

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

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

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

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

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

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

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

CONCLUSION OF MORNING BUSINESS

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

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

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

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

The assistant legislative clerk read as follows:

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

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. I thank the Chair.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. LIEBERMAN. I did.

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Virginia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The President went on to say:

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

He acknowledged that is a option.

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

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

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

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

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

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

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

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

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

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

I yield to my friend.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 4856

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] for himself, Mr. WARNER, Mr.

BAYH, Mr. MCCAIN, Ms. LANDRIEU, Mr. MCCONNELL, Mr. MILLER, Mr. DOMENICI, Mr. EDWARDS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. ALLARD, Mr. BAUCUS, Mr. HELMS, Mr. BUNNING, and Mr. LOTT, proposes an amendment numbered 4856.

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

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

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

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

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

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

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

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

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

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

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

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

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

SEC. 4. REPORTS TO CONGRESS.

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

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

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

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Indiana.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

Mr. BAYH. Yes.

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

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

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

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

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

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

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

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

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

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

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

Mr. BAYH. Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Madam President:

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

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

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

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

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

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

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

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

Congress has already spoken on this matter. On August 14, 1998, President Clinton signed into law Senate Joint Resolution 54 which declared that "the Government of Iraq is in material and unacceptable breach of its international obligations" and urged the President "to take appropriate action, in accordance with the Constitution and relative laws of the United States, to bring Iraq into compliance with its international obligations."

On October 31, 1998, then-President Clinton signed into law the Iraq Liberation Act which stated:

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

That was October 31, 1998, the Iraq Liberation Act signed into law by the President of the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

THE PRESIDING OFFICER. The Senator from Idaho.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

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

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

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

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

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

I ask unanimous consent this be printed in the RECORD.

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

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

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

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

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

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

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

not think that is beyond the realm of possibility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. WARNER. Will the Senator yield?

Mr. BYRD. Not just yet.

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

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

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I simply want to finish—

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

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

Mr. WARNER. For one short question.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

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

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

Mr. BYRD. I would love to do that.

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

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

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

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

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

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

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

Mr. WARNER. I have no objection.

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

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

The PRESIDING OFFICER. Ten minutes.

Mr. BYRD. I thank the Chair.

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

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

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

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

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

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

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

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

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

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

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

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

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

(See exhibit 1.)

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

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

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

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

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

A dozen other officials echoes his views in interviews with the Inquirer Washington Bureau. No one who was interviewed disagreed.

How much time do I have left, Madam President?

The PRESIDING OFFICER. Four and a half minutes.

Mr. BYRD. I thank the Chair.

Continuing the article:

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

Rumsfeld said Sept. 26 that the U.S. government had "bulletproof" confirmation of links between Iraq and al-Qaeda members, including "solid evidence" that members of the terrorist network maintained a presence in Iraq.

The facts are much less conclusive. Officials said Rumsfeld's statement was based in part on intercepted telephone calls in which an al-Qaeda member who apparently was passing through Baghdad was overheard calling friends or relatives, intelligence officials said. The intercepts provide no evidence that the suspected terrorist was working with the Iraqi regime or that he was working on a terrorist operation while he was in Iraq, they said.

Rumsfeld also suggested that the Iraqi regime had offered safe haven to bin Laden and Taliban leader Mullah Mohammed Omar. While technically true, that, too, is misleading. Intelligence reports said the Iraqi ambassador to Turkey, a longtime Iraqi intelligence officer, made the offer during a visit to Afghanistan in late 1998, after the United States attacked al-Qaeda training

camp with cruise missiles to retaliate for the bombings of the U.S. embassies in Kenya and Tanzania. But officials said the same intelligence reports that bin Laden rejected the offer because he did not want Hussein to control his group.

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

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

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

(See exhibit 2.)

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

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

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

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

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

I yield the floor.

EXHIBIT 1

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

ALLIED SUPPORT ON IRAQ EXAGGERATED, OFFICIALS SAY

(By Warren P. Strobel)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT 2

[From the Philadelphia Inquirer, Oct. 8, 2002]

OFFICIALS' PRIVATE DOUBTS ON IRAQ WAR

(By Warren P. Strobel, Jonathan S. Landay and John Walcott)

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

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

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

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

A dozen other officials echoed his views in interviews with the Inquirer Washington Bureau. No one who was interviewed disagreed.

They cited recent suggestions by Defense Secretary Donald H. Rumsfeld and National Security Advisory Condoleezza Rich that Hussein and Osama bin Laden's al-Qaeda network were working together.

Rumsfeld said Sept. 26 that the U.S. government had "bulletproof" confirmation of links between Iraq and al-Qaeda members, including "solid evidence" that members of the terrorist network maintained a presence in Iraq.

The facts are much less conclusive. Officials said Rumsfeld's statement was based in part on intercepted telephone calls in which an al-Qaeda member who apparently was passing through Baghdad was overheard calling friends or relatives, intelligence officials said. The intercepts provide no evidence that the suspected terrorist was working with the Iraqi regime or that he was working on a terrorist operation while he was in Iraq, they said.

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

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

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

Non of the dissenting officials, who work in a number of different agencies, would agree to speak publicly, out of fear of retribution. Many of them have long experience in the Middle East and South Asia, and all spoke in similar terms about the unease with the way the U.S. political leaders were dealing with Iraq.

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

Some lawmakers have voiced similar concerns after receiving CIA briefings.

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

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

Several administration and intelligence officials defended CIA Director George Tenet, saying Tenet was not pressuring his analysts but was quietly working to include dissenting opinions in intelligence estimates and congressional briefings.

In one case, a senior administration official said, Tenet made sure that a State Department official told Congress that the Energy and State Departments disagreed with an intelligence assessment that said hundreds of aluminum tubes Iraq tried to purchase were intended for Baghdad's secret nuclear-weapons program. Analysts in both departments concluded that the Iraqis probably wanted the tubes to make conventional artillery pieces.

Other examples of questionable statements include:

Vice President Cheney said in late August that Iraq might have nuclear weapons "fairly soon." A CIA report released Friday said it could take Iraq until the last half of the decade to produce a nuclear weapon, unless it could acquire bomb-grade uranium or plutonium on the black market.

Also in August, Rumsfeld suggested that al-Qaeda operatives fleeing Afghanistan were taking refuge in Iraq with Hussein's assistance. "In a vicious, repressive dictatorship that exercises near-total control over its population, it's very hard to imagine that the government is not aware of what's tak-

ing place in the country," he said. Rumsfeld apparently was referring to about 150 members of the militant Islamic group Ansae al Islam ("Supporters of Islam") who have taken refuge in Kurdish areas of northern Iraq. However, one of America's would-be Kurdish allies controls that part of the country, not Hussein.

The PRESIDING OFFICER. The Senator from Virginia.

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

Mr. BYRD. And I thank my colleague.

RECESS

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

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

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

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

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

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

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

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