

country and it is about the billions of individual choices that Americans will be able to make as they seek to demonstrate their own responsible life choices, as they seek to acquire greater opportunity for themselves and their children, and as they seek to contribute to making our country richer, safer, stronger, and smarter in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

IRAQ

Mr. LEVIN. Mr. President, as we begin the 108th Congress, I want to talk about the situation in Iraq and our response to it, because I believe there may be a fundamental misunderstanding as to the process that is underway to bring about Iraq's disarmament. Pursuant to U.N. resolution 1441, the U.N. Inspection Commission and the International Atomic Energy Agency are to provide updates to the U.N. on the results of their inspections to date. These updates are intended to be interim reports, not final conclusions. I think we all, particularly the administration and the press, need to be very aware of that fact.

The January 27 report will only be one of a number of such reports that will be presented to the Security Council over the weeks and months to come. It is not a determining date on the issue of whether or not Iraq has materially breached U.N. resolution 1441, or whether we will use force against Iraq. We are not in the fourth quarter of some football game. In fact, we have just begun to share a small quantity of the large amount of information that we have relative to Iraqi suspect sites.

Let us look at the events that led up to the unanimous decision by the United Nations Security Council on November 8 of last year to set up an enhanced inspection regime to afford Iraq an opportunity to comply with its disarmament obligations. Iraq, as we all remember, invaded Kuwait on August 1, 1990. After numerous demands and diplomatic, economic, and political action by the international community, on November 29, 1990, almost 4 months after the attack, the U.N. authorized member states "to use all necessary means" to liberate Kuwait.

Iraq's defeat at the hands of a United States-led coalition in 1991 was followed by a U.N. Security Council resolution in April 1991 that established a number of conditions for a cease fire, notably including a demand for the destruction of Iraq's weapons of mass destruction programs, and Iraq accepted that resolution.

In the intervening years, Iraq repeatedly obstructed and failed to cooperate with the weapons inspectors of the United Nations and of the atomic energy agency that were charged with the responsibility of disarming Iraq.

With this historical background, the Security Council adopted resolution 1441 on November 8 of last year to set up an enhanced inspection regime. Under resolution 1441, Iraq is required to provide the United Nations inspectors and the IAEA "immediate, unimpeded, unconditional, and unrestricted access to any and all areas, including underground areas, facilities, buildings, equipment, records and means of transport which they wish to inspect, as well immediate, unimpeded, unrestricted, and private access to all officials and other persons whom the inspectors of the IAEA wish to interview," and that includes outside of Iraq. Resolution 1441 also requires Iraq to provide a complete, accurate, and full declaration of all aspects of its weapons of mass destruction and delivery systems programs.

In order to assist the U.N. Security Council in its oversight of implementation of Iraq's disarmament, resolution 1441 set out a time line of events. Using November 8, 2000, the date the U.N. Security Council adopted resolution 1441, Iraq was required to accept the resolution within 7 days. It did so. Iraq was required to provide a full declaration of weapons of mass destruction within 30 days of November 8. It said that its declaration was a full one and it did it on the 29th day.

The inspectors were to start within 45 days of November 8; the inspections began on November 25th.

The inspectors were to provide an update on their inspections to the Security Council within 60 days of the date that the inspections commenced. They have announced their intention to provide these first interim progress reports on January 27, within that time limit.

The inspection process was begun with reasonable speed. The inspectors have already inspected a Presidential palace that had heretofore been subject to special rules, and they are inspecting on weekends and holidays. Their principal job right now is to establish a baseline for future inspections and testing Iraq's willingness to cooperate. This is the key, the inspection process is at its beginning. As of the end of December, virtually all of the arms inspections had taken place in the Baghdad area as the U.N. inspectors only had one of its eight helicopters in Iraq and had just opened a headquarters in Mosul in northern Iraq.

Again and most significantly, the United States and other nations with sophisticated intelligence capabilities have only just begun to share intelligence with the arms inspectors and are proceeding cautiously in light of the reported Iraqi infiltration of the inspectors during the 1990s. In fact, today's Washington Post reports that

Secretary of State Powell stated in an interview yesterday that the administration was holding back much of the information in its possession, waiting to see if the inspectors "are able to handle and exploit" the information that we did give them.

The inspection process is estimated to take months, not weeks, and this timetable was understood by the Security Council from its inception. That is why the U.N. resolution refers to the January 27th reports from the inspectors as "updates," and that is why January 27 is not a deadline for deciding whether to use force.

British Foreign Secretary Straw noted on December 19, with respect to the declaration filed by Iraq on its weapons of mass destruction and delivery systems: that ["What we've got today is a further step in a very calm and deliberate process to try by every means possible to get Iraq to comply with its international obligations peacefully and therefore and thereby to resolve this crisis in a peaceful manner."]

In an interview at Crawford, TX, on December 31, President Bush seemed to agree with the British Secretary when he stated that he hoped the Iraqi situation will be resolved peacefully. And in answer to a reporter's question, President Bush said: "You said we're headed to war in Iraq—I don't know why you say that. I hope we're not headed to war in Iraq." On that same day, U.N. Secretary General Kofi Annan said "Obviously they [the inspectors] are carrying out their work and in the meantime Iraq is cooperating and they are able to do their work in an unimpeded manner, therefore I don't see an argument for a military action now." And, in a press conference at the Pentagon just yesterday, Secretary of Defense Rumsfeld said "I don't know why anyone would use the word 'inevitable.' It clearly is not inevitable."

The arms inspections in Iraq are at an early stage. The United States has just begun to provide information to the inspectors about suspect sites. Barring a dramatic development, the interim progress reports that the inspectors will make to the U.N. Security Council on January 27 will only be one of a number of such reports that will be presented to the council over the months to come.

Earlier today, Mohamed ElBaradei, Director General of the IAEA, at a press conference at the United Nations stated "We will provide an update report on the 27th of this month. However, that report, we should emphasize, is an update report, it is not a final report. It's a work in progress. And this simply would register where we are on the 27th of January, but we obviously continue to we'll our work afterward, and we still have a lot of work to do."

In the absence of the U.N. inspectors finding that Iraq currently possesses or is developing weapons of mass destruction or that Iraq is not cooperating with the inspections, we need to give

the inspectors the needed time to complete their work. In the meantime, we need to provide targeted intelligence to inspectors to facilitate their effort, without disclosing sources and methods, of course. That is our best chance of bringing about Iraq's voluntary disarmament or, failing that, obtaining broad international backing, including U.N. authorization for a multilateral effort to forcibly disarm Iraq.

If we prejudice the outcome of the inspections or if we don't furnish the arms inspectors with targeted intelligence, we will not be able to obtain the international support, as represented by U.N. authorization for the use of force, that is so highly desirable and advantageous to us. Forcibly disarming Iraq without international support would be perceived as a unilateral attack by the United States and a few allies. International support is critical to reducing the short-term risks, such as a loss of regional cooperation with resulting increased probability of U.S. casualties and reduced likelihood of international contributions in a postconflict environment.

International support is also important to reducing long-term risks, such as a loss of international cooperation in connection with the war against al-Qaida, and increased probability of terrorist attacks against us.

In summary, January 27 is the first interim report. It is not D-Day, decision day, as to whether to attack Iraq. We must not prejudice the outcome of the very inspection process that we worked so hard to put in place as being highly relevant to the question of whether we launch attack on Iraq. We must share all the information we can on suspect sites. And finally, if we don't share our information with the U.N. inspectors, or if we prejudice the outcome of these inspections, we will increase the likelihood that we will go to war and increase the risks, short term and long term, to our troops and our Nation in doing so.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

EXTENSION OF MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent the period for morning business be extended until 4:30, with the time equally divided and Senators permitted to speak for up to 10 minutes each.

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

The PRESIDING OFFICER. The Senator from Colorado.

ENFORCEMENT OF THE LAW OF THE RIVER

Mr. ALLARD. Mr. President, the beginning of the 108th Congress marks a pivotal moment in the management of one of the most complex water systems in the world. Complex both

hydrologically and legally, the river is managed through a series of agreements that are collectively known as the "law of the river." and it is the "law of the river" that brings me to the floor today.

For years, the State of California has consumed far more than its annual allocation of 4.4 million acre-feet of water from the Colorado River. Instead, the State has pursued a path of overuse—often drawing more than 1 million acre-feet of water a year over its allocation. With the turn of the new year, and just as Colorado enters the fourth year of the most severe drought in 300 years, I am pleased that Secretary Norton and the Department of the Interior have taken strong action to force California into compliance with the decades-old agreements that dictate the amount of water that the State is entitled to consume, thereby ending its abuse of the river. This watershed decision to enforce the 4.4 million acre-feet allocation reveals a welcome determination to ensure confidence in the law through decisive action, demonstrating to all parties that abuse of the "law of the river" will not be tolerated.

"The law of the river" has evolved over 80 hard fought years; every precious drop of the river means life or death to the people of the basin States. Secretary Norton has now made it clear that every party to the compact will be held accountable, and that these agreements will stand as precious as the water itself. No longer will States be able to ignore the "law of the river."

In Colorado, our citizens must abide by the doctrine of prior appropriations. Other States govern water under a hybrid or riparian rights system. These time-tested theories have one constant principle—a user cannot take more water than its legal share. This strong sentiment is reflected in a recent Denver Post editorial that I would like to share with you today. I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ALLARD. California has had ample opportunity to meet its legal obligation; agreements outlining baby steps toward compliance with the 4.4 limit have been in existence since the 1990's. Even though the State has consumed far more than its fair share for years, it has had plenty of opportunity to live within its allocation. Yet in the end, with the water shutoff, I hope California will recognize its legal obligations.

To Secretary Norton and my colleagues from the basin States, I urge you to continue to force all members to abide by their allocation and to protect the law. Secretary Norton's fair action has demonstrated that this administration will uphold the "law of the river," and when the law is not ad-

hered to, those in violation will be held accountable.

I have remained in close contact with Colorado Governor Bill Owens throughout the ordeal, and would like to share with you an insightful comment made by the Governor in a conversation we had shortly after the decision to shut off the water was announced. Governor Owens said, "In the West, our word is our bond. As Colorado suffers from the worst drought in its history, we cannot and will not support so-called 'surplus' water deliveries to California, unless California keeps its word to us." I certainly agree.

I commend the Secretary for her action, and hope this will serve as a clarification call that the law of the river is indeed a law that must be obeyed.

EXHIBIT 1

[From the Denver Post, January 4, 2003]

THE LAW OF THE RIVER

Nevada shouldn't be surprised. Two weeks ago, U.S. Interior Secretary Gale Norton said California couldn't take more than its legal share of Colorado River water. This week, she told Nevada the same thing. Her actions were proper. All seven states that share the river and tributaries must abide by the Colorado River Interstate Compact, the 80-year-old agreement known as "the law of the river."

California hogs 5.2 million acre-feet of river water a year, far more than its legal share of 4.4 million acre-feet.

But Nevada has been slurping more than its share, too. The pact entitles Nevada to 300,000 acre-feet annually, but it uses an extra 37,000 acre-feet a year, or 11 percent over its legal share.

California had wanted Norton to declare a surplus of water in the Colorado River, thus letting it continue using more than its legal allotment. But such a declaration would have been absurd during an ongoing, record-breaking drought.

After telling California "no," Norton had to apply the same standard to other states. Although Nevada's excess water use is a drop in the bucket compared to California's wastrel ways, Nevada also must follow the law of the river.

Colorado doesn't use its entire share of river water, however. The river flows on the Western Slope, but our population lives mostly on the Front Range. The dispute is over preserving Colorado water rights for future generations.

Colorado is supposed to get 51.75 percent of the river's water. The interstate pact assumed the Colorado River would, on average, flow 7.5 million acre-feet a year. But the pact was signed during an exceptionally wet era in the West, so it overestimated how much water the river usually has. Still, the optimistic scenario entitled Colorado to 3.85 million acre-feet of river water in an average year.

In reality, the Colorado River averages about 6 million acre-feet a year, allowing Colorado 3.1 million acre-feet under the formula.

But Colorado consumes only 2.65 million acre-feet from the river in a normal year. So, depending on how the river's average flows are calculated, Colorado lets 500,000 to 1.2 million acre-feet of its share flow out of state. Much of that water supplies vegetable farms and fruit orchards in California's agriculturally rich Imperial Valley.

To recapture its lost water, Colorado leaders have floated ideas to build new dams or pump thousands of acre-feet from the Utah