalized and killed his own people, plotted to assassinate a former U.S. President, and has aided and harbored members of terrorists cells, including al-Qaida. Clearly, we must act.

Mr. Speaker, the foremost responsibility of government is to ensure the safety and security of its citizens. We demand safety and security in our neighborhoods, schools, and workplaces; we should expect the same in the international community as well. Although I remain hopeful that this conflict with Iraq can be resolved peacefully, I am prepared, for the sake of our Nation's security, to employ force. This resolution is not, as some have stated, a "blank check" for the President. Congress has and will continue to maintain its constitutional prerogatives if armed conflict with Iraq should ensue, but as a nation, we have the right to take action. Thus, I urge the adoption of House Joint Resolution 114.

Mr. BONILLA. Mr. Speaker, today, we are debating the most fundamental issues we face as a Congress and as a country. Today we are debating whether to send America's sons and daughters into harm's way, whether a threat exists to America's security and whether we need to act now or wait. We have no more grave responsibility as legislators than defending our Nation and democratic way of life.

American foreign policy has had a single objective since the foundation of our republic. That objective has been to defend our independence and freedoms. Over the years the policies America has followed have changed to meet the changing threat.

During America's first century we followed a policy of staying out of foreign conflicts, comfortable in the security offered by two oceans.

The Monroe Doctrine represented the first expansion of American policy in its vigorous assertion of America's right to ensure that no foreign power intervenes in our hemisphere. The last century saw a further expansion of American power as we acted to prevent any hostile power or ideology from dominating the eastern hemisphere and threatening our continued independence.

Today, we face a new challenge, a homicidal dictator striving to acquire the means to threaten our civilization and kill millions of our fellow Americans. Saddam Hussein already has the means; he only lacks the material needed to build an atomic bomb. It has been widely reported that he could build a bomb within a year were he to acquire certain materials. A nuclear armed Saddam Hussein would represent a clear and present danger to our nation.

No one who has objectively looked at the facts, no one who has seen the Kurdish villagers gassed on Saddam Hussein's order, no one who remembers the invasion and looting of Kuwait, no one looking at the facts can doubt that a nuclear Saddam Hussein would be a threat to our Nation and civilization.

Given these facts I think it is important we understand what we are debating today. We are not debating whether a nuclear Saddam Hussein is a threat. No honest analysis can deny that. We are not debating how to confront Saddam Hussein. No one wants war and it is my earnest hope that our actions today will convince Saddam Hussein that he must disarm and give up his goal of acquiring nuclear weapons. However, we can only succeed in avoiding war if Saddam Hussein is convinced that he risks war and the destruction of his regime if he continues to defy us.

What we are debating today is timing. Do we confront Saddam Hussein today or wait. Do we act now when he does not possess nuclear weapons or wait until he does. Common sense tells us that the risky course is to wait. Our responsibility as legislators dictates we act against any threat to our independence. Opponents of this resolution say the risks are too great and that there is too much that is unknown, but the risks of not acting are far greater and the unknown far more terrifying.

Let us remain true to previous generations of Americans who have been vigilant in protecting our freedom and vote for this resolution. Let us live up to the expectations set by the Founding Fathers and support this resolution.

Mr. HERGER. Mr. Speaker, I rise in strong support of the resolution before us today. The principle purpose of the resolution is to authorize the use of military force—if deemed necessary—to remove Saddam Hussein from power in Iraq. The Hussein regime poses a direct threat to the security of the United States and our partners in the world. And this threat must not be allowed to stand.

In the aftermath of the Persian Gulf War, Saddam Hussein agreed to numerous United Nations Security Council resolutions—16 of them—as conditions of his political survival. Now, almost 12-years later, Iraq's leader has failed outright to comply with these terms of peace. Hussein has continued to stockpile weapons of mass destruction, subjected the people of Iraq to squalor and starvation, openly sponsored terrorist attacks, and has in all ways defied the international community. He has lied repeatedly and there is no doubt that he cannot be trusted.

Yet still, many wonder if Saddam's distant rogue regime is a real threat to our national security, and the safety of American citizens?

To answer this question we need look no further than the horrors of 9-11 and how terrorists from afar were able to strike at America. Hussein's hatred of our country has been made plain. Despite our best efforts at border security, it is conceivable that terrorists, sponsored by Hussein, might smuggle Iraqi weapons into the United States for use in an attack against our citizens.

Our intelligence reports confirm this threat as real. Iraq maintains an extensive stockpile of sophisticated chemical and biological weapons, and is continuing in its program to develop nuclear weapons and the means to deliver them. We also know that Iraq supports terrorist groups and encourages violence against Israel with cash payments to the families of suicide bombers. Under Hussein's regime, Iraq has become a new safe-harbor for al-Qaeda and other terrorist groups.

Just as we must vote to pass the resolution before us, so too must the United Nations reaffirm its importance in the global theater, approving the use of force against Iraq. As in the Gulf War, a unified coalition effort from the beginning would help foster consensus to rebuild Iraq and reconstitute a new Iraqi government following military action.

As we prepare for what may be an inevitable war scenario in Iraq, we must acknowledge the possible outcomes of such an action, both positive and negative.

Our objective would be to eliminate the threat posed by Hussein's regime, and thereby create a more stable political environment in the Middle East. Still, the decision to commit American troops to the battlefield is never easy. In addition, there are also other considerations, such as, if we are successful in our mission, what happens next? What kind of force will it take to successfully see through a transition in Iraq and foster a new democracy?

While these possibilities must be considered when weighing any action, the immediate issue is clear: Iraq is a threat that must be dealt with swiftly.

I firmly believe that our President will make the right decision, in the best interest of the United States, and I have the utmost confidence in the integrity of his counsel. Mr. Speaker—at times we must be willing to use force to protect the security of our people and of our Nation.

Now is one of those times.

I would like to thank my colleagues in the House for introducing this strong resolution, and would like to urge all to stand by the President and vote for its passage.

Mr. GREENWOOD. Mr. Speaker, more than 200 years ago, the first President of the United States addressed the Nation's first Congress with these prophetic words, "the preservation of the sacred fire of liberty and the destiny of the Republican model of government are . . . finally, staked on the experiment entrusted to the hands of the American people."

Now we find ourselves in a new century, confronted by new trials.

We have withstood attempts at invasion, survived a bloody civil war, endured two world wars and prevailed in the long twilight struggle President Kennedy spoke of more than forty years ago.

Ten years ago, confronted by the specter of Kuwait brutally overrun by Iraqi forces, the

United Nations and the United States led a coalition of more than 28 nations in a war of liberation.

Then President Bush plainly outlined our war aims. "Our objectives" he said "are clear. Saddam Hussein's forces will leave Kuwait. The legitimate Government of Kuwait will be restored. . . . and Kuwait will once again be free." All of this was achieved.

He then went on to say that once peace was restored, it was our Nation's hope, "that Iraq will live as a peaceful and cooperative member of the family of nations." this hope has gone unfulfilled.

And so, in Franklin Roosevelt's words, "there has come a time, in the midst of swift happenings, to pause for a moment and take stock—to recall what our place in history has been, and to rediscover what we are and what we may be. There is no greater example of what we are than how we responded to the terrible events of September 11.

Confronted with a massacre of innocent lives; the attack on the World Trade Center and the Pentagon, and the horror of the instruments of modern technology being used as the means of our destruction, we did not falter.

In the weeks and months since, we have buried our dead, cared for our wounded, aided the widows and orphans, improved our defenses and taken the war to our enemy.

Now we are asked to do more.

Over the past few months, I have agonized, along with many of my neighbors and constituents, on the degree of threat the renegade regime in Iraq represents to our safety and security.

It is for these and other reasons that I set the bar so high on what I would require before I would embrace any presidential action that included the use of force to remove Hussein and his henchmen from power.

The most compelling reason, as I wrote to my constituents was the realization that, "any decision to finally remove Hussein and his regime, once begun, could not be permitted to fail.

For those reasons, I urged the administration to work to promote a regime change short of the use of the military option.

I went on to argue that, should those efforts fail, then it was incumbent upon the administration to make their case to the United Nations, to the American people and to Congress before inaugurating any major military undertaking against Iraq.

This they have done. Now it is time for us to decide. I will vote "yes" on this resolution.

While I still hold out some hope that by its passage the United Nations will be empowered, to force Iraq to comply with the will of the international community, that they eliminate all their weapons of mass destruction, I bear too great a responsibility to allow my actions to be governed by that hope alone.

As a Member of Congress, I must act upon information I possess in a way that most clearly protects our people and our way of life. And what I know is this. Should the U.N. fail in its mission, we will have very little choice but to act.

I am now persuaded that, left to his own devices, Saddam Hussein will not be content until he has the means to murder his own people and the people of many nations with the most horrible weapons of war. This we cannot permit.

Neither can we permit him to cause the kind of world economic blackmail and chaos that

could ensue, should he be allowed to continue his arms build-up. As President Eisenhower once observed, "We are linked to all free peoples not merely by a noble idea but by a simple need. No free people can for long cling to any privilege or enjoy and safety in economic solitude."

I do not take this step lightly. To knowingly spend the precious blood of our sons and daughters and the wealth of this peaceable people, even in the noblest cause, is a burden no sensible man desires. But, in the end, our place in the world as the pre-eminent champion of human rights and human liberty leaves us very little choice.

At the close of his 3rd Inaugural Address, on the eve of our Nation's being drawn into the Second World War, Franklin Roosevelt spoke these words, "In the face of great perils never before encountered, our strong purpose is to protect and to perpetuate the integrity of democracy. For this we muster the spirit of America, and the faith of America. We do not retreat. We are not content to stand still. As Americans, we go forward, in the service of country. . . ."

Mr. NUSSLE. Mr. Speaker, I rise in support of this resolution. It is both reasonable and necessary.

At its essence, our debate is about the critical need to ensure Saddam Hussein fully understands our resolve to protect our citizens and to promote peace around the world. There is no question we would all prefer it if the path ahead did not include military action. Unfortunately, Saddam Hussein may not allow us that option.

The President and other members of his administration have provided a sober, convincing picture of the threats our nation faces from Iraq's current regime. As the President said earlier this week, "While there are many dangers in the world, the threat from Iraq stands alone because it gathers the most serious dangers of our age in one place."

And this "one place" is led by an evil, evil dictator who directs his intense hatred toward America, Americans, our interests and our allies.

Iraq's leadership has continued to aggressively pursue the development of weapons of mass destruction to add to his arsenal. We've all talked about these weapons but it's worth spelling out what they can be: chemical weapons, biological weapons and even nuclear weapons. Saddam Hussein has shown his cruel willingness to use such devastating weapons against his own citizens and his neighboring countries in the past. I sincerely doubt he's had a change of heart.

We must also not ignore the support of terrorism found in Hussein's Iraq. September 11, 2001 was a horrific reminder that terrorists are serious in their intent to harm Americans. This step is a continuation of the war against terrorism that our nation has been forced to undertake.

It is Saddam Hussein himself who provides the final proof that we must act. He has a robust history of disregard of the international community and its laws. Time and again, he has willingly and defied the United Nations and the world community by ignoring the agreements he has made. He has constructed a wall of delay and deception that at times is as thick as the cloud of black smoke from the malicious oil fires that greeted our troops in 1991 as they liberated Kuwait.

It's obvious that Iraq's current regime presents problems not just for the United States, but problems for international peace and stability. We can not deny the seriousness of the situation, and I believe America should provide its leadership for the sake of peace and justice.

The President has earned our confidence through his leadership since last fall's terrorist attacks. The President is determined to pursue a course of action with regard to Iraq that will both ensure our own nation's security and promote international stability and I support his efforts.

At the same time, I want to make it clear that I respect those who have sincere opposing views on the question before us. The freedom to disagree is one among many freedoms that we are vigorously trying to preserve and I would never want that to change. Few in Iraq who disagree with Saddam Hussein can share their opinions openly.

The resolution we are considering makes it clear that America prefers to find solutions together with the United Nations and other international leaders. It also provides authority for the President to use force if diplomatic or other peaceful means are not effective. It preserves America's right to act on its own as we must in self-defense of our nation's interests.

Mr. Speaker, the first major vote I took as a Member of Congress in 1991 was to support the international coalition's effort to liberate Kuwait from Iraqi aggressors. No one wanted war then, but it was necessary. No one wants war now. We don't seek it. It is my fervent hope that war with Iraq may yet be avoided. And it may. But our shared and firm commitment to the security of our nation should not be questioned by Saddam Hussein or the world community.

Mr. DOOLEY of California. Mr. Speaker, I rise today in support of H.J. Res. 114, the bipartisan resolution authorizing the use of military force against Iraq.

Like most Americans, I understand that our security is threatened by rogue nations suspected of crafting biological and chemical weapons, and by those who seek access to nuclear weapons. I am convinced that Iraq is building an arsenal of weapons of mass destruction, following repeated refusals, over many years, to comply with United Nations weapons inspections. I believe it is our responsibility to ensure that Saddam Hussein is no longer positioned to pose a major and imminent threat to U.S. national security. I further believe that the President should have the authority to use force against Iraq, if he deems it necessary.

Ms. CARSON of Indiana. Mr. Speaker, let's get this straight: a preemptive war is a war nonetheless, a war the would-be preemptor starts.

According to our Congressional Budget Office, the aggressive war the President wants to start against Iraq would cost our taxpayers between \$6 and \$9 billion a month. With most people's retirement accounts in the tank, the Federal accounts drenched in red ink and so many people out of work, don't we have better and less violently fatal ways to spend money?

Despite our using parts of Iraq for bombing practice over a ten year period, Iraq hasn't attacked us. But if we carried out a campaign to destroy the regime entirely, what would Saddam have to lose by trying to sneak biological weapons into the U.S.? As we have seen in

Afghanistan, it is not physically possible for us to bottle up a country so that no one can slip away.

A preemptive strike without U.N. Security Council compliance is, by definition, aggression and a treaty violation. A duly entered into treaty is the law of the land. Moreover, the mandate of our Constitution is that Congress alone has the authority to start a war. And the Constitution does not permit Congress to delegate any part of that authority to the President as this proposed resolution would do. In discussing that Constitutional provision (Art. 1, Sec. 8, Clause 11), Congressman Abraham Lincoln wrote in part:

Allow a President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure.

There are twenty million people in Iraq not named Hussein. An invasion would kill untold thousands of those already weakened people.

On Saturday the President said, "We must do everything we can to disarm this man before he hurts one single American." Could that possibly mean that the President believes the American soldiers who would be slaughtered in the war he wants to start against Iraq would not be "hurt." Should such stark horror be so casually inflicted on so many young Americans on such flimsy and dubious evidence?

Let's get another thing straight: the al-Qaida did not invent terrorism; it is anything but "a new kind of war." It went on during the reconstruction period in America and periodically since.

Not long ago, President Reagan and Vice-President Bush were telling us one of the good things about their then-friend Hussein was that he was secular and not a religious fanatic. Now suddenly this President Bush is telling us that Hussein is in cahoots with religious fanatics who, even the most casual student of the mideast knows, hate Hussein's guts and would be delighted to overthrow him. Bear in mind that the Bush/Hussein friendship was still going strong after both the Hussein invasion of Iran and his use of gas weapons against his own people.

For 40 years, the Soviet Union was our adversary and was armed to the teeth with awesome nuclear weapons with intercontinental capability that made Hussein the pipsqueak he is. The Soviet Union also slaughtered millions of its own people and invaded neighboring countries. The Soviets were our Saddam Hussein of the time. But no U.S. "preemptive war." Not necessary because the Soviets knew use of nuclear weapons would mean their suicide.

For the sake of argument, let's say Hussein had primitive nuclear weapons now, which he almost certainly does not. He and his gang aren't so dumb that they don't know use of such weapons would mean that he and his "grizzly gang" would be vaporized within minutes by our awesome nuclear capability.

So why war now? Mr. Rove, the White House politics man, is on record as saying that war is good for his party to win elections. Is this, then, a political question or a moral one?

One of the greatest dangers to an American soldier is a poor economy at election time.

In good conscience, I cannot cast my constituents' vote for this latter-day Gulf of Tonkin

Resolution. It is said that the only thing we learn from history is that we do not learn from history.

Mrs. BONO. Mr. speaker, since coming to Washington, I have taken part in many significant and historical debates. Most of the time, Republicans and Democrats have been at odds with one another. But last week, as I and a group of my Democrat and Republican colleagues, discussed this issue with the President of the United States in the Cabinet Room of the White House, I felt a sense of purpose and bipartisanship that made me proud to serve as a Member of Congress.

To grant our President the authority to use force against the regime of Saddam Hussein as a last resort is not a vote I take lightly. However, over the course of our nation's young history, there have been many times when I wish we had been able to prevent a variety of calamities. From the assault on Pearl Harbor to the terrorist attacks of 9–11, we have been reminded time and time again that we do not live in splendid isolation.

It is for this reason we must consider taking up arms yet again to defend ourselves. While I realize the human cost of war on both sides is sobering, the cost of inaction in this case could far exceed our worst fears.

Saddam Hussein has used weapons of mass destruction on his own people. He has used them against the Iranians. There is no question in my mind that this international outlaw has a diabolical drive to acquire nuclear weapons to use against our Nation and our allies. If we do not act now, we will have put the lives of our citizens at risk and we will have failed our future generations. We will go down in history as having given up our principals out of fear. History will not forgive us.

Our World War II generation of men and women, under the leadership and strength of FDR and Churchill, fought and died to give us the freedoms we enjoy today. It is now up to us to rise to this new threat. While I believe we must work with our allies to exhaust all reasonable diplomatic means, we must also be prepared to take military action to defend our country from a tyrant who can unleash a reign of terror upon the civilized world never before seen.

Mr. Speaker, it was quite significant for so many of us with such varied backgrounds and philosophies to come together with the President in the Cabinet Room last week. We were able to prove that national security is an issue that transcends party lines and sends a signal to our aggressors that we will stand firm and united in order to protect our country and her citizens.

The world is watching us. The United States and this Congress cannot be afraid to lead and defend. We have a sacred obligation to our people and our way of life.

Mr. ROGERS of Michigan. Mr. Speaker, just a few short weeks ago, I believed the President's focus on unilateral U.S. action raised more questions than it answered. Chief among my concerns were issues such as international support, the existence of a clear and present danger to the United States, conditions for maximizing success and minimizing casualties, and the effect of unilateral action of Middle East stability.

I was pleased to see the President listen to these concerns, work closely with the Congress, and produce the bipartisan resolution currently under debate in the House. One

thing is clear, the strength of our Republic, our commitment to debate, democracy and freedom is as strong today as in any time in our Nation's history.

Like most Americans, I have wrestled with the question of how to neutralize the threat of Saddam Hussein. During my travels in Michigan, thousands of constituents have shared their concerns about a unilateral and full-scale American invasion of Iraq. In fact, I continue to share those very concerns.

This week, I will cast the toughest vote of my time in public service—a vote that may commit American men and women to a war against Iraq and its brutal dictator. This is a war in which lives surely will be lost. The first time I faced such a tough decision was in giving the President authority to send troops into Afghanistan to hunt down the terrorist who attacked our Nation on September 11, 2001.

As we all are learning, the face of war is changing. Formal declarations of war by our enemies are going the way of trench warfare and cavalry charges—relics of a different era. The resolution currently before Congress reflects that changing reality.

Today's enemies do not distinguish between civilian and military targets. Today's enemies are just as likely to use chemical and biological weapons as bullets and bombs. These are the very real threats posed by modern enemies that do not allow us to wait for an attack of catastrophic proportions.

Going to war, however, requires more than recognizing the threat. It is the immediacy of these threats that pose a clear and present danger to U.S. citizens. This was underscored in my recent briefings at the White House with National Security Advisor Condoleezza Rice, CIA Director George Tenet, and other military intelligence and foreign policy experts. Their information, some of it classified, reinforced the very real threat Saddam poses with nuclear, biological and chemical weapons, and his willingness to use them. Even against the United States.

A great deal of soul searching has gone into the process that began with talk about the U.S. attacking Iraq and has now come to an agreement on four very important points:

(1) Multilateral Action. Last month, after returning from a Middle East trip, it was absolutely clear that Saddam's neighbors who know him best, fear him deeply and would shed few tears if he were removed from power. However, the region's leaders, especially Saudi Arabia, were concerned about the fragile future of the Middle East. They want Saddam removed, but through a strong alliance, not one-on-one, America versus Saddam. This bipartisan congressional resolution authorizes President Bush to "obtain prompt and decisive action" by the United Nations Security Council to ensure that Iraq abandons its strategy of "delay, evasion and noncompliance" with all relevant international resolutions.

(2) Force As Last Resort. The Bush administration and our allies must exhaust all diplomatic efforts before resorting to armed force in Iraq. The resolution provides that President Bush must certify to Congress, before any military strike, if feasible, or within 48 hours of a U.S. attack, that diplomatic and other peaceful means alone are inadequate to protect Americans from Saddam's weapons of mass destruction. If America must go to war against a regime that threatens our lives, it will not

happen until all other possible solutions have been exhausted.

(3) Congressional Oversight. In addition to the certification to Congress before a military strike, this resolution requires President Bush to report to Congress every 60 days on "matters relevant" to the confrontation with Iraq.

(4) Retaining American Sovereignty. While the resolution authorizes the United States to work through a U.N. Security Council resolution, no American sovereignty is forfeited. If all efforts fail and the national security of the United States is under direct threat by Iraq, the resolution authorizes the President to use the Armed Forces of the United States as he determines "necessary and proper" in order to defend America.

God Bless America!

Mr. PASTOR. Mr. Speaker, I am committed to the war against terrorism, and believe that stopping Saddam Hussein from developing weapons of mass destruction is a necessary part of that effort. At this time, however, I believe it is premature to authorize a unilateral attack on Iraq.

Working with the international community is the surest means of addressing this threat effectively, sharing costs and resources, and ensuring stability in Iraq and throughout the Middle East in the event of a regime change. While the President has spoken of the value of a coalition effort, the resolution before the House today undermines the importance of our allies and of maintaining the momentum of international cooperation in the wider war on terrorism.

I support the Spratt amendment to the resolution. This amendment would authorize the use of U.S. forces in support of a new U.N. Security Council resolution mandating the elimination, by force if necessary, of all Iraqi weapons of mass destruction and means of producing such weapons. Should the Security Council fail to produce such a resolution, the amendment calls on the President to then seek authorization for unilateral military action. In this way, the amendment emphasizes our preference for a peaceful solution and coalition support while recognizing that military force and unilateral action may be appropriate at some point.

We should not rush into war without the support of our allies. We should not send American troops into combat before making a good faith effort to put U.N. inspectors back into Iraq, under a more forceful resolution. We should not turn to a policy of preemptive attack, which we have so long and so rightly condemned, without first providing a limited-time option for peaceful resolution of the threat. America has long stood behind the principle of exhausting diplomacy before resorting to war, and at times like this we must lead by example.

Mr. TIAHRT. Mr. Speaker, I rise today to support H.J. Res. 114, a resolution granting President Bush the authorization to use military force against Iraq. Never in my 8 years as a Member of Congress has there been a vote with as far reaching consequences as this one.

I am under no illusions. War is a serious matter with the real possibility of casualties. I have given this decision a great deal of thought, have sought wise counsel and have spent much time in prayer. It is with a heavy heart that I have come to the conclusion that military action against Iraq may be our only option.

For more than a decade the United States has been working with the United Nations and the international community to use diplomatic means to bring a peaceful solution to the troubling situation in Iraq. We had all hoped Saddam Hussein and his regime would ultimately comply with what the United Nations has demanded. Instead, he has violated, disregarded and openly flouted the 16 U.N. resolutions.

We now know Saddam Hussein is actively seeking nuclear weapons capability, and with fissile material, could build one within a year. A nuclear strike made against us or our allies in the region could result in millions dead. Either Saddam Hussein acquires a nuclear weapon, or we ensure he is stopped. Additionally, Hussein may have the propensity to sell or given nuclear weapons to terrorist organizations one he had acquired them. This could have devastating results.

Traditional nuclear deterrence and containment will not be effective with this regime. Hussein has consistently shown no moral concern for the Iraqi people. Instead, he has a record of acting with selfish deeds of violence against his own family and people. He has mortgaged everything in an effort to obtain nuclear weapon capability. In fighting international sanctions, he has forfeited \$180 billion in oil revenue, impoverished many of his people and allowed degradation of his military forces.

Saddam Hussein has already shown the propensity to use chemical weapons on his neighbors in the region and on his own people, and he continues to possess and develop significant chemical and biological weapons capability. One source indicates that Saddam Hussein has already used chemical and biological weapons 250 times.

In addition to these threats, the Iraqi regime continues to aid and harbor international terrorist organizations, including groups that have threatened the lives and safety of American citizens.

I have had the opportunity to participate in several classified briefings led by President Bush, National Security Advisor Condoleezza Rice and Deputy Director of Central Intelligence John McLaughlin. I am convinced that Iraq poses an unquestionable and near-term threat to the peace and security of the United States and our allies abroad.

We can not allow those who wish harm on the United States, and have the propensity to deliver that harm, to acquire weapons of terror and mass destruction. Inaction on our part could lead to the massive loss of innocent lives. The ten-year cat and mouse game Hussein has played with weapons inspectors must come to an end. There is too much at stake, and time is rapidly dwindling.

I believe it is in the national security interest of the United States to prevent Saddam Hussein from obtaining a nuclear weapon and to prosecute the war on terrorism, including Iraq's support for international terrorist groups.

President Bush must continue his efforts to get support from the United Nations Security Council and must exhaust all reasonable diplomatic options available in hopes of avoiding war. However, if Saddam Hussein and the Iraqi regime continue to rebuff the international community and threaten the peace and security of the United States, we must take swift and decisive action. To do anything less would be immoral and irresponsible.

Mr. Speaker, I support this resolution and urge my colleagues on both sides of the aisle to do the same.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHUSTER). Pursuant to section 3 of House Resolution 574, the Chair postpones further consideration of the joint resolution until the legislative day of Thursday, October 10, 2002.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

CONTINUED PRODUCTION OF THE NAVAL PETROLEUM RESERVES BEYOND APRIL 5, 2003—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-272)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services and ordered to be printed.

To the Congress of the United States:

In accordance with section 201(3) of the Naval Petroleum Reserves Production Act of 1976 (10 U.S.C. 7422(c)(2)), I am informing you of my decision to extend the period of production of the Naval Petroleum Reserves for a period of 3 years from April 5, 2003, the expiration date of the currently authorized period of production.

Enclosed is a copy of the report investigating the necessity of continued production of the reserves as required by section 201(3)(c)(2)(B) of the Naval Petroleum Reserves Production Act of 1976. In light of the findings contained in the report, I certify that continued production from the Naval Petroleum Reserves is in the national interest.

GEORGE W. BUSH.

THE WHITE HOUSE, October 9, 2002.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 54 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0752

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 7 o'clock and 52 minutes a.m.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-735) on the resolution (H. Res. 577) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5011, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-736) on the resolution (H. Res. 578) waiving points of order against the conference report to accompany the bill (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-737) on the resolution (H. Res. 579) waiving points of order against the conference report to accompany the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MANZULLO (at the request of Mr. ARMEY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PAYNE) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.