

(1) there should be designated a national day for the purpose of recognizing the accomplishments of Jackie Robinson; and

(2) the President should issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 406, 407, 408, and 409. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF COMMERCE

Peter Lichtenbaum, of Virginia, to be an Assistant Secretary of Commerce.

EXECUTIVE OFFICE OF THE PRESIDENT

Harvey S. Rosen, of New Jersey, to be a Member of the Council of Economic Advisers.

Kristin J. Forbes, of Massachusetts, to be a Member of the Council of Economic Advisers.

DEPARTMENT OF COMMERCE

Julie L. Myers, of Kansas, to be an Assistant Secretary of Commerce.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that at 5:15 p.m. on Monday, October 20, the Senate proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 401, the nomination of Margaret Catharine Rodgers to be U.S. District Judge for the Northern District of Florida. I further ask unanimous consent that the Senate then immediately proceed to a vote on the confirmation of the nomination; further, that following the vote, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, OCTOBER 20, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it ad-

journal until 1:30 p.m., Monday, October 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 2 p.m., with the time equally divided between the two leaders or their designees, provided that at 2 p.m. we resume the debate on the motion to proceed to the consideration of S. 1751.

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

Mr. FRIST. I further ask unanimous consent that at 5:15 p.m., the Senate proceed to executive session as provided under the previous order.

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

PROGRAM

Mr. FRIST. For the information of all Senators, as I mentioned earlier today, it had been my hope that we could work out an agreement to consider the healthy forest issue during Monday's session. Chairman COCHRAN has been working diligently toward an agreement to consider amendments on both sides of the aisle on that legislation. Unfortunately, there is an objection to proceeding to the measure from the other side. We will continue our discussions on that important legislation. I hope we may still reach a consent for its consideration as soon as possible.

On Monday, under the previous order, we will resume debate on the motion to proceed to the class action bill. Again, this is a critically important bill that we hope to consider and complete next week, but there is an objection from the Democratic side. We do have a number of Senators who are very interested in this bill and will be here on Monday prepared to speak on its behalf.

Under the earlier consent, we will proceed to a vote on a judicial nomination at 5:15 p.m. and that will be the first vote of Monday's session.

Again, I do want to thank all Members for their tremendous efforts over the course of this week. It took many busy days, and many long hours, well into the night, but we did accomplish what we set out to do, and that was to complete the Iraq supplemental.

Today, we had 11 rollcall votes culminating with a vote on passage, 87 to 12, a strong bipartisan vote. I, once again, thank Chairman STEVENS for his tireless efforts in helping shepherd this bill through the Senate.

CONGRATULATING SENATOR SUNUNU

Mr. FRIST. Last, Mr. President, I congratulate the current occupant of the chair, the junior Senator from New Hampshire. Just a short time ago, about an hour and a half ago, at approximately 6 p.m., he reached his

100th hour of presiding time. That wasn't all just tonight, but I know he may feel like it at this time, 7:30 in the evening—100 hours during this first session of the 108th Congress. Everybody in this body owes him a debt of gratitude for his service to this institution as he presides over us just about every Friday, I believe, with a firm but a very fair gavel.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of Senator DAYTON.

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

The Senator from Minnesota is recognized.

SENATOR SUNUNU'S GOLDEN GAVEL

Mr. DAYTON. Mr. President, I join the distinguished majority leader in expressing my appreciation for your presence here this evening. I assure the Chair I will not take him too far down the path to his next 100 hours—not tonight, anyway.

I was in the dubious position of being 100th in seniority for the previous 2 years. I did not achieve my golden gavel status as swiftly as the Senator from New Hampshire, but I did. I suffered through many hours when I would rather have been elsewhere in order to achieve that. I again thank the distinguished Chair and also commend him for the dignity and the stature with which he presides over what are, as we both know, occasionally unruly adults.

IRAQ

Mr. DAYTON. A year ago this month, Congress cast a fateful vote. The majority decided to give the President blanket authority to declare war against Iraq. On several occasions during our deliberations over that resolution, I had the good fortune to be on the Senate floor when the great Senator from West Virginia, the senior Senator, spoke. Both Senators from West Virginia are truly outstanding Senators and men. One is extraordinary in his seniority in this body and also the wisdom he has acquired through his experience and service and his search for the history of this country and the history of other countries throughout the world and across the spans of time.

It was my great opportunity, sitting in that chair where the Presiding Officer now sits, to be instructed about this country, especially the Constitution which all of us take our oath of office to uphold, that extraordinary document which has shown, over the span of more than two centuries, a foresight, a vision, an understanding of

human nature and an appreciation for the potential we bring and the pitfalls we must avoid. It has been unprecedented in the history of the world and has produced, along with the quality of our citizenry, the most successful form of self-governance that has ever been devised or practiced on this planet.

As a result of much of what I learned from Senator BYRD, I voted against the resolution which passed the Senate last October. I did that because those tutorials convinced me that by acting at that point, before the President himself had decided whether to recommend or undertake an invasion of Iraq, the commencing of a war against another country, for Congress then to pass not a declaration of war, which the Constitution prescribes, but rather a resolution authorizing, with its usual euphemism, something like "whatever force necessary in order to accomplish the objectives," Congress was abdicating to the President that constitutional responsibility which it had no right or authority to pass on.

The Constitution says clearly that the Congress shall declare war, that Congress and only Congress shall make that final decision whether or not to declare war and to commit this country to that course of action against another nation, at which point the President is the Commander in Chief and undertakes the prosecution of the war. It is exactly that balance of power the Constitution wanted to achieve.

I also said last October that I was not persuaded at that time by the intelligence and other information that I received to that point that Saddam Hussein's estimated military arsenal constituted an imminent and urgent threat to the national security of the United States of America. I may not have been privy to every piece of information that a few of the more senior colleagues in this body had at the time, particularly members of the Senate's Select Committee on Intelligence, but as a member myself of the Senate Armed Services Committee, I did have much of the information acquired from participating in a score of briefings, many of them classified top secret.

In my best judgment, from all the intelligence that was presented to me over a 5-year period of time, the case against Iraq was inconclusive and unconvincing. Furthermore, it was presented to us by our top intelligence officials as incomplete and inconclusive. Those officials, in my judgment and my experience, were very candid about the information they were providing us. They were candid about its uncertainty. They were candid about its reliability. They were candid about the difficulty to obtain reliable, accurate, and timely information in a country as closed as Iraq, where the penalty for any transgression could be torture and death.

It was reasonable to assume back then that Saddam Hussein possessed biological and chemical weapons of mass destruction, or materials with

which to make them, using the supplies that presumably were not less than what were known to exist when the United Nations weapons inspectors were evicted in December of 1998. But our intelligence officials, in the meetings and briefings which I attended, never asserted more than that, nor did they assert a 100-percent certainty that those amounts of products still did remain in Iraq, nor did they ever state that Iraq was known to be close to developing nuclear weapons. They said they didn't know.

My own experience over the last year is that the discrepancies between our intelligence information and what we now know with 20/20 hindsight are far less, than the differences which on several occasions I witnessed between what the intelligence briefers were telling us and what the high level administration officials, especially the President and the Vice President, were telling us and were telling the American people and the people of the world.

Every time that occurred, administration officials portrayed the threat from Iraq's likely weapons of mass destruction as more certain, more urgent, and more dangerous than it turned out to be. The most glaring gaps, therefore, between fears and fiction and facts occurred when the intelligence information exaggerated the threat, and then the Bush administration exaggerated that threat.

When 138,000 or more U.S. troops and a reported 1,400 weapons of mass destruction hunters and investigators in the course of 6 months can find nothing, virtually none of the primary reasons we went to war in that country, that is about as glaring a gap as it gets. But blaming the intelligence gatherers missed the real culprits. The information users are the ones who should be investigated, not the providers. That is the investigation which should be conducted. That is the investigation which the White House is doing everything possible to prevent.

The investigation the administration cares about wants the answers, at least the answers that they want there to be, concerning the search for Iraq's weapons of mass destruction. That appeared to be their No. 1 priority, their No. 2 priority, and perhaps their whole top 10. Several of my colleagues on the Senate Armed Services Committee and the chairman and ranking members of the Senate Intelligence Committee and I traveled to Iraq in July and saw firsthand and were briefed about the priority operations beginning or underway there. The one that was far ahead of the rest in development, in deployment, and in resources committed to it was the search for Iraq's weapons of mass destruction.

Again, it has been reported publicly that some 1,400 professional intelligence gatherers, processors, and prosecutors have been scouring that country, investigating, incarcerating, interrogating. During that time, and the time we were there, many of the other

important efforts were barely underway and were badly behind already—like finding and eliminating Saddam Hussein himself; like restoring basic services, electricity and running water; like connecting, communicating, and cooperating with the Iraqi citizenry. Those delays, and the lack of tangible progress made in those areas and others, have been costly.

The price is paid, tragically, by our own service men and women—those patriotic, courageous, and extraordinary Americans who won the military victory in Iraq just 3 weeks from the first day of the invasion to the triumphant takeover of Baghdad, the toppling of Saddam Hussein himself, and the statue coming down, symbolically, as the regime was overthrown. As other colleagues have noted here tonight, that was a great boon to the Iraqi people and to the world.

At the same time, American forces and British forces—primarily the coalition, being essentially those two nations—took over occupancy of most of Hussein's former presidential palaces. When I was there, the estimate was there were 120 of them throughout the country—the most incredible waste of resources one could imagine contrasted to the squalor in which most Iraqis were living their lives.

At that time also, American forces had accomplished dispersal of Saddam Hussein's army, of his political party, top government officials, and the henchmen who spread that tyranny, and even Saddam Hussein himself. American Armed Forces won. The mission was accomplished. Their objectives had been achieved. The job had been exceptionally well done. All of that training, all of that traveling and preparing, and all their upbringing, bravery, devotion to their country, their service, faith, and hard work, all came together effectively and successfully and they achieved what they needed to do, overwhelmingly.

That should have been the end, or very close to it. Their victory was decisive, their victory was complete, and they should have been going home. Most of them should be home today. Most of them were expected to be home today. One hundred and thirty-eight thousand American troops remain in Iraq today—more duration than what was planned for at this stage in the operation. Instead, for the present time and for the foreseeable future, 138,000, or close to that number, will have to remain in Iraq. Many of them are Minnesotans. Others have had their tours of duty extended 6 months.

Most of my colleagues and I went home to our respective States and visited with families and spouses who are getting desperate about the absence of their husbands, their wives, their sons, and their daughters with extensions of duty, not knowing when the end point will be. Many of them still do not have a definite return date.

It is a terrible way for the military and the administration to be mistreating those who are making these

heroic sacrifices on behalf of their country, and who are doing so at great personal risk. Often during the course of their responsibilities, they are exposed to the rest of their surroundings, standing at station, and are targets as they guard public and private property and other locations and highways throughout that country.

Since the takeover of the country militarily by U.S. forces, they have had to become more stationary. The point which should have been the end, or close to it, but which is really barely the beginning, American soldiers every single day are being attacked, wounded, maimed, and murdered. It has occurred while they are waiting for the rest of these other operations to get started and start getting the necessary results. Every day that those other operations aren't accomplishing what they must, aren't getting the resources they need, aren't being given the priorities they should be given, for every one of those additional days American troops must remain in Iraq. American troops are likely to die in Iraq.

It is our responsibility to get the rest of that job done—to get their government elected and in charge of the country, restore domestic law and order, train the Iraqi police force so they can maintain that, get the society functioning—once again, a lot of which has been accomplished. And much has been accomplished. It is important to acknowledge that. Hospitals have reopened. They now need to be supplied with the tools and be rehabilitated. An economy that is producing again—producing jobs, producing wealth, producing resources—can bring Iraq back into the civilized world.

A genuine international sharing must be achieved. The ongoing costs of responsibilities and risks are still going to be required during this transition until Iraq can take care of itself.

For those things to occur with other nations of the world, the United States must offer to provide a genuine sharing of control of postwar Iraq. It means the Bush administration doesn't make all of the decisions. It means their corporate cronies don't get all of the contracts and the profits. It means their colleagues in the majority caucus in the Senate should not get the only military transport escort to tour that country to assess the situation and to support our troops.

In fact, I would respectfully urge the President and the Vice President especially to use the passage of this impor-

tant supplemental today by both the House and the Senate to mark the beginning of a new chapter in undertaking to restore our conduct before the world, the dignity, the civility, and integrity which our great Nation deserves and upon which it has built its reputation and its leadership position in the world.

I urge especially the Vice President to stop attacking the United Nations which was founded over half a century ago by American leaders of both political parties. It has been nurtured, guided, supported, and strengthened during that time as the best hope of the human race, to keep all nations of the world striving together for the peaceful resolution of our differences and the prevention of the next world war, which most believe will be the last world war. Through that diplomatic effort, working through the differences and the difficulties and all the barriers and obstacles that remain among the human race, it has succeeded in preventing that kind of holocaust for the last half century. It has prevented the scourge. It has been successful in discouraging other nations from launching preemptive military strikes against other countries and provoking additional conflict and conflagration that always threaten and risk escalation and annihilation.

Other nations of the world have been harangued and denounced for not agreeing with the decisions that were made by this Nation's Government. I urge a new spirit of genuine cooperation, partnership, recognition of their legal and moral autonomy as they also decide whether to commit their own resources, their own citizens, the lives of their young men and women to the undertakings which we believe are important but we have no right to compel other nations to adopt.

Whether we felt one way or the other, viewed the situation one way or the other a year ago, the facts are, clearly, today we are committed to a country with 138,000 of our men and women who are risking their lives and demonstrating courage and patriotism to sustain that operation. We owe it to them. We owe it to the world and to ourselves and to future generations to now complete this undertaking in the ways that bring out the best of America, that showcase the best of America for the world. That is where our ultimate national security is going to derive, from continued military pre-eminence, absolutely. That in and of

itself is not enough, as we learned on September 11. We need allies, friends, eyes, ears, intelligence all over the world. We need to establish in the eyes of nations that now misunderstand us and our way of life; we need to showcase as we have been doing the last 2 years in Afghanistan and as we must do now over the next 2 years in Iraq and Afghanistan, what it is about our way of life, our economy, our technological know-how, our compassion, our generosity, what it is about all Americans that makes us a people who have so much to offer the rest of our fellow citizens throughout this planet.

I urge the President and the Vice President and the administration to demonstrate the best qualities of America. If they do so, I believe what comes out of this undertaking will be one that we will all be able to live with, better off than we were for many decades to come. Conversely, a failure to do so will have catastrophic consequences for decades to come.

ADJOURNMENT UNTIL MONDAY,
OCTOBER 20, 2003, AT 1:30 P.M.

The PRESIDING OFFICER. Under a previous order, the Senate stands in adjournment until 1:30 p.m., Monday, October 20, 2003.

Thereupon, the Senate, at 7:52 p.m.; adjourned until Monday, October 20, 2003, at 1:30 p.m.

NOMINATIONS

Executive nomination received by the Senate October 17, 2003:

DEPARTMENT OF JUSTICE

JAMES B. COMEY, OF NEW YORK, TO BE DEPUTY ATTORNEY GENERAL, VICE LARRY D. THOMPSON, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 17, 2003:

DEPARTMENT OF COMMERCE

PETER LICHTENBAUM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

EXECUTIVE OFFICE OF THE PRESIDENT

HARVEY S. ROSEN, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.
KRISTIN J. FORBES, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

DEPARTMENT OF COMMERCE

JULIE L. MYERS, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.