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Senate

The Senate met at 9:15 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, our hearts are often restless; we long to rest in You. We feel an inner emptiness only You can fill, a hunger only You can satisfy, a thirst only You can quench. All our needs are small in comparison to our deepest need for You. No human love can fulfill our yearning for Your grace. No position can satisfy our quest for significance. No achievement can substitute for Your acceptance. Our relationship with You is ultimately all that counts. There is no joy greater than knowing You, no peace more lasting than Your shalom in our souls, no power more energizing than Your enabling Spirit empowering us. This is the day You have made for us to enjoy and to serve You. Grant us the greatness of seeking Your best for our Nation and working together as patriots. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 26, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Prior to the Chair announcing morning business time, I would advise the Senate that we are going to be in a period of morning business until 11:15. At that time, we will resume consideration of the Homeland Security Act. Cloture was filed on the Gramm-Miller amendment to homeland security. Senators have until 1 p.m. to file first-degree amendments.

Senator DASCHLE and I, in private conversations, have indicated to the minority that we would be willing to move this vote to today. Under the rules, it is tomorrow. We would be willing to have the vote today. We are concerned, I am concerned, and we have been told by Senators on the other side, they have 30 speakers on this amendment. As people who know how the Senate works, that is a big flag for "we are stalling."

As I indicated, we will at the appropriate time ask that the vote be moved up until today. If they are serious about this legislation, this should indicate their seriousness.

When the Chair moves to morning business today, I ask unanimous consent, on the Democratic side, Senator

BINGAMAN be recognized for 10 minutes and Senator LEAHY for 15 minutes. Senator BINGAMAN, of course, is chairman of the Energy and Natural Resources Committee and Senator LEAHY is chairman of the Judiciary Committee. Next is Senator JOHNSON for 10 minutes and Senator DORGAN after that for 20 minutes. I ask unanimous consent for that order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:15 a.m., with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the first half of the time will be under the control of the majority leader or his designee. Pursuant to the order, the Senator from New Mexico is recognized.

THE ECONOMY AND IRAQ

Mr. BINGAMAN. Mr. President, I appreciate the opportunity to speak. I want to address a growing disconnect that I detect between what I am hearing in my home State of New Mexico and much of what I am hearing and reading here in Washington, DC. Frankly, I begin to worry when we are talking about one thing in Washington while the people we represent at home are talking about other things, or talking about them in different ways—in coffee klatsches, in barber shops, in various settings.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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What do I mean by that? I mean in Washington in recent weeks the drumbeat has been about how we need to prepare for and pursue an attack on Iraq, and how the United Nations had better get its act together to pursue this effort in weeks rather than months or we would unilaterally act in its place.

In my State, there is talk about Iraq. Frankly, there is a great deal of concern about what is being planned and what is being contemplated, on what timetable. But the main issue I hear from people in my State relates to the economy and what is happening in the economy. Why would the economy be a major issue in New Mexico, somebody might ask? One reason is the article that appeared in the Albuquerque Journal yesterday with a headline that says, "New Mexico Tops U.S. for Poverty in 2001."

It indicates the poverty rate for the U.S. was at 11.7 percent last year, and in my State it was 17.7 percent of our population living below the poverty line. The median income for the same period dropped over \$700 between 2000 and 2001. Income levels fell for every group. This is according to the U.S. Census. This is not some group with an axe to grind. This was the U.S. Census that reported that income levels fell for every group except the very richest and the very poorest. So that is one reason people are concerned about the economy.

Another reason is because of what is happening to their pension plans, to their 401(k)s. I heard a discussion a week or so ago where I thought one of the commentators made a very good point. He said there will be an October surprise this year. As we approach elections in this country there is always a concern on the part of people who watch the political comings and goings that there will be an October surprise; something will be done in October to try to change the outcome of the election. In fact, this commentator said there will be an October surprise, but the surprise will be when each person opens their quarterly report showing where their retirement savings now stand, where they stand in their 401(k). They will see a dramatic decline in the amount of retirement savings that they have because of what is happening in the economy.

More and more people are worried that nobody in Washington—and this is what I begin to pick up in my State—there is a concern that no one in Washington seems concerned. No one seems concerned about the economy. There is no talk about any strategy to improve the economy. There is no plan to improve the economy.

To hear the pronouncements that have come out of the administration in recent weeks and months, you would think the economy is just fine, that everything is humming right along. At least we are no longer hearing from the Secretary of Treasury and others that we are on the cusp of a rebound in the

economy. That talk has faded. But certainly there is no talk about any plan or any suggestion about how we are going to strengthen the U.S. economy. And the fact that we are not talking about it is of concern.

It is possible I am just reading the wrong newspapers, watching the wrong TV reports. Maybe there is something being planned. Maybe there is some strategy that is being developed in the administration. I have not seen it. I hope there is. My strong belief, though, is that the administration's basic position on the economy is: Stay the course.

The problem with staying the course is this is not a very good course for the average American. It is not a very good course for the average person in my State. So I hope we will begin to hear something here in Washington about this issue which is dominating the discussion in my home State.

Let me also say something about this threatened war in Iraq. Obviously, Americans want to deal with any imminent threat to our Nation's security. I think much more so are we ready to do that after the catastrophe of 9/11. If weapons of mass destruction have been developed or are being developed with the intent to use those against us or against our allies, then that is a threat that requires us to act. I think there is general agreement on it.

We all share the goal of wanting to eliminate the threat of these weapons. But the question we need to debate is the means for accomplishing the goal. So far the means that the administration has insisted upon and put forward is a so-called regime change. That is the means. We are going to pursue a regime change. That is an interesting phrase. That is a euphemism for attacking Iraq, killing or capturing Saddam Hussein and his cadre of leaders, and replacing them with the leadership of our choice. There are some potential problems with pursuing that particular means to deal with these weapons of mass destruction. Let me just mention a few of those problems which have been discussed by others but need to be discussed even more.

One is what is the precedent we are setting? This is not a normal course for our country to pursue, attacking and invading another country without some imminent threat being demonstrated.

Second, the implications: What are the implications of such action for our relations with other Arab countries?

Third, what is the cost to us in resources? One figure we heard from the administration was \$100 billion. What is the cost? What is the cost in American lives we must anticipate?

The question is, who would constitute the successor government if we are going to displace this government and put in place a government more to our liking; who would that be?

The questions of how large and how prolonged a commitment do the American people want to make to the re-

building of Iraq, to bringing reforms to Iraq, the effect of such an attack on world oil markets and the price of oil, the spikes in the price of oil that might occur and what that might do to our own economy, are legitimate.

They are questions people in my State are concerned about and they are questions we need to have fully considered in Washington.

We need to look at other possible means besides just the simple approach of regime change. One set of ideas that has been put forward recently, that I think deserves attention and I want to just call it to the attention of my colleagues today, is a paper prepared by Jessica Mathews, President of the Carnegie Endowment for International Peace, entitled, "A New Approach, Coercive Inspections."

This is a serious proposal and one that deserves serious attention. Essentially, the idea is that if our primary goal is to deal with weapons of mass destruction and the threat that those weapons pose when held by Iraq, then we need to consider, perhaps, a middle ground between the unacceptable status quo, which none of us like, and this idea of full-scale invasion of Iraq in order to change the regime. It proposes a third approach. It proposes a new regime of coercive international inspections where we would have a multinational military force created by the Security Council, which we would participate in, and which would be there to ensure that inspections take place as the U.N. has indicated they would. There would be several advantages if we were able to pursue that kind of option.

It would have the advantage of assuring our allies that we want to work with them and not go it alone. It would assure the world that our priority is what we say it is, and that is eliminating the threat of weapons of mass destruction, not just evening old scores with Saddam Hussein. It avoids military conflict, if the goal of weapons inspection and weapons destruction can be achieved without military conflict. It reserves the option of force being used.

Frankly, pursuing a course such as this on Iraq would allow us to tone down the saber rattling, to calm anxieties here at home and in the world community. I think there is a great benefit that can be achieved from that, not only in our relations with our allies but I believe the economy also would benefit from believing we are pursuing a more measured course such as is described in this paper.

This is not the only proposal for how we should proceed. Maybe it is not the best, but it is certainly a serious proposal and one we should consider before we rush to authorize the President to use any and all force to bring justice and peace to that region of the world.

In conclusion, people in my State want to know what is going to happen on the economy, what this Government is going to do to help them pursue a

better life and have greater economic opportunity in the future. They also, with regard to Iraq, expect us to think before we act. They hope—I hope—this President and this administration are not so committed to a single course of action that serious discussion and serious consideration of proposals such as this are precluded.

Mr. President, I appreciate the time and I yield the floor.

I ask unanimous consent the paper to which I referred be printed in the RECORD.

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

The papers in this collection grew out of discussions held at the Carnegie Endowment for International Peace from late April to late July of this year. The discussions included top regional and military experts, former inspectors with dozens of man-years' experience in Iraq, and individuals with intimate knowledge of the diplomatic situation at the United Nations.

A NEW APPROACH: COERCIVE INSPECTIONS

(By Jessica T. Matthews, President, Carnegie Endowment for International Peace)

The summary proposal that follows draws heavily on the expertise of all those who participated in the Carnegie discussions on Iraq and on the individually authored papers. Further explanation and greater detail on virtually every point, especially the proposal's military aspects, can be found therein.

With rising emphasis in recent months, the president has made clear that the United States' number one concern in Iraq is its pursuit of weapons of mass destruction (WMD). No link has yet been found between Baghdad's assertively secular regime and radical Islamist terrorists. There is much else about the Iraqi government that is fiercely objectionable but nothing that presents an imminent threat to the region, the United States, or the world. Thus, the United States' primary goal is, and should be, to deal with the WMD threat.

In light of what is now a four-year-long absence of international inspectors from the country, it has been widely assumed that the United States has only two options regarding that threat: continue to do nothing to find and destroy Iraq's nuclear, chemical, biological, and missile programs, or pursue covert action or a full-scale military operation to overthrow Saddam Hussein. At best, the latter would be a unilateral initiative with grudging partners.

This paper proposes a third approach, a middle ground between an unacceptable status quo that allows Iraqi WMD programs to continue and the enormous costs and risks of an invasion. It proposes a new regime of coercive international inspections. A powerful, multinational military force, created by the UN Security Council, would enable UN and International Atomic Energy Agency (IAEA) inspection teams to carry out "comply or else" inspections. The "or else" is overthrow of the regime. The burden of choosing war is placed squarely on Saddam Hussein. The middle-ground option is a radical change from the earlier international inspection effort in which the playing field was tilted steeply in Iraq's favor. It requires a military commitment sufficient to pose a credible threat to Iraq and would take a vigorous diplomatic initiative on Washington's part to launch. Long-term success would require sustained unity of purpose among the major powers. These difficulties make this approach attractive only in comparison to the alternatives, but in that light, its virtues emerge sharply.

Inspections backed by a force authorized by the UN Security Council would carry unimpeachable legitimacy and command broad international support. The effort would therefore strengthen, rather than undermine, the cooperation the United States needs for long-term success in the war against terrorism. It would avoid setting a dangerous precedent of a unilateral right to attack in "preventive self-defense." Although not likely to be welcomed by Iraq's neighbors, it would be their clear choice over war. Regional assistance (basing, over-flight rights, and so on) should therefore be more forthcoming. If successful, it would reduce Iraq's WMD threat to negligible levels. If a failure, it would lay an operational and political basis for a transition to a war to oust Saddam. The United States would be seen to have worked through the United Nations with the rest of the world rather than alone, and Iraq's intent would have been cleanly tested and found wanting. Baghdad would be isolated. In these circumstances, the risks to the region of a war to overthrow Iraq's government—from domestic pressure on shaky governments (Pakistan) to government misreading U.S. intentions (Iran) to heightened Arab and Islamic anger toward the United States—would be sharply diminished.

Compared to a war aimed at regime change, the approach greatly reduces the risk of Saddam's using whatever WMD he has (probably against Israel) while a force aimed at his destruction is being assembled. On the political front, coercive inspections avoid the looming question of what regime would replace the current government. It would also avoid the risks of persistent instability in Iraq, its possible disintegration into Shia, Sunni, and Kurdish regions, and the need to station tens of thousands of U.S. troops in the country for what could be a very long time.

A year ago, the approach would have been impossible. Since then, however, four factors have combined to make it achievable: Greatly increased concern about WMD in the wake of September 11; Iraq's continued lies and intransigence even after major reform of the UN sanctions regime; Russia's embrace of the United States after the September 11 attacks, and the Bush administration's threats of unilateral military action, which have opened a political space that did not exist before.

Together, these changes have restored a consensus among the Security Council's five permanent members (P-5) regarding the need for action on Iraq's WMD that has not existed for the past five years.

CORE PREMISES

Several key premises underlie the new approach.

Inspections can work. In their first five years, the United Nations Special Commission on Iraq (UNSCOM), which was responsible for inspecting and disarming Iraq's chemical, biological, and missile materials and capacities, and the IAEA Iraq Action Team, which did the same for Iraq's nuclear ones, achieved substantial successes. With sufficient human and technological resources, time, and political support, inspections can reduce Iraq's WMD threat, if not to zero, to a negligible level. (The term inspections encompasses a resumed discovery and disarmament phase and intrusive, ongoing monitoring and verification extending to dual-use facilities and the activities of key individuals.)

Saddam Hussein's overwhelming priority is to stay in power. He will willingly give up pursuit of WMD, but he will do so if convinced that the only alternative is his certain destruction and that of his regime.

A credible and continuing military threat involving substantial forces on Iraq's borders

will be necessary both to get the inspectors back into Iraq and to enable them to do their job. The record from 1991 to the present makes clear that Iraq views UN WMD inspections as war by other means. There is no reason to expect this to change. Sanctions, inducements, negotiations, or periodic air strikes will not suffice to restore effective inspection. Negotiations in the present circumstances only serve Baghdad's goals of delay and diversion.

The UNSOM/IAEA successes also critically depended on unity of purpose within the UN Security Council. No amount of military force will be effective without unwavering political resolve behind it. Effective inspections cannot be reestablished until a way forward is found that the major powers and key regional states can support under the UN Charter.

NEGOTIATING COERCIVE INSPECTIONS

From roughly 1997 until recently, determined Iraqi diplomacy succeeded in dividing the P-5. Today, principally due to Iraq's behavior, Russia's new geopolitical stance, and U.S.-led reform of the sanctions regime, a limited consensus has reemerged. There is now agreement that Iraq has not met its obligations under UN Resolution 687 (which created the inspections regime) and that there is a need for the return of inspectors to Iraq. There is also support behind the new, yet-to-be tested inspection team known as the UN Monitoring, Verification, and Inspection Commission (UNMOVIC, created in December 1999 under Resolution 1284). Because three members of the P-5 abstained on the vote to create UNMOVIC, this development is particularly noteworthy. The May 2002 adoption of a revised sanctions plan was further evidence of a still fragile but real and evolving convergence of view on the Security Council.

Perhaps paradoxically, U.S. threats to act unilaterally against Iraq have the potential to strengthen this limited consensus. France, Russia, and China strongly share the view that only the Security Council can authorize the use of a force—a view to which Great Britain is also sympathetic. All four know that after eleven years of the United Nations' handling of the issue, a U.S. decision to act unilaterally against Iraq would be a tremendous blow to the authority of the institution and the Security Council in particular. They want to avoid any further marginalization of the Council since that would translate into a diminution of their individual influence. Thus, U.S. threats provide these four countries with a shared interest in finding a formula for the use of force against Iraq that would be effective, acceptable to the United States, and able to be authorized by the Council as a whole. That formula could be found in a resolution authorizing multinational enforcement action to enable UNMOVIC to carry out its mandate.

Achieving such an outcome would require a tremendous diplomatic effort on Washington's part. That, however, should be seen as a serious deterrent. Achieving desired outcomes without resort to war is, in the first instance, what power is for. Launching the middle-ground approach would amount, in effect, to Washington and the rest of the P-5 re-seizing the diplomatic initiative from Baghdad.

The critical element will be that the United States makes clear that it forswears unilateral military action against Iraq for as long as international inspections are working. The United States would have to convince Iraq and others that this is not a perfunctory bow to international opinion preparatory to an invasion and that the United States' intent is to see inspections succeed, not a ruse to have them quickly fail. If Iraq

is not convinced, it would have no reason to comply; indeed, quite the reverse because Baghdad would need whatever WMD it has to deter or fight with a U.S. attack. Given the past history, many countries will be deeply skeptical. To succeed, Washington will have to be steady, unequivocal, and unambiguous on this point.

This does not mean that Washington need alter its declaratory policy favoring regime change in Iraq. Its stance would be that the United States continues to support regime change but will not take action to force it while Iraq is in full compliance with international inspections. There would be nothing unusual in such a position. The United States has, for example, had a declaratory policy for regime change in Cuba for more than forty years.

Beyond the Security Council, U.S. diplomacy will need to recognize the significant differences in strategic interests among the states in the region. Some want a strong Iraq to offset Iran. Others fear a prosperous, pro-West Iraq producing oil to its full potential. Many fear and oppose U.S. military dominance in the region. Virtually all, however, agree that Iraq should be free of WMD, and they universally fear the instability that is likely to accompany a violent overthrow of the Iraqi government.

Moreover, notwithstanding the substantial U.S. presence required for enforced inspections and what will be widely felt to be an unfair double standard (acting against Iraq's WMD but not against Israel's), public opinion throughout the region would certainly be less aroused by multilateral inspections than by a unilateral U.S. invasion.

Thus, if faced with a choice between a war to achieve regime change and an armed, multilateral effort to eradicate Iraq's WMD, all the region's governments are likely to share a clear preference for the latter.

IMPLEMENTING COERCIVE INSPECTIONS

Under the coercive inspections plan, the Security Council would authorize the creation of an Inspections Implementation Force (IIF) to act as the enforcement arm for UNMOVIC and the IAEA task force. Under the new resolution, the inspections process is transformed from a game of cat and mouse punctuated by diversions and manufactured crises, in which conditions heavily favor Iraqi obstruction, into a last chance, "comply or else" operation. The inspection teams would return to Iraq accompanied by a military arm strong enough to force immediate entry into any site at any time with complete security for the inspection team. No terms would be negotiated regarding the dates, duration, or modalities of inspection. If Iraq chose not to accept, or established a record of noncompliance, the U.S. regime-change option or, better, a UN authorization of "use of all necessary means" would come into play.

Overall control is vested in the civilian executive chairman of the inspection teams. He would determine what sites will be inspected, without interference for the Security Council, and whether military forces should accompany any particular inspection. Some inspections—for example, personnel interviews—may be better conducted without any accompanying force; others will require maximum insurance of prompt entry and protection. The size and composition of the accompanying force would be the decision of the IIF commander, and its employment would be under his command.

The IIF must be strong and mobile enough to support full inspection of any site, including so-called sensitive sites and those previously designated as off limits. "No-fly" and "no-drive" zones near to-be-inspected sites would be imposed with minimal ad-

vance notice to Baghdad. Violations of these bans would subject the opposing forces to attack. Robust operational and communications security would allow surprise inspections. In the event surprise fails and "spontaneous" gatherings of civilians attempt to impede inspections, rapid response riot control units must be available.

The IIF must be highly mobile, composed principally of air and armored cavalry units. It might include an armored cavalry regiment or equivalent on the Jordan-Iraq border, an air-mobile brigade in eastern Turkey, and two or more brigades and corps-sized infrastructure based in Saudi Arabia and Kuwait. Air support including fighter and fighter-bomber aircraft and continuous air and ground surveillance, provided by AWACS and JSTARS, will be required. The IIF must have a highly sophisticated intelligence capability. Iraq has become quite experienced in concealment and in its ability to penetrate and mislead inspection teams. It has had four unimpeded years to construct new underground sites, build mobile facilities, alter records, and so on. To overcome that advantage and ensure military success, the force must be equipped with the full range of reconnaissance, surveillance, listening, encryption, and photo interpretation capabilities.

The bulk of the force will be U.S. For critical political reasons, however, the IIF must be as multinational as possible and as small as practicable. Its design and composition should strive to make clear that the IIF is not a U.S. invasion force in disguise, but a UN enforcement force. Optimally, it would include, at a minimum, elements from all of the P-5, Turkey, Saudi Arabia, and Jordan, as well as others in the region.

Consistent with the IIF's mandate and UN origin, Washington will have to rigorously resist the temptation to use the force's access and the information it collects for purposes unrelated to its job. Nothing will more quickly sow division within the Security Council than excesses in this regard.

Operationally, on the civilian front, experts disagree as to whether UNMOVIC's mandate contains disabling weaknesses. Although some provisions could certainly be improved, it would be unwise to attempt to renegotiate Resolution 1284. Some of its weaknesses can be overcome in practice by tacit agreement (some have already been), some will be met by the vastly greater technological capabilities conferred by the IIF, and some can be corrected through the language of the IIF resolution. Four factors are critical:

Adequate time. The inspection process must not be placed under any arbitrary deadline because that would provide Baghdad with an enormous incentive for delay. It is in everyone's interest to complete the disarmament phase of the job as quickly as possible, but timelines cannot be fixed in advance.

Experienced personnel. UNMOVIC must not be forced to climb a learning curve as UNSCOM did but must be ready to operate with maximum effectiveness from the outset. To do so, it must be able to take full advantage of individuals with irreplaceable, on-the-ground experience.

Provision for two-way intelligence sharing with national governments. UNSCOM experience proves that provision for intelligence sharing with national governments is indispensable. Inspectors need must information not available from open sources or commercial satellites and prompt, direct access to defectors. For their part, intelligence agencies will not provide a flow of information without feedback on its value and accuracy. It must be accepted by all governments that such interactions are necessary and that the

dialogue between providers and users would be on a strictly confidential, bilateral basis, protected from other governments. The individual in charge of information collection and assessment on the inspection team should have an intelligence background and command the trust of those governments that provide the bulk of the intelligence.

Ability to track Iraqi procurement activities outside the country. UNSCOM discovered covert transactions between Iraq and more than 500 companies from more than 40 countries between 1993 and 1998. Successful inspections would absolutely depend, therefore, on the team's authority to track procurement efforts both inside and outside Iraq, including at Iraqi embassies abroad. Accordingly, UNMOVIC should include a staff of specially trained customs experts, and inspections would need to include relevant ministries, commercial banks, and trading companies. As with military intelligence, tracking Iraqi procurement must not be used to collect unrelated commercial and technical intelligence or impede legal trade.

CONCLUSION

War should never be undertaken until the alternatives have been exhausted. In this case that moral imperative is buttressed by the very real possibility that a war to overthrow Saddam Hussein, even if successful in doing so, could subtract more from U.S. security and long-term political interests than it adds.

Political chaos in Iraq or an equally bad successor regime committed to WMD to prevent an invasion from ever happening again, possibly horrible costs to Israel, greater enmity toward the United States among Arab and other Muslim publics, a severe blow to the authority of the United Nations and the Security Council, and a giant step by the United States toward-in Zbigniew Brzezinski's phrase-political self-isolation are just some of the costs, in addition to potentially severe economic impacts and the loss of American and innocent Iraqi lives, that must be weighed.

In this case alternative does exist. It blends the imperative for military threat against a regime that has learned how to divide and conquer the major powers with the legitimacy of UN sanction and multilateral action. Technically and operationally, it is less demanding than a war. Diplomatically, it requires a much greater effort for a greater gain. The message of an unswerving international determination to halt WMD proliferation will be heard far beyond Iraq. The only real question is can the major powers see their mutual interest, act together, and stay the course? Who is more determined—Iraq or the P-5?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I am fortunate to represent a State whose citizens have long been involved in international affairs. Whether through military or diplomatic service, volunteering for the Peace Corps, studying abroad, or because we live on a great international border, Vermonters have strong views about these issues.

I was in Vermont this past weekend, and as always I had the opportunity to speak to many Vermonters from all walks of life. I can say, beyond any doubt, that Vermonters across the political spectrum are very concerned about our policy toward Iraq.

They are worried that we are shifting our focus away from ending the violence in the Middle East, eliminating

al-Qaida, and rebuilding Afghanistan even though that Herculean task has barely begun.

The President has sent to Congress a proposed resolution for the use of military force against Iraq. It would permit the President to take any action whatsoever to "defend the national security interests of the United States against the threat posed by Iraq, and restore international peace and security in the region."

While I hope this is the beginning of a consultative, bipartisan process to produce a sensible resolution and to act on it at the appropriate time, the current proposal is an extraordinarily over-broad, open-ended resolution that would authorize the President to send American troops not only into war against Iraq, but also against any nation in the Gulf or Middle East region, however one defines it.

Declaring war, or providing the authority to wage war, is the single most important responsibility given to Congress under the Constitution. As history has shown, wars inevitably have unforeseen, terrible consequences, especially for innocent civilians.

Blank-check resolutions, such as the one the President proposes, can likewise be misinterpreted or used in ways that we do not intend or expect. It has happened before, in ways that many people, including Members of Congress, came to regret. That is why a thorough debate is so necessary. And that is also why this Vermonter will not vote for a blank check for this President or any President. My conscience and the Constitution do not allow it.

The timing of the debate is also important. Congress is being asked to send Americans into battle, even though diplomatic efforts have not yet been exhausted. Nor do we have a complete assessment by U.S. intelligence agencies of the threat that Iraq poses to the United States.

I will have more to say when the debate on the resolution occurs. But I do want to take a few minutes to share some initial thoughts as we begin to consider this difficult question.

The question we face is not whether Saddam Hussein is a menace to his people, to his neighbors and to our national security interests. The Iraqi regime has already invaded Iran and Kuwait, gassed members of its own population, and repeatedly flouted international conventions against armed aggression. It is clear that Iraq has tried to develop a range of weapons of mass destruction, including nuclear, chemical, and biological weapons, with which Iraq might threaten the entire Gulf region.

I would like to see Saddam Hussein gone as much as anyone. But the question is, how immediate is this threat and what is the best way to deal with it, without undercutting our principal goal of protecting the American people from terrorism, promoting peace in the Middle East, and other important U.S. national security priorities?

Some administration officials have suggested that to ask questions about going to war in Iraq is somehow unpatriotic, or indicative of a lack of concern about national security. That is nothing more than election year partisan politics at its worst. These questions are being asked by Americans in every State of the Union.

Until recently our focus has been, rightly so, on destroying al-Qaida and other terrorist networks. While that challenge has already cost billions of dollars and continues to occupy the attention and resources of the Department of Defense and the U.S. intelligence community, the administration has suddenly shifted gears and is now rushing headlong toward war with Iraq.

Some have argued that Congress must act now to strengthen the President's hand as the administration negotiates at the United Nations.

But what we would really be saying is that regardless of what the Security Council does, we have already decided to go our own way. I contrast that with the situation in 1990 when the United States successfully assembled a broad international coalition to fight the Gulf War. The Congress passed a resolution only after the U.N. acted.

President Bush deserves credit for focusing the world's attention on international terrorism and weapons of mass destruction. I have said this over and over again. But the process that has brought us to the brink of preparing for war with Iraq has been notable for its confusion.

The statements of administration officials have been fraught with inconsistencies. They claim to speak for the American people, but average Americans are urging the administration to proceed cautiously on Iraq and to work with the United Nations and the Congress. Our allies are confused and angry about the way this has been handled. Our friends in the Middle East are fearful of what lies ahead.

Fortunately, the President heeded calls to go to the United Nations, and in his speech to the General Assembly he described in great detail Saddam Hussein's long history of deception and defiance of U.N. resolutions. I commended that speech. I am also pleased that it focused on enforcing those resolutions, especially concerning weapons of mass destruction.

But the American people need to hear more than generalized accusations and threatening ultimatums. They need to know the scope and urgency of the problem, Saddam's current and future capabilities, the options for solving the problem, and the short and long-term implications of each course of action, including the very real dangers of unintended consequences.

I agree with the President when he says that Saddam Hussein cannot be trusted and that disarming Iraq is the goal. But the first way to try to accomplish this is not through precipitous, unilateral military action. Rather, it is by building an alliance and working through the United Nations.

Earlier this week, the former Chairman of the Joint Chiefs of Staff, General John Shalikashvili, warned the administration of the dangers of attacking Iraq without the backing of the United Nations:

We are a global nation with global interests, and undermining the credibility of the United Nations does very little to help provide stability and security and safety to the rest of the world, where we have to operate for economic reasons and political reasons.

Working through the United Nations to readmit the weapons inspectors could be effective in disarming Iraq. Rolf Ekeus the former executive chairman of UNSCOM, has stated:

International weapons inspectors, if properly backed up by international force, can unearth Saddam Hussein's weapons programs. If we believe that Iraq would be much less of a threat without such weapons, the obvious thing is to focus on getting rid of the weapons. Doing that through an inspection team is not only the most effective way, but would cost less in lives and destruction than an invasion.

A study by the Carnegie Endowment, co-authored by former U.S. military and United Nations officials, supports this view: "With sufficient human and technological resources, time, and political support, inspections can reduce Iraq's [weapons of mass destruction] threat, if not to zero, to a negligible level."

There are distinct advantages to this approach. For one, if Iraq again refuses to comply with U.N. demands, there will be a much stronger case for more forceful action.

It would also help mitigate potential damage to our relations with other nations whose support we need to achieve other important U.S. goals, such as capturing terrorists or promoting peace in the Middle East.

Diplomacy is often tedious. It does not usually make the headlines or the evening news, and much has been made of our past diplomatic failures. But history has shown over and over that diplomacy can not only protect our national interests, it can also enhance the effectiveness of military force when force becomes necessary.

Many experts believe that, despite deception by the Iraqis, the U.N. inspection process destroyed much of the Iraqi weapons program, and new inspections could succeed in substantially disarming Saddam. However, the U.N. regime broke down when Saddam Hussein starting blocking the inspections and the Security Council was divided on how to respond.

I support the unconditional return of inspectors backed up by an international military force. But, the world must not repeat the mistakes of 1998. We have already seen some troubling signs of diplomatic double talk from the Iraqis, particularly on the issue of unimpeded access for the inspectors. The international community cannot tolerate deception and defiance on the part of the Iraqis, and Secretary Powell is right to push for a new U.N. resolution.

Other members of the Security Council should join United States and British efforts to craft a strong new resolution with a deadline for Iraqi compliance. The U.N. has a responsibility to enforce its demands. If the U.N. does not act to ensure that the inspection regime is effectively structured, we will end up back where we were in 1998. Saddam will play the same cat and mouse game, the U.N. will look toothless, and we will be not be able to destroy the Iraqi weapons program.

We need a strengthened inspection regime that has preexisting authority from the Security Council to deploy military force to back up the inspectors if there is resistance from Iraq. I hope that the Administration works with the United Nations, not so much the other way around, to make this happen.

If Iraq resists the inspections, and the President decides to use military force, then the procedure is clear. He can seek a declaration of war from the Congress, and the Congress can vote. But voting on such a resolution at this time would be premature.

A decision to invade Iraq to topple Saddam Hussein should be based on a complete assessment of Iraq's arsenal of weapons of mass destruction, and the threat Iraq poses to the United States. What is the evidence—as opposed to assertions and assumptions—that Iraq is close to acquiring a nuclear weapon? What is the evidence that Iraq is capable of launching, or has any intention of launching, an attack against us or one of our allies?

And there are more questions that are as yet unanswered. What is the evidence that Saddam Hussein wants to commit suicide, which such an attack would guarantee? Why is containment, a strategy which kept the Soviet Union with its thousands of nuclear warheads and chemical and biological weapons at bay for 40 years, not valid for Saddam Hussein, a cold, calculating tyrant who cares above all about staying in power?

I am not sure how these questions can be answered without an updated National Intelligence Estimate. As the Washington Post has reported, there are conflicting views within the intelligence community on Iraq, and without this estimate, which pulls together the different assessments by various parts of the intelligence community, Congress is being asked to give a blank check without all of the facts. I am not going to write a blank check under any circumstances and I am certainly not going to do it with less than all of the facts.

We also must assess whether an attack could spin out of control and draw the entire Middle East into war. As Secretary Rumsfeld acknowledged, an Iraqi attack on Israel could spark a deadly spiral of escalation in which Israeli retaliation prompts responses from other Arab states. Israel has a right of self-defense, and Prime Minister Sharon has said that Israel would retaliate. At the very least, it would

further inflame Arab populations whose governments are key to bringing lasting peace to the Middle East and reducing the breeding grounds for extremist Islamic fundamentalism and international terrorism. Some of those breeding grounds are within the borders of some of our closest friends in the region and we should not lose sight of that.

We also must fully assess the costs of a war. The Gulf War cost tens of billions of dollars, but ultimately other nations helped to defray those costs. The President's Economic Adviser said that this war could cost as much as two hundred billion dollars, and that assumes it does not spread beyond Iraq.

As the combat in Afghanistan showed, once again, we have the finest fighting forces in the world. We can be confident that we would win a war with Iraq, but there would be American lives lost, especially if Iraq lures U.S. troops into urban combat.

We have to remember that it is one thing to topple a regime, but it is equally important, and sometimes far more difficult, to rebuild a country to prevent it from becoming engulfed by factional fighting. If these nations cannot successfully rebuild, then they will once again become havens for terrorists.

The President would need to show that a post-Saddam Iraq would not be a continual source of instability and conflict in the region. While Iraq has a strong civil society that might be able to become a democracy, in the chaos of a post-Saddam Iraq another dictator could rise to the top or the country could splinter into ethnic or religious conflict.

To ensure that this does not happen, does the administration foresee basing thousands of U.S. troops in Iraq after the war, and if so, for how many years and for how many billions of dollars at a time when the U.S. economy is weakening, the Federal deficit is growing, and poverty is increasing here at home?

Is the administration committed to investing the resources it is going to take to rebuild Iraq, even when we are falling short of what is needed in Afghanistan?

In Afghanistan, the Taliban was vanquished with a minimum of U.S. casualties, but destroying al-Qaida, which is the primary goal of our efforts in Afghanistan, is proving far more difficult. We are told that while al-Qaida's leadership has been badly disrupted, its members have dispersed widely. Although there is a growing belief that Osama bin Laden is dead, we have no proof.

In addition, the humanitarian situation in Afghanistan is critical. There are thousands of homeless Afghans and a real threat of widespread hunger or famine this winter. There are families who lost loved ones or their homes were destroyed in the violence perpetrated by the Taliban, years of civil war, or from mistakes made during

military operations by U.S. and coalition forces.

Yet the administration, despite calls by President Bush for a Marshall plan, did not ask for a single cent for Afghanistan for fiscal year 2003. In addition, \$94 million for humanitarian, refugee, and reconstruction assistance to Afghanistan, which Congress added in the supplemental appropriations bill, was not deemed an emergency by the President.

Some relief organizations have already been told that they may have to shut down programs for lack of funds. This is happening in a country that so desperately needs the most basic staples such as water, education and medical help. Afghans who have returned to their homes from outside the country may become refugees once again.

Many other nations have yet to fulfill pledges of assistance to Afghanistan, but if the President is serious about a Marshall Plan, and I believe he is right, then we need to do much more to help rebuild that country.

Yet, as we continue to face difficult challenges in Afghanistan and hunting down members of al-Qaida, not to mention a number of challenges here at home such as the economy, we are suddenly being thrust into a debate about Iraq. It is a debate that will have lasting consequences for our standing in the world as a country that recognizes the importance of multilateral solutions to global problems and that respects international law.

General Wesley Clark, who headed the successful U.S. and NATO military campaign in Kosovo, recently addressed this problem directly, when he wrote:

The longer this war [on terrorism] goes on—and by all accounts, it will go on for years—the more our success will depend on the willing cooperation and active participation of our allies to root out terrorist cells in Europe and Asia, to cut off funding and support of terrorists and to deal with Saddam Hussein and other threats. We are far more likely to gain the support we need by working through international institutions than outside of them.

The world cannot ignore Saddam Hussein. I can envision circumstances which would cause me to support the use of force against Iraq, if we cannot obtain unimpeded access for U.N. inspectors or the United States is threatened with imminent harm.

But like many Vermonters, based on what I know today, I believe that in order to solve this problem without potentially creating more enemies over the long run, we must act deliberately, not precipitously.

The President has taken the first step, by seeking support from the United Nations. Let us give that process time. If it fails, then we can cross that bridge when we come to it.

But I am reminded of my first year as a U.S. Senator. The year was 1975, and there were still 60 or 70 Senators here who had voted for the Tonkin Gulf resolution a decade earlier. That vote was 88-2, and many of those Senators,

Democrats and Republicans, spoke of that vote as the greatest mistake of their careers.

That resolution was adopted hastily after reports of a minor incident which may, in fact, not have occurred at all. It was interpreted by both the Johnson and Nixon administrations as *carte blanche* to wage war in Vietnam for over a decade, ultimately involving over half a million American troops and resulting in the deaths of over 58,000 Americans.

I am not suggesting that the administration is trying to deceive Congress or the American people, and I recognize that the situation in Iraq today is very different from Vietnam in 1964. But we learned some painful and important lessons back then. And one that is as relevant today as it was 38 years ago, is that the Senate should never give up its constitutional rights, responsibilities, and authority to the executive branch. It should never shrink from its Constitutional responsibilities, especially when the lives of American servicemen and women are at stake.

So when we consider the resolution on Iraq, I hope we will remember those lessons, because under no circumstances should the Congress pass a blank check and let the administration fill in the amount later. The Constitution does not allow that, and I will not do that.

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

IRAQ

Mr. JOHNSON. Mr. President, I rise today to state my intention to vote in favor of a resolution to authorize the use of military force against Iraq. At this point, final resolution language is begin arrived at, and I believe this effort will lead to a resolution which will gain broad, bipartisan support. I support the President, and as a member of the Appropriations Committee, look forward to working with him to ensure that our Armed Forces remain the best-equipped, best-trained fighting force in the world.

Simply put, the world would be a far safer place without Saddam Hussein. As long as he remains in power in Iraq, he will be a threat to the United States, to his neighbors, and to his own people. Over the past decade, he has systematically reneged on his commitments to the international community. He has refused to halt his weapons of mass destruction program, to renounce his support for international terrorism, and to stop threatening peace and stability in the region. The threat that Saddam Hussein continues to pose to our national security interests, and his failure to abide by previous United Nations Security Council resolutions, provides sufficient justification should military action become necessary.

I am pleased that President Bush has come to the Congress to ask for authorization for the use of force in Iraq,

and that the White House is continuing to work with us to develop the appropriate language for a congressional resolution. It is important for the people's representatives in Congress to have the opportunity to fully debate and vote on a matter of this importance. I hope we will move to this vote in an expeditious manner.

In addition, I back the administration's efforts to build support for our policy in Iraq with our allies and with the international community as a whole. Secretary of State Colin Powell has been particularly effective in making the case that Iraq has not complied with the relevant Security Council resolutions and that he remains a threat. Make no mistake, I believe the United States is within its rights to act alone militarily to protect our vital national security interests. I we are required by circumstances to act alone, I will support that decision. U.S. action should not be contingent upon the decisions made by other nations or organizations. My expectation, however, is that this resolution will strengthen the hand of the President at securing United Nations or other forms of international support and cooperation, and I encourage his on-going effort in that regard.

I believe that there is value in building an international coalition of nations and in having the full support of our allies. International support brings practical benefits, such as basing rights for U.S. soldiers and equipment in the region and authorization to use the airspace of neighboring countries to execute military strikes against Iraq. In addition, international support will increase the likelihood of success for our long-term strategy in Iraq and for the ongoing war on global terrorism. I encourage the President to continue his efforts to build a strong coalition of nations to support our Iraq policy.

Mr. President, this issue has particular significance for me—my son Brooks is on active duty in the Army and is a member of one of the three units that General Franks has identified as likely to prosecute this war. There is a strong possibility that I may be voting to send my own son into combat, and that give me special empathy for the families of other American servicemen and women whose own sons and daughters may also be sent to Iraq. Nevertheless, I am willing to cast this vote—one of the most important in my career both as a Senator and certainly as a father—because I recognize the threat that Saddam Hussein represents to world peace. It is my hope that we can move forward quickly, in a bipartisan manner, to approve a resolution that will give the President the authority he needs to defend our Nation.

The PRESIDING OFFICER (Mr. NELSON of Florida). Under the previous order, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, this is called the greatest deliberative body in

the world. I have always been enormously proud to be a part of it. There are times I think we treat the light too seriously and then the serious too lightly, but in this time and place, the issue of national security is something all of us understand is serious.

This is a deadly serious business. The question of war with Iraq, the question of homeland security, are very important issues. I know there was some controversy yesterday beginning with stories in the newspaper and in the Senate Chamber about statements by the President.

I don't think there is a context in which it is ever appropriate for us to suggest or the President to suggest the opposing political party or members of the opposing political party do not support this country's national security. You will never, ever, hear me suggest a group of my colleagues don't care about this country's national security. I will never do that. It is not the appropriate thing to do.

When you read the President's statements at fundraisers about these matters and hear his suggestion, no matter the context, that the U.S. Senate doesn't seem to care about national security, or places special interests ahead of the Nation's interests with respect to security, that is wrong.

National security is deadly serious business. The issue has to do with the country of Iraq, but much more than that—a very troubled region of the world—the question of whether a tyrant, an international outlaw of sorts, is going to acquire nuclear weapons and threaten his region and the rest of the world, and what we might be considering doing about that, what we should do about it, and what the United Nations considers we should do about it. That is serious business.

Any discussion ever about sending our sons and daughters to war is serious business. It has no place in political fundraisers or in the normal routine of American political partisan activity leading up to an election.

Yesterday I attended a top secret briefing with Vice President CHENEY at his invitation. I happen to think we are all on the same side. We have a single relentless interest, and that is the interests of this country and its security.

Yesterday it was said some of this dispute relates to the discussions about homeland security and the position taken by some Members of the Senate with respect to homeland security. There is no right or wrong way to do homeland security. There are a lot of ideas on how one might address homeland security.

I happen to believe port security is very important. We have 5.7 million containers coming in on container ships every single year; 100,000 of them are inspected, and 5.6 million are not. If a terrorist were to want to introduce a weapon of mass destruction into this country, do you think they would not consider putting it in a container on a ship that is going to come up to a dock