

the protection of oceans and freshwater, combating deforestation, preservation of biological diversity, increasing the use of renewable energy sources, and reducing the use of persistent toxic pollutants.

The Resolution makes it clear that Presidential leadership of the United States delegation at the WSSD would send a strong signal of our Nation's support for the goals of sustainable development. President Bush's participation at Johannesburg would help rebuild alliances weakened by the Administration's diminished involvement in international climate change negotiations. His participation would also strengthen relationships that are becoming increasingly important in a world where any nation can face serious threats to its national security and its environmental and human security. This Summit is an important opportunity to demonstrate that we will not act unilaterally when our actions can permanently and negatively affect the global commons.

SENATE CONCURRENT RESOLUTION 133—EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED STATES SHOULD NOT USE FORCE AGAINST IRAQ, OUTSIDE OF THE EXISTING RULES OF ENGAGEMENT, WITHOUT SPECIFIC STATUTORY AUTHORIZATION OR A DECLARATION OF WAR UNDER ARTICLE I, SECTION 8, CLAUSE 11 OF THE CONSTITUTION OF THE UNITED STATES

Mrs. FEINSTEIN (for herself and Mr. LEAHY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

Expressing the sense of Congress that the United States should not use force against Iraq, outside of the existing Rules of Engagement, without specific statutory authorization or a declaration of war under Article I, Section 8, Clause 11 of the Constitution of the United States.

Whereas, in accordance with United Nations Security Council Resolution 687 (1991), Iraq—

(1) agreed to destroy, remove, or render harmless all chemical and biological weapons and stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities related thereto;

(2) agreed to destroy, remove, or render harmless all ballistic missiles with a range greater than 150 kilometers, and related major parts and production facilities;

(3) agreed not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities; and

(4) agreed to permit immediate on-site inspection of Iraq's biological, chemical, and missile capabilities, and assist the International Atomic Energy Agency in carrying out the destruction, removal, or rendering harmless of all nuclear-related items and in developing a plan for ongoing monitoring and verification of Iraq's compliance;

Whereas the regime of Saddam Hussein consistently refused to comply with United

Nations Special Commission weapons inspectors in Iraq between 1991 and 1998 by denying them access to crucial sites and documents;

Whereas on October 31, 1998, Iraq banned the United Nations weapons inspectors despite its agreement and obligation to comply with United Nations Security Council Resolution 687 (1991);

Whereas Congress declared in Public Law 105-235 that "the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations";

Whereas, in his State of the Union Address on January 29, 2002, the President of the United States stated that the "Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade";

Whereas it is believed that Iraq continues in its efforts to develop weapons of mass destruction, in violation of United Nations Security Council Resolution 687 (1991) and subsequent resolutions, and that the regime of Saddam Hussein has used weapons of mass destruction against its own people;

Whereas the development of weapons of mass destruction by Iraq is a threat to the United States, and its friends and allies in the Middle East;

Whereas Public Law 107-40 authorizes the President to use United States Armed Forces against "those nations, organizations or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons in order to prevent any future acts on international terrorism against the United States by such nations, organizations, or persons";

Whereas no such evidence has been forthcoming linking Iraq to the September 11, 2001 attacks; and

Whereas Article I, Section 8, Clause 11 of the Constitution of the United States confers upon Congress the sole power to declare war: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) it is the sense of Congress that—

(1) the United States and the United Nations Security Council should insist on a complete program of inspection and monitoring to prevent the development of weapons of mass destruction in Iraq;

(2) Iraq should allow the United Nations weapons inspectors "immediate, unconditional, and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect" as required by United Nations Security Council Resolution 707 of August 15, 1991, and United Nations Security Council Resolution 1284 of December 17, 1999; and

(3) the United States should not use force against Iraq without specific statutory authorization or a declaration of war under Article I, Section 8, Clause 11 of the Constitution of the United States, except as provided in subsection (b).

(b) Subsection (a)(3) does not apply to any use of force in compliance with the existing Rules of Engagement (ROE) used by coalition forces to exercise the right of self-defense or under the National Security Act of 1947.

Mrs. FEINSTEIN. Mr. President, on behalf of Senator LEAHY and myself, I rise today to submit a concurrent resolution. This resolution is aimed to deal with a great deal of the speculation we read about in the public press as to whether there is an intent of the ad-

ministration for use of force against Iraq.

We all know that use of force requires a specific statutory authorization or declaration of war under article I, section 8, clause 11 of the Constitution of the United States. I believe the issue is not a question of whether or not Iraq is a rogue state. It is. It is also not a question of whether Saddam Hussein is a brutal dictator. He is.

The question, however, is what is the best policy for the United States and how to address these issues, and if we are to use force, that we do so only after full debate and consideration of all of the options and with a united Government and with the specific statutory authorization of the Congress.

Under the Constitution, only the Congress can declare war, and I offer this resolution because of the growing sense, both within the United States and abroad, that the Bush administration is poised to launch a major military offensive against the Nation of Iraq.

Thus far, the administration has submitted no evidence of any Iraqi connection to 9/11 to this Congress, and the resolution authorizing the use of force against al-Qaida is specifically worded so that hard evidence of such a connection is needed to justify military action.

Conclusive proof that Saddam Hussein is, indeed, harboring weapons of mass destruction, that he is providing shelter for al-Qaida terrorist cells, or that he is in any way linked to the attacks of September 11 would quickly galvanize support for military action. As of now, however, no such evidence has been substantiated.

At this time, moreover, I know of no formal support for a full-scale military action from any other nation. I know of no formal grant to fly over or landing rights which would be granted by any nation in connection with any invasion plan.

As far as I know at this point, the United States would be alone, unilaterally taking action. To take action without support from our allies or the United Nations would clearly identify the United States as an aggressor and may well prompt a series of potentially catastrophic actions.

Both Turkey and Jordan, two of our most loyal and longstanding allies in the region, have been open about their concern about United States unilateral action at this time, making clear their opposition. They have also pinpointed that the present crisis between the Israelis and the Palestinians should be the world's primary focus in the Middle East.

Until the Israeli-Palestinian conflict is stabilized, until more than a semblance of security and stability has returned to Israel and Palestine, a massive invasion against Iraq could expose the Israeli people to possible missile strikes from Baghdad.

We should also remain focused and stay the course in our war on terror.

The government of Hamid Karzai in Afghanistan is increasingly unstable. There are serious questions and concerns about security throughout Afghanistan. The warlords are restless and asserting power, and previously dissipated Taliban elements are returning to Afghanistan. The situation remains volatile.

The stabilization of Afghanistan, its successful transition to a democratic government, and its restoration of its war-torn economy should remain a top priority for all of us. I believe it would be a tragic mistake if the United States turns its attention and effort from Afghanistan before the new Afghan Government is stabilized and security in the country is improved.

I, for one, strongly believe that Iraq should promptly agree to the return of the United Nations weapons inspectors it expelled in 1998. If the government of Saddam Hussein has nothing to hide, something it continues to claim, then now is the time to prove it to the entire world.

Iraq's refusal to cooperate is tacit admission of deception and of the pursuit and stockpiling of chemical, biological, and, yes, admission that the rumors of his pressing ahead to develop nuclear warheads are, in fact, true.

Last week, at a meeting in Vienna, United Nations Secretary General Kofi Annan told an Iraqi delegation in no uncertain terms that the Iraqi Government must allow U.N. inspectors back in or there was no point to continue discussions and negotiations.

There was no response from the Iraqi delegation, who simply left Vienna and returned to Baghdad. I understand that Saddam Hussein is a brutal dictator who during a 34-year reign of terror has systematically eliminated all internal opposition, even including members of his own family. He has ruthlessly persecuted Iraq's Kurdish minority. He has used chemical weapons against the Kurds and his own people. He has initiated a decade-long war against Iran, at the cost of nearly 2 million casualties. He has financially supported Palestinian terrorists and he has invaded Kuwait, prompting the United States to launch Operation Desert Storm.

In the history of our Nation, we have never attacked another country, except in response to an attack on our own shores, our people or our national interests. Until and unless the administration is prepared to come forward to offer its rationale, to submit its evidence to the American people, and to allow Congress to vote to authorize the use of force, an attack on Iraq, I believe, is both unwise and ill timed.

Unwise because it would certainly encourage an unprecedented response by Saddam Hussein, most likely targeted against Israel. Unwise because until the administration has thought through the who, the what, and the how of the regime that will take power in Iraq after Saddam Hussein is disposed of, any military action may well have unintended and undesirable consequences.

One cannot overemphasize how important the nature of the next Iraqi regime is to the future of the Middle East. It will require that the United States engage in nation building, something this administration has been reluctant to do. Call it what you will, but in the wake of toppling Saddam Hussein our commitment to Iraq must not be brief or perfunctory. This, I believe, is ill timed because of the unfinished business in Afghanistan, the continuing threat of al-Qaida, and the fact that at least two-thirds of the al-Qaida leadership, including Osama bin Laden, remain at large.

The war against terror has not yet been won. We should stay the course. So before rushing precipitously forward in an attack on Iraq, I urge the Bush administration to work with allies and the United Nations to develop a multilateral approach to compel Iraq to live up to its obligations under Security Council Resolution 687.

Should Iraq be unwilling to live up to its obligations and the President determines that there is just cause for military action against Iraq, I urge him to come before this Congress, to come before the American people, to make his case and let us in turn discharge our constitutional duty to debate and vote on the authorization of the use of force. The many thousands of our sons and daughters who will bear the brunt of such an operation, some of whom will surely pay the highest price, deserve no less.

I ask unanimous consent that the concurrent resolution be printed in the RECORD.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4327. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; which was ordered to lie on the table.

SA 4328. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 812, supra; which was ordered to lie on the table.

SA 4329. Mr. DURBIN (for himself, Mr. DEWINE, Mr. DORGAN, Mr. LEVIN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 812, supra; which was ordered to lie on the table.

SA 4330. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 812, supra; which was ordered to lie on the table.

SA 4331. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 812, supra; which was ordered to lie on the table.

SA 4332. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 812, supra; which was ordered to lie on the table.

SA 4333. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 812, supra; which was ordered to lie on the table.

SA 4334. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill S. 812, supra; which was ordered to lie on the table.

SA 4335. Mr. NICKLES submitted an amendment intended to be proposed to

amendment SA 4299 proposed by Mr. REID (for Mr. DORGAN (for himself, Mr. WELLSTONE, Mr. JEFFORDS, Ms. STABENOW, Ms. COLLINS, Mr. LEVIN, Mr. JOHNSON, Mr. MILLER, Mr. DURBIN, Mr. FEINGOLD, and Mr. HARKIN)) to the bill (S. 812) supra; which was ordered to lie on the table.

SA 4336. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill S. 812, supra; which was ordered to lie on the table.

SA 4337. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 4299 proposed by Mr. REID (for Mr. DORGAN (for himself, Mr. WELLSTONE, Mr. JEFFORDS, Ms. STABENOW, Ms. COLLINS, Mr. LEVIN, Mr. JOHNSON, Mr. MILLER, Mr. DURBIN, Mr. FEINGOLD, and Mr. HARKIN)) to the bill (S. 812) supra; which was ordered to lie on the table.

SA 4338. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill S. 812, supra; which was ordered to lie on the table.

SA 4339. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 4299 proposed by Mr. REID (for Mr. DORGAN (for himself, Mr. WELLSTONE, Mr. JEFFORDS, Ms. STABENOW, Ms. COLLINS, Mr. LEVIN, Mr. JOHNSON, Mr. MILLER, Mr. DURBIN, Mr. FEINGOLD, and Mr. HARKIN)) to the bill (S. 812) supra; which was ordered to lie on the table.

SA 4340. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 812, supra; which was ordered to lie on the table.

SA 4341. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 812, supra; which was ordered to lie on the table.

SA 4342. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 812, supra; which was ordered to lie on the table.

SA 4343. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 812, supra; which was ordered to lie on the table.

SA 4344. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 4299 proposed by Mr. REID (for Mr. DORGAN (for himself, Mr. WELLSTONE, Mr. JEFFORDS, Ms. STABENOW, Ms. COLLINS, Mr. LEVIN, Mr. JOHNSON, Mr. MILLER, Mr. DURBIN, Mr. FEINGOLD, and Mr. HARKIN)) to the bill (S. 812) supra; which was ordered to lie on the table.

SA 4345. Mr. GRAHAM (for himself, Mr. SMITH of Oregon, Mr. MILLER, Mrs. LINCOLN, Mr. BINGAMAN, Mr. KENNEDY, and Ms. STABENOW) proposed an amendment to amendment SA 4299 proposed by Mr. REID (for Mr. DORGAN (for himself, Mr. WELLSTONE, Mr. JEFFORDS, Ms. STABENOW, Ms. COLLINS, Mr. LEVIN, Mr. JOHNSON, Mr. MILLER, Mr. DURBIN, Mr. FEINGOLD, and Mr. HARKIN)) to the bill (S. 812) supra.

SA 4346. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4347. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4348. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4349. Mr. HUTCHINSON submitted an amendment intended to be proposed to amendment SA 4345 proposed by Mr. GRAHAM (for himself, Mr. SMITH of Oregon, Mr. MILLER, Mrs. LINCOLN, Mr. BINGAMAN, Mr. KENNEDY, and Ms. STABENOW) to the amendment