

represented by the requirement of political fundraising.

If, indeed, the national broadcasters, represented by millions of dollars' worth of lobbying—and, ironically, the use of their own political contributions—succeed in removing this provision from campaign finance reform, not only have we achieved very little but we add a new distortion to the national political debate.

In the New York metropolitan area, it is not uncommon to charge \$30,000, \$40,000, and \$50,000 for a 30-second ad. How will these ads be purchased? This applies in Chicago or Los Angeles or Miami or Boston. We have eliminated soft money; we are adding restrictions to reduce the amount of money. The simple truth is, most candidates will not be able to afford them at all.

The costs have not stopped rising. Since 1996, the cost of political advertising in some jurisdictions has increased another 30 percent, and it will keep rising as candidates compete not with each other for time but with General Motors or Ford or General Foods or Procter & Gamble.

What have we done to our political system when candidates have to raise money in obscene amounts, from hundreds of thousands of Americans, to buy the public air time on federally licensed stations, air time that belongs to the American people, in order to communicate in the middle of a Federal campaign public policy issues? There is no other Western democracy that has such a system because no one else would tolerate it—and neither should we.

How is it that American politics has deteriorated into this endless spiral of campaign finance, where candidates should be spending their time thinking of new ideas, challenging each other for the Nation's future, where Members of Congress should spend their time legislating, spend time with the American people who have problems—not just the American people who have money?

How did we get here? How did it happen? It is not by chance. In the average Senate campaign, 85 percent of the money raised is going to the television networks. Every year, it is a larger percentage; every year, a higher bill. Yet the broadcasters are arguing that this is unconstitutional—we are taking their property.

For 30 years there has been a requirement that they make the lowest unit rate available. If it was constitutional then, it is constitutional now. They just evaded the law. Every one of them, when they got a Federal license to broadcast, agreed to comply with Federal law and to serve a public purpose. This is no taking. They still will be able to charge exorbitant fees, just the same fees they are charging other corporate customers at different times of the year. We have a right to do it. There is a precedent to do it. And it is fair to put these restrictions on broadcasters.

Second, they say this will lead to perpetual campaigns, reducing the cost

of advertising so there is nothing but campaigns, year to year, year after year, all year. The legislation passed by the Senate only makes the lowest unit rate available 45 days before a primary and 60 days before a general election. There are no perpetual campaigns. The time limits are actually quite strict.

Then the broadcasters argue that this is such an onerous burden that they can financially not survive, they can't deal with the cost of making the lowest unit rate available. They are charging political candidates \$1 billion to advertise. It is estimated that this will be a reduction of \$250 million. I believe the networks, still collecting three-quarters of a billion dollars in political advertising, are doing quite well by this system.

Indeed, the reduction from making the lowest unit rate available would equal less than 1 percent of the \$41 billion in ad revenue. If every other segment of our society can deal with change in order to restore integrity in this political process—the political parties forego soft money, Federal candidates eliminate soft money, the American people live with these restrictions, American business accepts these restrictions—can the broadcasters themselves under Federal license, challenged to use the airwaves for the public good, not accept a 1-percent reduction in ad revenue?

It is an extraordinary irony that the media, having rightfully challenged the Congress to change the political fundraising system, having put so much scrutiny on campaign fundraising, has played a vital role in bringing us to this historic moment. But what an irony. While the network anchors rail against the campaign finance system, challenging the Congress to change it, their corporate executives pay millions of dollars in lobbying fees, as we speak, to lobbyists who line the Halls of the House of Representatives, and PAC directors who use the leverage of their political contributions to attempt to intimidate the Congress into eliminating them from this process of change.

I hope this provision of campaign finance reform remains intact. But, if it fails, this Senate will face a difficult moment: The specter of a new campaign finance system in which the amount of money raised will be dramatically reduced, but the cost of the campaigns themselves will continue to dramatically rise.

I recognize that most Members of this Senate can adjust to the new system. Powerful incumbents will find the means to raise the money. But what of the young man or woman who has different ideas, one who represents no powerful interests, who may not live in a State of great wealth or come from a wealthy family? They, too, would like to serve in the Senate. They, too, have contributions to make to our political system. They, too, believe in our country. There is a chance that by the re-

forms that we passed they will be silenced; for who among them, in raising campaigns funded only by hard money, with access to no other resources, can pay their share of the \$1 billion in advertising costs that are the modern equivalent of a gold soap box that the Founding Fathers would have had as a restriction to the exercise of free speech?

What free speech is there, what kind of open political system do we have, if the only means of running for public office is purchasing the gold soap box of our time, a \$1 billion price of entry to the network television affiliates? Indeed, that is no free speech at all. That is not an open, competitive political process.

So the next great hurdle of campaign finance reform is now. Do we hold firm, those 69 of us on a bipartisan basis who insisted that as fundraising is controlled, so, too, must be the costs?

I ask my colleagues to remain committed, not for themselves or their interests but for those who would follow us and for those who believe this political system is open and fair to all those who wish to serve their country in the years to come.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered. The Chair recognizes the Senator from West Virginia.

WAR ON TERRORISM

Mr. BYRD. Mr. President, in his State of the Union address on January 29, President Bush reminded the nation, at great length and in great detail, that we are a nation at war, and that we will stop at nothing to rid the world of terrorism.

His words were stirring, his message sweeping.

The war on terror, he said, has only begun:

Tens of thousands of trained terrorists are still at large. These enemies view the entire world as a battlefield, and we must pursue them wherever they are.

Strong words—strong words indeed.

The President outlined an ambitious agenda for the war against terrorism: first, to shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, to prevent terrorists and regimes that seek chemical, biological or nuclear weapons from threatening the United States or the world. The President singled out three such regimes—Iran, Iraq, and North Korea—describing them as an “axis of evil” that is posing a grave and growing danger to the world.

The President's speech laid out a sweeping plan for the U.S. response to

global terrorism. It is a manifesto that he has stated many times to many different audiences in the days following that address. At Eglin Air Force Base in Florida last week—Feb. 4—the President told cheering troops that “We’re absolutely resolved to find terrorists where they hide and to root them out one by one. . . . History has called us into action, and we will not stop until the threat of global terrorism has been destroyed.” Strong words—strong words, indeed.

Less there be any doubt as to where I stand, I have been a hawk on defense issues for all of my 50 years in Congress.

When I came to Congress 50 years ago this year, I was strongly opposed to the entry of Red China into the United Nations. I supported the war in Vietnam and the budgetary requests that President Johnson made. I supported down to the last penny his budgetary requests for defense.

When I came to this body 44 years ago, I went on the Appropriations Committee at the beginning of my service in this body, and I have been on the Appropriations Committee 44 years this year.

I spoke highly of President Bush last Friday in my reference to his speech at the National Prayer Breakfast. His expressions concerning faith I complimented on the floor.

But when it comes to national defense, let nobody have any doubts as to where I stand. I was supporting national defense and appropriations for national defense in Congress when our President, Mr. Bush, was in knee pants. On two committees, I served with the late Senator Richard Russell of Georgia. He was chairman of the Armed Services Committee. He was chairman of the Appropriations Committee. He held both positions—not at the same time but at different times when I was on his committees. I was on the Appropriations Committee and I was on the Armed Services Committee. I supported Senator Stennis of Mississippi, who was one of the giants of the Senate. So I need no one to stand beside me and bear witness to my support for national defense.

During the war in Vietnam, I was majority whip in the Senate during part of the war. I was also secretary of the Democratic Conference during part of that war. There was pretty much solid, undivided support almost at first. Then there developed a divisiveness among Senators on the war in Vietnam.

The late Senator Mike Mansfield was majority leader of the Senate. I became his assistant in 1967 as secretary of the Democratic Conference. I sat on this floor practically every hour of every day and was always at Mike Mansfield’s elbow. Then I became the whip. I carried out his wishes on this floor and watched the floor, worked the floor, learned the rules, and Mr. Mansfield pretty much left the floor work to me as his whip.

There came a time in that war when the Vietcong were striking at American soldiers from across the Cambodian and South Vietnamese border. I offered an amendment during a debate in which the late Senator Church, the late Senator Cooper on the other side of the aisle, and others were joined on the matter. I offered an amendment expressing support for the President, who at that time was Richard Nixon, in his efforts to bomb the Vietcong who were, as I say, working from enclaves in Cambodia across the border from South Vietnam.

The Vietcong would go across the border and kill American soldiers. I offered an amendment during that debate, in essence, saying that the President of the United States has a duty to do whatever it takes to protect American boys, who perhaps didn’t ask to go to a foreign battlefield. But they were sent into battle and a President has a responsibility to do whatever it takes to protect those men from attack. So I offered that amendment and it was defeated. I lost on the amendment.

I need no one to attest to my credentials when it comes to supporting defense, particularly from an appropriations standpoint—my having been on that committee now for 44 years, as I say, this year.

I have been a hawk on defense issues for all of my 50 years in Congress.

I fully support the President’s resolve to strike back at the terrorists who caused such devastation, destruction, and carnage here in our country on September 11, 5 months and 2 days ago today. But I also understand, having lived through several wars and studied the history of many more, that war cannot be fought or won by rhetoric, that true victory is tangible victory, that words do have meaning, that words do have consequences, and that a rhetorical declaration of global war may well precipitate real global conflict, involving horrific loss of life.

It is crucial that we all realize that the war on terrorism is not just a war of hot words. This war, like any war, must have tangible and achievable goals and objectives. There must be benchmarks by which to measure progress in attaining those objectives. And the American people must clearly understand what sacrifices must be made and what constitutes victory. These essential elements must be more clearly defined than they have been thus far. We cannot be left to guess as to what is meant.

I had the opportunity to discuss the war on terror with Defense Secretary Rumsfeld a few days ago when he appeared before the Senate Armed Services Committee. I think it was on February 5. The Secretary appeared before the Committee to explain and defend the President’s \$379 billion defense budget request for Fiscal Year 2003.

Socrates would say, “Define your Terms.” I asked Secretary Rumsfeld to define the parameters of our war on terrorism. What are our goals? What

are our objectives? What are the standards by which we should measure success in this war? How will we know when we do achieve victory?

Much has been said about bringing terrorists to justice. We have bombed the Afghanistan mountains into rubble. We have struck deeply at the caves. We have already spent \$7 billion in Afghanistan. Where is Osama bin Laden? How will we know when we do achieve victory?

Secretary Rumsfeld is an outstanding Secretary of Defense. I have seen a good many Secretaries of Defense in my time here, and I have a great respect for Secretary Rumsfeld. He has been around a long time, too. I have watched and listened to many of Secretary Rumsfeld’s briefings on the war in Afghanistan, and he has impressed me. He is candid, straightforward, and to the point. If he cannot answer a question, generally he says he cannot answer the question.

Unfortunately, Secretary Rumsfeld could not answer my questions, although he certainly was candid. I think he basically told the committee that it is difficult to say how we will know when we have won the war on terrorism.

Although he has said the war on terror has just begun, President Bush has also said on numerous occasions that we are winning the war in Afghanistan. Perhaps it was to our good fortune that there was, one might say, a ready-made military force on the ground there opposing the Taliban.

The President is correct, if winning means routing the Taliban from the Government of Afghanistan. But if winning this war means destroying the al-Qaida terrorist network, or if winning means bringing to justice Osama bin Laden, and Mullah Omar, and the rest of the al-Qaida leadership, then we may have jumped the gun in such expressions. By those standards—standards the President himself has set—we still have a way to go in Afghanistan. In fact, many of the former Taliban forces are still in that country. They have simply switched sides for now. Should circumstances change, they may very well switch back again. Those are the realities of Afghanistan.

The President said in his State of the Union Address: “I will not wait on events, while dangers gather. I will not stand by, as peril draws closer and closer. The United States of America will not permit the world’s most dangerous regimes to threaten us with the world’s most destructive weapons.”

Mr. President, facts matter. Standards matter. Words matter. Words have consequences. When the President described Iran, Iraq, and North Korea as an “axis of evil,” and pledged that the United States will not permit those nations to threaten the world with weapons of mass destruction his florid words were cause for alarm to many of our allies. What did the President mean? Was he signaling a plan to attack one or more of these three nations?

I asked Secretary Powell that question during his appearance yesterday before the committee. Secretary Powell answered: There is no plan.

He was very careful in the way he responded to my questions. He said: There is no plan. There is no such recommendation on the President's desk today.

I will put the entire transcript of Secretary Powell's responses, and my questions, in the RECORD at the close of my remarks. But what did the President mean? Was he signaling a plan to attack one or more of these three nations?

Secretary Powell, as I said, was very careful in his responses. Secretary Powell has been around a long time. I remember working with then-National Security Adviser Colin Powell when I was majority leader of the Senate in 1987, 1988.

I remember the INF Treaty, I withstood great pressure from the then-Reagan administration, to bring up that INF Treaty. I withstood that pressure and said: I will not be stampeded into calling up the INF Treaty until we have answers to our questions, until Sam Nunn, who is chairman of the Armed Services Committee, has answers to his questions about futuristic weapons and other very key and important questions. I just will not bring up this treaty. Say what you will, I will not bring it up.

I remember quoting the words from, I believe it was Scott's "The Lady of the Lake":

Come one, come all! this rock shall fly
From its firm base as soon as I.

I said: I will not call up this treaty until we have the answers to Sam Nunn's questions, not until we have the answers to David Boren's questions—David Boren was chairman of the Intelligence Committee—not until we have the answers to the questions of Senator Pell. He was chairman of the Foreign Relations Committee.

I said: We have to have these answers before I will call this treaty up. And I did not call it up until we had the answers.

At that time, Colin Powell was National Security Adviser. He scampered across the ocean to Europe to help get those answers. Colin Powell, as I say, at that time, who was the National Security Adviser, complimented the Senate, and complimented me as leader at that time of the Senate, the majority leader, on staying the course, on standing our ground against being pushed into a premature consideration of that INF Treaty. Mr. Powell, himself, said, the Senate rendered a service. And he complimented me personally.

I have had a long experience here with Mr. Colin Powell. He is now Secretary of State, and I have a great deal of confidence in him. He has had the experience. He was a soldier for 35 years, National Security Adviser, Chairman of the Joint Chiefs. He has led men into battle. He has made command decisions. Here is not a man who

blew in by the winds from a cyclone that came from far away. He has been around here a long time. He has the experience that gives him the independence of thought.

Secretary Powell was very careful as to how he answered my questions, leaving me to believe that, indeed, the administration is certainly considering, as an option—this is a conclusion I have drawn from what he said and from what newspaper stories have reported—the administration, indeed, has under consideration, as an option—this is my reading, but it would be pretty hard, I think, for others not to reach the same conclusion—that the administration is, indeed, considering, as one of its options in dealing with Iraq and Iran, maybe North Korea—certainly as an option—an attack upon one or more of these states. That is a conclusion I have drawn.

As I said to Secretary of State Powell, does the President have some new evidence of complicity in the September 11 attacks by these three nations? Those are very strong words. The President seems to be saying that we will attack any nation we consider to be a threat. Perhaps I am reading something into the matter that is not there.

The question is, How do we back up that message if Iran, Iraq, and North Korea do not change their behavior? Does the President intend to invade or strike one or more of these nations? Why has he included North Korea in that list? It is certainly not clear to me that North Korea was in any way involved in the September 11 attacks on our Nation. Perhaps I am overlooking something.

A Nation's leaders have a responsibility to think beyond the stirring rhetoric of war, particularly in the case of what could be a long, costly, global conflict which could very well unleash forces most of us only dimly understand and which could cause great loss of life. This Nation's leaders also have a responsibility to obtain the support of the people's elected representatives in Congress before undertaking endeavors which may claim the lives of the Nation's sons and daughters.

The U.S. Constitution. I have a copy of it in my pocket—a copy of the U.S. Constitution. May I say to the distinguished Senator who today sits in the chair and presides over this deliberative body with dignity and skill, may I say that his two representatives from the State of Georgia who signed this Constitution were William Few and Abraham Baldwin. This Constitution still lives. That is the mast which will hold us always to the ship of state—the Constitution.

I hope this administration remembers that there is still a Constitution. I hope that we in this body still remember there is a Constitution to guide us.

This Constitution does not mention "consultations" with Congress. This

Constitution does not reference the United Nations and what the United Nations may want or not want. But this Constitution, in section 8 of article I, says that Congress shall have the power to declare war, to raise and support armies, to provide and maintain a navy, and so on. So let us in this body remember that there is still a Constitution. It has served us well, and it will always serve us well.

I am going to follow that Constitution as closely and as nearly as I can follow it in the days to come; in perilous times, if they come, I will support a Commander in Chief when I think he is right. I will not support any Commander in Chief, be he Democrat or Republican, if I think he is making a mistake in such a very serious matter.

The U.S. Constitution declares the President to be the Commander in Chief. But see what the Constitution says about the Commander in Chief. One can almost count the sentences that are enumerated in this Constitution with reference to the Commander in Chief's powers as the number of fingers on one's hand. But there are many sentences, one will find enumerated in this Constitution, with respect to the Congress—many sentences. Let us keep an eye on this Constitution.

The President would do well to obtain the support of the people's elected representatives in Congress before undertaking endeavors which may claim the lives of our Nation's sons and daughters. The Constitution declares the President to be the Commander in Chief, but it is Congress that has the constitutional authority to raise and support armies, to provide and maintain a navy, and to declare war.

It is no accident that the Constitution, in assigning these powers to Congress, includes both the common defense and the general welfare of the Nation on this list. The structure, the scope, and the cost of the Nation's defense have an enormous impact on the general welfare of the people. It is Congress, and specifically the Appropriations Committees of the Congress, that has the responsibility for appropriating the money to fight the war on terrorism.

The President has said that this war is costing American taxpayers over \$1 billion a month. We have already spent over \$7 billion waging war in Afghanistan. The President's 2003 defense budget amounts to an expenditure of \$379 billion, over \$1 billion a day. The President is forecasting continued increases in the defense budget.

I will insert into the RECORD the amounts that are being considered and questioned by the administration over the next 10 years for national defense, and the total over that period, I think we will find, will be nearly \$5 trillion.

That is serious money. It is made more serious by the fact that we are returning to budget deficits. We are borrowing to support this huge defense budget, and that means we are paying interest on that money that is borrowed, interest on that debt.

How long—we have heard that phrase before—how long, how long can this Nation afford to spend \$1 billion a day? We will find that that \$1 billion a day will increase substantially over the next 10 years—more than \$1 billion a day on defense.

Exactly what level of national security are we buying with that investment of money? What nondefense needs are we forfeiting? As President Bush said in a 1999 speech at the Citadel:

We must be selective in the use of our military, precisely because America has other great responsibilities that cannot be slighted or compromised.

I agree with every word of that statement by now-President Bush.

We must not allow a bloated defense budget to eat away at our ability to fund other important priorities such as Social Security, Medicare, health care, and education, to name just a few priorities.

Clearly, the budget that was presented to Congress on February 4 sacrifices a great deal for defense. While domestic discretionary spending increases by only 2 percent, and is essentially flat in some areas, the President has asked for an additional \$48 billion in military spending, 15 percent above last year's defense budget, which was itself 10 percent above the previous funding level for 2001. The size of the requested increase alone is greater than the military spending of many, if not all, of our NATO allies.

Moreover, such a colossal defense budget increase must be justified. It must be approved by Congress. Both Congress and the American people must understand how this money is to be spent and whether it will really enhance our national security.

Let me repeat: Look, again, at my record of support for appropriations for national defense over a period of 50 years. There is no equivocation in that record.

Congress must also understand much, much more about the proposed \$10 billion defense reserve fund that is in this budget, including the plans for its use.

The President's huge defense budget does make minimal cuts in a few outdated weapons systems, but it also increases spending on the big-ticket ships and airplanes that account for a good portion of the U.S. defense procurement funds. Do these types of weapons fit into a national security strategy in today's world, where asymmetrical warfare and the existence of terrorist cells in more than 60 countries, including the United States, seem to constitute the most serious threat to our national security? Are these big-ticket items that we are purchasing moving us toward a 21st century military, or are they squandering tax dollars by continuing a cold war military structure?

May I remind ourselves that there has been on the books a law which requires appointments and agencies to audit and to be able to come up with clear audits of their expenses. The Con-

stitution itself requires a clear accounting of the moneys that are appropriated by Congress. I believe it was last year that I raised this question with Secretary of Defense Rumsfeld. The Defense Department could not identify \$3.5 trillion in its more than \$7.6 trillion in defense accounts—in accounting entries. Now, if the Defense Department cannot, after a law's having been passed and put on the books requiring Departments to be able to come up with audits, if the Defense Department cannot account for \$3.5 trillion in its accounts—it doesn't know what the weapons are, what is on hand, what spare parts are on hand, what spare parts it really needs, what moneys have and have not been spent—how can the American people have confidence enough to support an additional \$48 billion for defense this year? Who can account for this money? How are we going to account for it? Where are we going? And we are denying other needs. The President said in his speech to the Citadel some time ago that we must not overlook other very important priorities. How can we do it? Where are we going with all of these expenses?

Are these big-ticket weapons we are purchasing moving us toward a 21st century military, or are we squandering taxpayers' dollars by continuing a cold war military structure? Are these weapons the best ones with which to wage a global war on terrorism, or are they intended to attack the "axis of evil," as the President called Iran, Iraq, and North Korea? Could they be meant to counter the threat of a rising world power such as China? How about China?

No one has explained. These are critical questions for which we have yet to hear clear, concise answers. Congress needs to be given those answers. The American defense budget should not be a cookie jar with goodies for every defense contractor lucky enough to afford a hefty lobbying budget. This Nation is again in deficit status, and we have to guard against committing huge sums for weapons that are not needed, which will only drive us deeper into debt and sap our overall economic strength.

The patriotism that runs deep in the veins of Americans, and the horrors of September 11, have aroused our emotions and galvanized our support for the fight against terror. But that support could wane, both at home and abroad, if the administration does not carefully weigh its use of broad threats, undefined objectives, and the murky consequences of shackling both our domestic and foreign policies to a militaristic fervor which may or may not reflect realistic possibilities or sound choices.

We would do far better to hear clear explanations of our goals in the war on terrorism, and detailed justifications of our defense budget that use cold logic, rather than a hot head. We are a powerful country. There has never been

one so powerful. We cannot hope to eliminate terrorism from the world without other nations on our side. A recognition of our limitations in that regard is critical. We are a rich country—so rich that if the Queen of Sheba were today alive, she would come to this country and forget about Solomon in all of his glory. We are a rich country, but we can never, never spend our way into perfect national security—I say perfect national security. Our resources are finite and choices have to be made, and there will always be forces and circumstances in the world that are unpredictable and beyond our control. There always have been and always will be. But we can strive to be a wise nation—one that avoids bombast in favor of methodical analysis, one that understands its extraordinary possibilities as well as its very real limitations on the global stage.

I do not know what these words by President Bush may portend for our future. Are they meant to convey the chilling possibility that Mr. Bush may be contemplating an invasion of Iraq, or Iran, or North Korea? I don't know. Just looking at the words themselves, I cannot understand. Are they meant to be the harbinger of an attack on one or more of these nations? When Secretary Powell testified before the Budget Committee yesterday, he could only give weak assurances that the President "has no plan on his desk" to start a war with one of these countries. It has yet to be seen whether the President's strong words will mean some future action against Iran, Iraq, or North Korea, or whether they are just considered as a rhetorical flourish to a war-time speech.

What is for certain is that other countries have reacted to the use of bellicose terms.

Our European allies are now wondering if the United States will soon call upon them to support military action against one of those three countries.

Hasn't Russian leader Putin raised a question, has he not expressed concern about our intentions toward Iraq? Only yesterday I believe, or the day before, I read in the newspaper about his cautionary words. Russia has issued a strong warning against a possible U.S. attack on Iraq. Alliances between nations can be fractured and broken because of rash or insulting statements.

Iranians who voted for moderate candidates in last year's elections joined with hardliners in taking to the streets of Tehran on Monday, February 11, to protest the categorization of their country as "evil."

I read from the New York Times of the day before yesterday:

Millions of Iranians galvanized by President Bush's branding of their nation as part of an "axis of evil" marched in a nationwide pep rally today that harkened back to the early days of the Islamic revolution, with the American flag burned for the first time in recent memory.

The story goes on to say:

Ever since Mr. Bush designated Iran part of an international terrorist network open to American attack, conservatives in Iran have been greatly buoyed, trying to use a resurgence of disgust with America to quash reform at home, daily denouncing Washington and exhorting Iranians to follow suit. This has made it difficult for President Khatami to preserve his reformist agenda of promoting democracy and rooting out corruption in an agenda he emphasized today before he, too, criticized American foreign policy.

I ask unanimous consent that this article in its entirety be printed in the CONGRESSIONAL RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. BYRD. Madam President, I also ask unanimous consent that at the close of my remarks there be printed a transcript of the questions that I asked of Secretary Colin Powell and his answers when he appeared before the Senate Budget Committee.

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

(See exhibit 2.)

Mr. SCHUMER. Madam President, will my friend from West Virginia yield for a question?

Mr. BYRD. Yes, I yield to the distinguished senior Senator from New York.

Mr. SCHUMER. Madam President, I thank my colleague. Before I ask my question, I wish to thank the Senator from West Virginia for taking to the floor on such an important and timely issue because we are in a grave new world.

No one can doubt the Senator's fidelity as a patriot and somebody who cares about a strong America, an America that defends itself. I followed his career long before I ever came to the Congress in 1980. It was true then and it is every bit as true, even more true today.

Mr. BYRD. I thank the Senator.

Mr. SCHUMER. Only he could give such a speech with the strength that is needed. I wish to ask the Senator a question, given his knowledge of the Constitution and our history.

Senator BYRD has focused on two issues: the ability to declare war and the ability to spend funds in execution of that war. It is my understanding that if there were ever a part where the Founding Fathers wanted the checks and balances of our system—the consultation of the executive branch with the Congress, the legislative branch—it would be in these two areas.

I wonder if the Senator might address that issue briefly because I think it ties his knowledge of history with the very appropriate and apt words of today.

Mr. BYRD. I thank my friend, the senior Senator from New York, whose State experienced the greatest sacrifice in blood and human lives that has ever been brought to this country by terrorists in its entire history, brought in 1 day in the course of a few hours, and is still suffering from the

losses that were visited upon New York City by these men who, indeed, were evil men.

The Founding Fathers were very suspicious of a strong Executive. The Framers of our Constitution were not strong devotees of "democracy." They believed in a strong legislative branch. They believed in checks upon an Executive. And so they were rather sparse in the language that they used when it came to enumerating the powers of the Chief Executive, the Chief Magistrate of the country.

Some of the Framers had a concern that a legislature might impinge upon the powers of a Chief Executive; that the vortex of the legislative branch was ever seeking more power. I think in these regards, the Founding Fathers would find that their concerns about a Chief Executive were perhaps well-founded, especially in time of war.

In a time of war, powers and authorities seem to gravitate toward the Chief Magistrate as Commander in Chief. They felt that they had adequately protected against that by virtue of the many powers that are enumerated in the Constitution and vested in the Congress, the most powerful of which, the most important of which is the power of the purse which we find vested in the Congress. We find it in section 9 of the first article of the Constitution.

Yes, they were concerned about an overweening Executive, so they included adequate safeguards. They vested this power to send the Nation's sons and daughters into war in the hands of Congress when they said, in section 8, the Congress shall have the power "To declare war."

This was a safeguard that the Framers wisely put into the hands of the elected representatives in the people's branch—that first branch, mentioned in the very first sentence of the Constitution. There is where the power to make law resides. These are people who are directly elected by the people.

The Framers were not at all enamored with the idea of having an all-powerful Chief Executive.

Mr. SCHUMER. I thank the Senator. His speech, which I have heard thus far, is a marvelous one. I commend it to my colleagues and will read the rest of it myself. I apologize; I must go chair a hearing, but it is one of the reasons I am glad to be in the Senate, to hear brave and important words such as these. I thank the Senator and yield back to him.

Mr. BYRD. I thank the distinguished Senator from New York, Mr. SCHUMER, for his words and his confidence. I thank him also for his reference to the Constitution.

We need to retire into the inner sanctums of our minds and ponder the Constitution every once in awhile.

I also ask unanimous consent that a chart regarding defense budget expenditures be printed in the RECORD at the close of my remarks.

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

(See exhibit 3).

Mr. BYRD. How lately have we read the Constitution?

When we send a signal to the rest of the world, we should pay more attention to the content of our message than to creating a sound bite. It seems that a new front has opened in our public relations war against terrorism, and the world wants to know what kind of action we may be contemplating to back up those words.

I am reminded of the words of Gaius Sallustius Crispus. Gaius Sallustius Crispus was a Roman historian. He lived between the years 86 and 34 B.C. If one wants to read a good account of the Catilinian conspiracy, one ought to read Sallustius' account of the conspiracy of Catiline. One ought to read Sallustius' account of the Jugurthine War which occurred perhaps between the years 112 and 106 B.C. It was Sallustius Crispus who said, "It is always easy to begin a war but very difficult to stop one, since its beginning and end are not under the control of the same man."

The country is behind the President's efforts thus far to trace the whereabouts and to bring to justice—to use Mr. Bush's words—Osama bin Laden and other terrorist leaders. But if, indeed, the President is contemplating an attack on a sovereign nation, the President should contemplate seeking a declaration of war by Congress in advance. I may very well vote for such a declaration, depending upon the circumstances at the time. I would not rule that out.

As Edmund Burke so well stated, "War never leaves where it found a nation."

The President would be well advised to have the people of the Nation, acting through their elected representatives in Congress, behind him in the event that he seriously contemplates an attack on any one or more of the nations which he included in his "axis of evil" about which he spoke during his State of the Union Address.

Going to war with Iraq or North Korea would be a very—and the same can be said with reference to Iran—serious undertaking. Given the right cause, I would say let's go. Given the right cause and the right circumstances, yes, but let us be cautious and prudent.

North Korea is estimated to have the fourth largest military in the world. Iraq has had 11 years since the Gulf War to rebuild what was once touted as the world's third largest military. Going to war against well-armed foes such as these will require the serious and sustained support of the American people.

The President should not misinterpret the support which he enjoys in poll after poll throughout the Nation to mean that he can throw the weight of the Nation's full military power at any one of these three nations and expect this Nation and its elected representatives to follow down that road

without their elected representatives also having had an opportunity to pass some judgments in committing the Nation's blood and the Nation's treasure to the task. In the words of Aeschylus, "the people's voice is a mighty power."

All of us have supported the President in his actions thus far, but there are some things that are worthy of pause. I do not offer my words today in criticism. I merely offer my words as cautionary.

I have heard much saber rattling, much jingoism. It is one thing to track down terrorists, to chase them into the holes and caves, and to vow they shall not hide and we will "get 'em." It is quite another to consider going to war—if that indeed is being weighed as an option in high places—without a declaration of war by Congress, as set forth in the Constitution.

Let me say again, I will leave no doubt about it, I am not saying that a declaration of war on a certain nation at a given time cannot be justified. As to Iraq, for example, there may arguably be a sufficient justification to make a solid case, given our past experiences with that country and the leader of that country. I might very well be one Senator who would support such a declaration at a given time, based upon compelling facts. But as someone once said, "A wise man should try everything before resorting to arms."

There is an old English proverb that says, "He that preaches war is the devil's chaplain." I do not believe that there is any such thing as an inevitable war. Given the history of our relations with Saddam Hussein, it may be that such a conflict one day must take place or shall take place. Our military might is overwhelming, but as Cicero is reported to have said, "An Army is of little value in the field unless there are wise counsels at home." Then, let us have wise counsels, not just consultations. Cato the Elder used to close every speech, every letter, with the words, "Carthage must be destroyed!" Eventually, in the year 146 B.C., Carthage was destroyed. There must be careful counsels, and let us vote when the time comes.

I hope and pray that the President will think and pray carefully as all options are being considered. He will do well to heed, and to read again and again, the records of history. In particular, he must not forget the lessons we learned in the war with Vietnam. We did not lack a mighty military in the field in that war. However, the unstinting, unflagging dedication to the prolonged waging of that contest was lacking among the people back home. It is a lesson worth remembering.

Scriptures say that a strong man armed keepeth his palace. I have supported defense budgets now for 50 years, to keep our "palace," our Ship of State, our country strong. I expect to continue to do so. But there need to be questions asked. It will require a lot of questions and a lot of answers. And they should be asked.

Let us remember the Constitution. It will keep us bound to the mast of our Ship of State.

I yield the floor.

EXHIBIT 1

[From the New York Times, Feb. 12, 2002]

MILLIONS IN IRAN RALLY AGAINST U.S.

(By Neil MacFarquhar)

TEHRAN, Feb. 11.—Millions of Iranians galvanized by President Bush's branding of their nation as part of an "axis of evil" marched in a nationwide pep rally today that harkened back to the early days of the Islamic revolution, with the American flag burned for the first time in recent memory.

Amid the dirgelike chants of "Death to America!" marking the revolution's 23rd anniversary, President Mohammad Khatami tried to display Iran's milder face, stressing his government's interest in détente.

Ever since Mr. Bush designated Iran part of an international terrorist network open to American attack, conservatives in Iran have been greatly buoyed, trying to use a resurgence of disgust with America to quash reform at home, daily denouncing Washington and exhorting Iranians to follow suit. This has made it difficult for President Khatami to preserve his reformist agenda of promoting democracy and rooting out corruption in an agenda he emphasized today before he, too, criticized American foreign policy.

"Our policy is a policy of détente, Mr. Khatami told the throng clogging all avenues to Freedom Square in Tehran. "We intend to have ties and peaceful relations with all nations in the world," except Israel.

Although less strident than his old guard foes, Mr. Khatami suggested that the United States was partly to blame for the Sept. 11 terrorist attacks. "The American people," he said, "should ask today how much of the awful and terrifying incidents of Sept. 11 were due to terrorist acts, and how much of it was due to the foreign policy adopted by American officials."

The threat to Iran "originates from the fact that America, or at least some of its officials, see themselves as masters of the world," Mr. Khatami said. "Since they have power, they want to force the world to obey them and exert pressure on countries that disobey. Your revolution threatened America's illegitimate interests in the region, so it is obvious that you are the target of its animosity."

After each important line, the orderly crowd burst into another round of "Death to America!" and waved a variety of signs, including one in English quoting the late revolutionary patriarch, Ayatollah Ruhollah Khomeini, saying, "The U.S. cannot do a damn thing."

The chanting switched occasionally to "Death to Bush!" One man wrapped his white donkey in a hand-painted American flag with "Bush" written on the side, while a truck carried a hug poster mounted with five large close-up photographs of the American president next to five similarly sized pictures of an ape.

In his State of the Union address on Jan. 29, Mr. Bush singled out Iran for trying to develop weapons of mass destruction and for its support for groups like Hezbollah that the United States labels terrorist. In addition, Washington has recently accused Iran of sending weapons to the Palestinians, of trying to undermine the effort to build a stable central government in Afghanistan and of helping Al Qaeda members to escape.

In suggesting that the United States review its own foreign policy rather than cast aspersions, Mr. Khatami specifically cited what he depicted as the plight of Palestinians denied human rights because of American support for Israel.

The threats expressed by Mr. Bush and other administration officials over the last two weeks surprised many in Iran. In some ways, they have united the reformists and the old guard here in criticism of the United States; in other ways, they have strengthened the hand of the conservatives.

Any time we face international problems, democracy stops," said Ali Reza Haghighi, a political science professor. "Now all the discourse must be against the Americans."

Mr. Khatami worked to keep his reformist agenda alive.

Some people must not object that we are talking so much about democracy, religious democracy," he said. "The stress on democracy is the soul of the Islamic revolution."

Mr. Khatami's supporters had envisioned the efforts to rebuild Afghanistan as a kind of side door to re-establishing ties with Washington, a prospect that alarmed the hard-liners who still control many of the levers of power here.

Mr. Bush's remarks thus delighted the old guard, which gleefully presented them as evidence that the American attitude toward Tehran remained unchanged, no matter that Iran helped in toppling the Taliban.

The reformists, while critical of America, have tried to suggest that the actions Mr. Bush criticized were the work of shadowy groups within the Iranian elite who want to keep the country isolated and autocratic.

Possibly reflecting uncertainty over how to deal with an American-backed government in Kabul, Afghanistan was barely mentioned at the rally. "The Taliban were a major *bête noire*," said one western diplomat. "But now they see a U.S. colony with bases developing in their backyard and they don't know how to handle it."

At the rally, Iranians were generally polite to the few Western reporters in their midst, saying things like "Welcome to Iran." But there were occasional outbursts of animosity. "Garbage!" "Pigs!" "Get out of here!" shouted one woman, while a man veered close to say, "I would like to punch America right in the mouth!" at which point the crowd edged in, bellowing "Death to America!"

While the size of the Tehran crowd was impossible to estimate authoritatively, the wide avenues and highways leading to Freedom Square in Tehran were jammed with hundreds of thousands of people. Iranian television suggested that millions turned out across the country, showing pictures of jammed streets in every city. Marchers said they were more galvanized than in years past because they felt maligned by President Bush.

The turnout also reflected the daily exhortations to attend that accompanied every news bulletin since Mr. Bush's speech. Employees at various government ministries said they had been told to go.

The calls to attend did not move everyone. In affluent north Tehran, where one occasionally hears support for the idea that Mr. Bush should carry through with his threat to bomb, cars laden with skis headed out of town toward the slopes.

As marchers headed toward the rally, periodically one would step out of the crowd to offer spontaneous thoughts about the day. "As long as our revolution is against America, we support it," said one man, wagging his finger. "The day there is peace between this country and America, the revolution is over."

After 23 years, though, the sense of brooding menace that pervaded marches of the past had mellowed. This one felt more like a carnival, complete with a gold coin on offer for the best Uncle Sam effigy.

A yellow banner painted with giant letters in Persian was stretched across one over

pass. In the early days of the Islamic Republic it would have been read as "America Is the Greatest Satan." But today the lettering helpfully included its own English translation, reading, "America Is Extremely Naughty."

EXHIBIT 2

BUDGET COMMITTEE HEARING WITH SECRETARY OF STATE COLIN POWELL, FEBRUARY 12, 2002

Senator BYRD. I think the secretary, and I regret that we have scheduled our votes in such a way that we overlooked the importance of these committees and the importance of the questions and the answers that may result in our attendance here and the imposition on the time of witnesses like Secretary Powell.

Let me begin by saying that I join in the commendations that have been expressed by our chairman. I've had a long service with Secretary Powell. When we debated the INF treaty, 1988, I believe it was, I was majority leader for the second time, and Secretary Powell at that time I believe was the national security adviser to the president.

Secretary Powell complimented the Senate on the work that the Senate did on that treaty. I refused to be pushed and pressed and stamped into a scheduling for debate of that treaty until we had resolved some very, very important questions raised by the then chairman of the Armed Services Committee, Senator Nunn, the then chairman of the Intelligence Committee, Senator Boren, the then chairman of the Foreign Relations Committee, Senator Pell. And I recall that we waited until we got the answers, and the secretary of state—now secretary of state, at the time complimented the Senate on taking the time to resolve these important questions. And Mr. Powell at that time I think engaged himself and was active in helping to resolve some of these very important questions.

So he is a man who has made command decisions, he has led men in war. I think he speaks independently. He has the kind of experience that affords him that view, that independence of thought. He doesn't have to just listen to what somebody else says and reports, he has analyzed many of these questions. And I compliment him on his great service to this country.

Our time is limited. There are two questions I would like to ask. Let me premise the first one by what you have said with respect to the president has no plan to attack, there are no recommendations on his desk at this moment. Now, those are very carefully worded responses to the questions by the chairman, and those of us who have been around here anytime at all recognize that they're not direct answers, and I can understand the secretary.

The president, let me say, though, has made some very bold statements about prosecuting those responsible for the September 11 attacks. The president said that the terrorists are on the run and that they will find no safe haven, there's no cave that's deep enough. He said in the State of the Union address that the terrorists will not escape the justice of this country. I am with the president 100 percent when it comes to punishing the individual terrorists, those who are still living—some of them died on September 11, which was five months ago yesterday—when it comes to punishing those terrorists for the acts of September 11.

But the president has gone further in naming three states that comprise an axis of evil, and you have used that term, Mr. Secretary, already. Iran, Iraq and North Korea, the president has said, "are arming to threaten the peace of the world," and he "will not stand by as peril grows closer and

closer. The United States of America will not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons."

Those statements have left me wondering, is the president signaling that we will attack one or more of these countries? Congress passed a resolution on September 14 to authorize the president to use force against those who carried out, assisted or gave safe harbor to those responsible for the attack of September 11. Iran, Iraq and North Korea are not named in that resolution. I've heard no evidence that this axis of evil was responsible for or complicit in the September 11 attacks.

Now, if the president seeks to extend this war on terrorism, a case must be made before Congress and the American people that Iran, Iraq or North Korea are a clear and present danger to our country, and I, for one, am willing to listen to that case. But to carry out the war, the president will need the sustained support of the American people. We saw in Vietnam what the lack of support, sustained support for that war, resulted in. If the president wants to crystallize the support of the American people, he would be well advised to seek from Congress a declaration of war.

After all, we're not talking about using our military against terrorist cabals. We're talking about war against one or more sovereign states. Now, reading many of the news stories about this subject, I have come to a conclusion that while there is no plan perhaps, while there is no recommendation upon the president's desk today perhaps, these matters are evidently being pursued, they're being discussed, they're being considered as options.

Now, when it comes to making war, let's say on Iraq, having been here when you helped to direct the war on Iraq, I possibly could be convinced that we ought to vote—I would vote for a declaration of war. But we're not dealing with Afghanistan if we deal with Iraq. With respect to Iraq and North Korea, we're dealing with countries that have powerful military forces on the ground.

And I would hope, Mr. Secretary, that before we venture into an attack or an invasion or whatever against any one or more of these countries, the help, the support, the sustained support of the American people would be carefully sought through their elected representatives. We ought not to go around shooting from the hip. And I think that some of the statements that have emanated from the administration have alarmed other countries and they're alarming a lot of people in this country.

Now, is the president signaling that we will attack one or more of these countries? If he is considering such an attack as a possible course of action, do you believe, Mr. Secretary, that the president should seek a declaration of war from Congress before unleashing our military might on any one of these sovereign states?

Now, I can understand the inherent powers of the commander in chief. If there's an attack about to occur against this country, he has the inherent power to act. But we have time here to discuss these matters, to discuss the case, to debate pro and con. And I personally believe that the president, before he takes such a step, if that's being considered as an option, we'd better be very careful to bring the American people in on making the case, and we'd better seek a declaration of war from Congress in such a case. That's going to be a very costly venture, if it occurs, it's going to be costly in treasure and in blood, and you know that as well, perhaps more so than I do. And unless he has that support, that sustained support, we'll be engaged in another very costly, dreadful, Viet-

nam-like venture where the support of the American people vanished. That's one question.

Let me give you one other question to conserve my time, and then you can answer them as you see fit. My other question—well, perhaps you'd better try that one first. [Laughter]

Secretary POWELL. First of all, Senator Byrd, I could not even begin to answer this question without commenting on your opening remarks about the INF treaty. It is one of the more vivid experiences of my career, to have been, shall I say, taught by you about the Senate's prerogatives with respect to treaties. And I'll never forget the meeting you, I and Howard Baker had in your chambers one day, where you made it clear that the Senate had to give its advice and consent in a measured way, only with full information, and I went off to Geneva the very next day to get that full information.

And if I may, I'll never forget you looking at me and say, "We will not be hurried by any summit meeting that you all have scheduled or anything else of that nature, we will do our job." And the Senate did its job, and I thank you for that guidance and that support at that time.

To get directly to your questions, the president's words in the State of the Union speak for itself. He did not declare war on anyone, nor was he saying he was getting ready to declare war on anyone. In fact, since the State of the Union he has repeated what he had said two times before the State of the Union with respect to Iraq: Let the inspectors in, let the U.N. inspectors in to determine whether or not you were doing the things we are accusing you of, and if you can establish that you are not doing these things, then the world will be a safer place, and you will have dealt with the U.N. We still think we would be better off with someone other than Saddam Hussein running the country.

So the president has made no decisions—to repeat myself—and no recommendations on his desk, even though, as a matter of prudence, we should be examining options with respect to all of these countries. But the first instance is looking at diplomatic and political means.

We have been eyeball to eyeball with North Korea for the last almost 50 years now, and trying to make sure that they are contained, this regime that is a despotic regime. And so I can assure you that the president is very sensitive, first, to the feelings and the views and the perspective of the American people, and he is very appreciative of the role that Congress plays in such matters.

And I'm sure that if he believes some action is taken, or some action is required, he will consult with the Congress, and as a result of consultation will make a judgment as to how Congress should be involved in whatever actions are taken, whether it is by declaration of war or a resolution of the Congress supporting an action that is taken pursuant to some United Nations resolution or through the president's inherent right as commander in chief to engage the armed forces of the United States. You'll recall what we did at the time of the Gulf War, Senator, where with a resolution we then got a resolution from both houses. So I'm sure the president would consult at an appropriate time and determine what he would ask Congress to do, and Congress has, of course, its own inherent power and right to do what it chooses to do.

Senator BYRD. Mr. Secretary, I thank you for that response. Of course, you and I know that the Constitution does not speak about consultations, nor does it refer to U.N. resolutions. Those are things that have developed over later time. But the Constitution

still says that Congress shall have the power to declare war.

And I believe, as I said earlier, that if the president is contemplating attacking one or more of these countries, I would urge that he not just seek consultation, but he seek a declaration of war. And I might very well vote for that, depending on the case that is made at the time.

My second question, I may miss this vote—I'd do that with regret—but I'm very appreciative of this opportunity to visit with you across the table that's here and to ask these questions. By the way, I've cast more roll call votes than any senator in the history of this republic, and this is not a democracy, this is a republic. But I've cast more votes than any other senator in its long history, and so I don't pass up a vote easily, but I will in this case if I have to.

My second question is this. The president's FY 2003 foreign operations budget requests reflect business as usual when it comes to U.S. aid to Egypt and Israel. But despite providing roughly \$5 billion a year—my, how the Appropriations Committee would like to use that \$5 billion a year to help some of the states in this country and the people throughout this country with some of their problems—\$5 billion a year in economic and military assistance to the Middle East, the conflict between the Israelis and the Palestinians continues to worsen.

It seems to me that our foreign aid dollars to the Middle East, which have no strings attached that I know about, and are not conditioned on any progress being made in the peace process, are being squandered in pursuit of an increasingly elusive peace. Now, this subject, this question isn't often laid on the table as plainly as we're doing right now, but I think it ought to be.

Every year we appropriate roughly \$5 billion countries with virtually no questions asked, and they look upon it, I think, as an entitlement, almost as an entitlement. They, I'm sure, from what I've read and learned, that they include it in their budgets at the beginning of the budget process because, as I said, they look upon it virtually as an entitlement. They can be pretty sure of it. I think it's time for questions to be asked.

As a result of the current escalation of violence between the Palestinians and the Israelis, the U.S. seems to be increasing its historic tilt toward Israel and abandoning attempts to negotiate with Yasser Arafat. Given the continuing terrorist attacks by the Palestinians, it is understandable that we're fed up with Arafat. But I've read in the media that even some Israeli reserve soldiers are refusing to serve any longer in the occupied West Bank and Gaza Strip, citing the dehumanizing impact of the occupation.

Do you have any concern that the perception of a greater U.S. tilt toward Israel could prove and is proving to be counterproductive by increasing anti-American and anti-Israeli sentiment in the region by emboldening hardline Israelis who are opposed to the peace process and by precluding the U.S. from fulfilling the role of honest broker in the peace process?

I think, Mr. Secretary, that it is time to put some strings on our foreign assistance in the Middle East and to condition our assistance, to condition our assistance on evidence of progress in the peace process. I think that would be the axis of my questions.

I think it's time to condition our assistance on evidence of progress in the peace process. We have a tool here. We don't seem to use it. Both sides are able to count on a continuation of this money every year, it seems to me. It isn't being used as leverage, as it should be, in the pursuit of the peace process, which would be of the greatest benefit to both of those countries and to our

own country and to world peace. Yasser Arafat may be unwilling or unable to act on his own, but I have to believe that Egypt and Jordan, and hopefully other Arab nations, would apply considerably more pressure on the Palestinians if their foreign assistance dollars were at stake.

And I have to believe that Israel might be more willing to discuss the issue of Israeli settlements, which are a real bone of contention, in disputed areas if their foreign assistance dollars were at stake. Mr. Secretary, this is my question: Why shouldn't we condition our assistance to the Middle East, why shouldn't we use this leverage on both sides to get them to the peace table and to make them understand that this money is just not going to be had there for the asking, that they have to produce some evidence, they have to show a willingness, they have to act in pursuit of that willingness? That's my question.

Secretary POWELL. Thank you, Senator Byrd. On the first question, as you know, the roughly \$4.6 or close to \$5 billion that is spent every year for Egypt and Israeli in FMF and ESF funding is a result of decisions that were made many years ago, after the Camp David accord, and there's been a balance between those two, and as a result we did have a peace agreement between Egypt and Israel.

And as part of that, this funding was appropriate to let both sides develop and let both sides feel strong as a result of defensive FMF funding, which allows them to maintain their military. With respect to the situation with the Palestinians and the Israelis, I must say that Egypt has been enormously supportive of our efforts, and Egypt has been applying pressure on Chairman Arafat to get the violence under control so that both sides can move forward to achieve the kind of peace that you talk about.

With respect to should we use Egypt's money to pressure them, they're doing what we ask of them now with respect to this, they're putting pressure on Mr. Arafat. They are one of our strongest interlocutors with respect to how we deal with Mr. Arafat. We have not cut Mr. Arafat off. I am in touch with his closest associates, and I spoke to him about 10 days ago.

With respect to the Israelis, they are under attack from terrorist organizations that are linked to the Palestinian Authority. We saw the ship come in with 50 tons of military equipment that escalated the situation or would have if it arrived. And to say to them, "We're going to cut your funds while you are under these kinds of terrorist attacks unless you do something to reward these terrorist attacks," is not a strategy that I think will be successful. The strategy we are trying right now and applying right now is to remain committed to a vision of these two states living side by side, remain committed to the Mitchell plan, which provides a path to get there, and committed to the Tenet work plan, which gets us into the Mitchell plan by getting a cease-fire, by getting the violence down.

And in recent days I have been in touch once again with the closest aids to Mr. Arafat talking about the specific things that need to be done so that we can get the violence down and then see an Israeli response, because they now are confident of moving forward into the Mitchell plan. The Mitchell plan talks about settlement activities stopping. The Mitchell plan talks about opening closures. The Mitchell plan has everything we need to get the negotiations, negotiations which under appropriate U.N. resolutions 242 and 338 can lead to a settlement of this crisis and a peace between these two sides.

But until Mr. Arafat really is able to crack down, if he can—and I think he still can, I

still think he has that authority, people want to push him aside as a leader, but he's still the leader of the Palestinian people, they see him as such and he's the elected leader of the Palestinian Authority. And so I think he has to use his moral authority and his political authority to get the violence down, as which point we can get into a cease-fire and move toward the Mitchell plan.

We are constantly reviewing the level of funding for both Egypt and Israel and the determination of how it should be allocated between FMF and ESF, and we believe they both make solid cases to us every year that justifies the allocation that we have made to them, and that is the case again this year. But we have not walked away from this, and we are always looking for a means by which we can encourage both sides to show restraint, both sides to do everything that is possible to get toward a cease-fire and progress into the Mitchell plan.

Senator BYRD. Mr. Chairman I have signaled to the floor leadership that I'm willing to give up that vote in order to have been here to ask these questions, Secretary Powell, and I gave it up very reluctantly. My attendance record over a period of 44 years, my roll call attendance record is 98.7 percent of the time. I wouldn't have done that for many secretaries.

Secretary POWELL. I'm honored.

Senator BYRD. I thank you for your response to the question. I hope that there will be increased consideration given to my suggestions here as to the use of this assistance. The American taxpayers give up a lot, they give \$5 billion a year to these countries, and there needs to be a return to the taxpayers' investment, I believe to use your words, in the Middle East. So I hope that there will be increased consideration of using this leverage.

And also, Mr. Secretary, I hope you'll convey to the president that we need to use our words with care. Words mean something, especially in this context. We cannot shoot from the hip if we're contemplating as one of the options going into one of these countries or attacking them. This would be a very sobering, somber, serious matter, and I would appreciate it if you would tell the president about this.

And I'm not out to pick on the president, I spoke on the Senate floor one Friday about the president, about his speech to the National Prayer Breakfast, and I have many good things I can say about the president. But this is very sobering, and some of the words that have appeared to come from the hip from this administration have caused considerable alarm. I don't have to tell you that, you sense that, I'm sure.

Secretary POWELL. Senator Byrd, thank you. And I've been through several crisis with the president in our year together, some big, some small. There was the Soviet spy crisis of the early days of the administration, then the Chinese reconnaissance plane, and then what we've done since September 11, and I have been through many crises in my career with several presidents.

And this president does not shoot from the hip and he does not act from the hip. He handles each one of these with a clarity of purpose, with patience, with prudence, listens to all the advisers that he has in his administration and gathers the support of the American people and his coalition partners as he moves forward. And I'm sure that as new challenges arise in the future, particularly if they arise with these three countries or other countries, he will act in a similar manner.

Senator BYRD. I hope so, Thank you.

EXHIBIT 3

DEPARTMENT OF DEFENSE.—MILITARY (051)—
DISCRETIONARY
(In billions of dollars)

Year	Budget authority
2002	330.8
2003	1,379.3
2004	387.9
2005	408.8
2006	429.6
2007	451.4
2008	463.7
2009	476.3
2010	489.3
2011	502.7
2012	516.4
2003–12	4,505.3

Includes \$10 billion request for the Defense Emergency Response Fund.
Source: Office of Management and Budget, January 24, 2002.

The PRESIDING OFFICER. The Senator from Kansas.

COMMENDING PRESIDENT
MUSHARRAF OF PAKISTAN

Mr. BROWNBAC. Madam President, I appreciate the comments from my colleague from West Virginia and his thoughts. We have some important decisions to make.

I speak on an event taking place currently in the Capitol, the welcoming of the President of Pakistan. Yesterday, we passed a resolution welcoming President Musharraf of Pakistan to the United States. He arrived in Washington last night. He will be here for a couple of days.

I rise to call attention to this visit of President Musharraf and praise his courageous leadership in standing by the United States in its war on terrorism. President Musharraf has taken action within his own country to align with the international community to reject terrorism. It has been a very difficult task for him. Pakistan has been in a great deal of turmoil. President Musharraf has worked to bring calm and peace to that region. But when we went forward with our efforts in Afghanistan, which to date have been quite successful, this was a very trying time in Pakistan.

President Musharraf stood by his commitment to end terrorism, stood by his commitment to work with the United States. That has been a help in our efforts in that region of the world and for the future of Pakistan and relationships with the United States.

In a speech last month, President Musharraf set Pakistan on a new course with his version of a moderate, dynamic, Muslim nation. He reminded the Pakistani people that charity begins at home. It was time to fight the root causes of extremism: poverty, and illiteracy. He has done this at great risk to himself on behalf of a peaceful and prosperous future for Pakistan. He has opened the way to eventual true peace with India. It is an important message for Pakistan, for South Asia, and for the whole world.

President Bush also made note of President Musharraf's important leadership in the State of the Union Address. The President said: Pakistan is

now cracking down on terror, and I admire the strong leadership of President Musharraf.

Pakistan's support remains essential to our fight against terrorism. We are grateful to President Musharraf for his leadership. Without it, Operation Enduring Freedom could not have been accomplished and could not have received its accomplishments or made the accomplishments that it has to date. We owe much to the Pakistani people. However, the fight is not yet over and risks still remain. Violent extremists could still undermine peace and security in the region. As we isolate our enemies, so, too, must we aid and draw closer to our friends.

Pakistan's bold stand against terror alongside the United States is not made in a vacuum. There are real economic and social consequences in Pakistan for assisting the United States in our war effort. It would be a failure of U.S. foreign policy not to pursue the means of assisting our ally in its time of need. We must provide assistance to Pakistan in all the areas that will help keep it on track with President Musharraf's vision for a prosperous, strong, independent, modern Islamic state, a democracy of capital markets.

As we have all seen, a small yet very focused and vocal Islamic minority within Pakistan has spoken out against the Pakistani Government and the assistance it received from the United States. The small minority has called for and implemented damaging labor strikes and encouraged countless numbers of young Pakistanis to cross the border into Afghanistan to fight alongside the Taliban. This is a strong vocal minority in Pakistan. A further weakened economy and increased unemployment in Pakistan, the clear results of some weakened markets that have taken place because of the war on terrorism, only add to the influence of fundamentalists in Pakistan by strengthening social and economic unrest on which extremists prey.

This is why it is crucial that the United States now provide assistance and support to Pakistan. It is time to make sure that our policies of all sorts—economic, social policies, geopolitical policies—reflect what is best for America, not only in terms of our economy but also for our future security. Helping Pakistan through this difficult and necessary transition is in the direct interests of the United States. We must support those willing to take on the fight for freedom if we are to see our values flourish around the world.

I am delighted President Musharraf is visiting the United States at this time. I know he will receive a strong, positive welcome from the United States.

PHILIPPINES

Mr. BROWNBAC. Madam President, I will draw the Senate's attention to a second matter. In the Philippines we

have troops performing training exercises with the Philippine military. This is very important in helping to subdue a terrorist group called Abu Sayyaf. They have a couple of my constituents. They are being held by the Abu Sayyaf terrorists. We are hopeful this exercise in the Philippines that the Filipino troops are carrying out and the training exercise the United States is doing with the Philippines will result in that group, the Abu Sayyaf, being subdued; the Americans being freed safely and being returned home to their families. They have been held since May of last year and have been on the move constantly in the jungle.

I am appreciative of the administration for stepping forward.

IRAQ

Mr. BROWNBAC. Madam President, as Senator BYRD mentioned, we have serious issues to contemplate concerning Iraq. This is a country we have had conflict with before, a country that has weapons of mass destruction. Iraq has been at war with itself and its neighbors for 22 of the 23 years that Saddam Hussein has ruled that country. The people of Iraq have not known peace under Saddam Hussein.

History reveals repression at home is often the breeding ground for outside aggression. Iraq is certainly a case in point. There has been no peace in Iraq since Saddam Hussein came to power more than two decades ago. First, he declared war on Iran, a war that lasted nearly a decade. He then declared war on the Iraq Kurdish population in the north. He even used chemical weapons against them in his pursuit of total and absolute control of Iraq.

After the war with the Kurds, he declared war on Kuwait, calling Kuwait an integral part of Iraq. Since his defeat at the hands of the U.S.-led coalition, Saddam has spent the past decade defying the United Nations and the United Nations imposed agreements and building weapons of mass destruction to use against his next victims.

History has also shown that authoritarian dictators do not successfully become integrated into civilized society. On the contrary, they seek any and all means to pursue their goals and perceive any positive overtures towards them as acts of weakness on the part of their adversaries. It has been the policy of the U.S. Government to seek the overthrow of Saddam Hussein since the passage of the 1997 Iraq Liberation Act. This policy is strongly supported—it was then and is now—by both Houses of Congress and both parties. It was also embraced by President Bush in the Republican Party platform.

This is going to be a key issue as we continue to look at what we are going to do to remove Saddam Hussein from power. We are not safe. That region of the world is not safe as long as Saddam Hussein rules in Iraq. This situation is not tenable over the long term. I am hopeful we can move forward to see