

and it is Osama bin Laden who has exhorted his followers to gather in Iraq to avenge the U.S. invasion.

Today, while the Taliban appears to be regrouping in Afghanistan, it is Iraq that has become the most powerful magnet for Islamic terrorists. It is Iraq where these forces have coalesced with Saddam Hussein loyalists to create an increasingly sophisticated and deadly insurgency that has paralyzed U.S. efforts to establish postwar stability. Ironically, Saddam Hussein and his henchmen are more of a threat to the United States today than they were before the war began.

Could it be that the war on Iraq, while succeeding in chasing one monster into hiding, has created another, equally vicious, monster in his stead, a hydra-headed monster that is spewing terrorism against both the Iraqi people and their would-be liberators? Could it be that the convergence of Islamic jihadists and Baathist loyalists constitutes a more potent adversary than we ever imagined possible in Iraq?

Could it be, that instead of providing a "crucial advance" in the war on terrorism, as the President suggested, the war on Iraq has provided crucial new resources—money, weapons, and manpower, as well as motivation—for the terrorists themselves? Could it be that instead of curbing terrorism, the war on Iraq has served to fan the flames of terrorism?

If only the President had listened more closely to his father, and his father's advisers. In the 1998 book that he co-authored with former National Security Adviser Brent Scowcroft, *A World Transformed*, the first President Bush said of his decision to end the 1991 Gulf War without attempting to remove Saddam Hussein from power, "We would have been forced to occupy Baghdad and, in effect, rule Iraq. . . there was no viable 'exit strategy' we could see, violating another of our principles."

The former President Bush and his national security adviser further cautioned that, "Going in and occupying Iraq, thus unilaterally exceeding the United Nations' mandate, would have destroyed the precedent of international response to aggression that we hoped to establish. Had we gone the invasion route, the United States could conceivably still be an occupying power in a bitterly hostile land. It would have been a dramatically different—and perhaps barren—outcome."

Clearly the situation in Iraq today is far more difficult and dangerous than the administration ever envisioned or prepared for before the war. Although the President declared an end to major combat operations more than six months ago, U.S. forces in Iraq have recently been forced to resort to a new bombing campaign in and around Baghdad—the most intense aerial offensive since active combat ended—in an effort to stem the insurgency. More than 6 months after the end of major combat operations, the situation in Iraq ap-

pears to be deteriorating, not improving.

While the President and his military advisers remain upbeat about Iraq, the top CIA official in Baghdad appears to have reached a far bleaker assessment of the situation on the ground. According to news reports, a top secret CIA analysis from Baghdad has concluded that growing numbers of Iraqi citizens are turning against the American occupation and supporting the insurgents. It may well have been this report that prompted the President to recall the U.S. administrator of the Coalition Provisional Authority to Washington two weeks ago for a hastily arranged round of meetings on accelerating the transition of power to an Iraqi provisional government.

Nothing could do more to spotlight the Administration's abysmal failure to rally international support for the stabilization and rebuilding of Iraq than this frantic scramble to arrange a Hail Mary pass of power from the United States to a provisional government in Iraq that does not yet exist. The Administration has slapped a new deadline on the democratization of Iraq—an Iraqi "transitional assembly" is to be in place by June 1—but it has come up with no blueprint as to how that assembly is to function or how it can be expected to stem the violence in Iraq.

Once again, the administration is ignoring the obvious—the United States cannot go it alone in Iraq. The United Nations and NATO need to be brought on board as full partners with a personal stake in the governance, the stabilization, and the future of Iraq.

Every day that the administration continues to spurn the United Nations is another day that the insurgents have to choreograph their attacks in Iraq and further isolate the United States from the rest of the world. The pattern is becoming chillingly clear. Systematic attacks, including those against the United Nations and the Red Cross headquarters in Baghdad and the Italian military police headquarters in Nasiriyah, have succeeded in driving most humanitarian workers from Iraq and have rocked the resolve of U.S. allies to support the Iraq operation. In the wake of the attack on the Italian troops, Japan is reconsidering its offer to send troops to Iraq, and South Korea continues to procrastinate. Help from other countries on which the United States had pinned its hopes, including Turkey and Pakistan, has evaporated.

Even in the streets of London, the seat of government of America's strongest ally, tens of thousands of demonstrators marched on Trafalgar Square last week to protest President Bush's state visit and his policies in Iraq.

Because of the administration's arrogance and impatience, the United States, for better or worse, is the make-or-break force in Iraq. Could it be that the President, in his haste to impose his will on the rest of the

world, has inadvertently sown the wind and must now confront the whirlwind?

Mr. President, in a short time—perhaps the next day or so—the Senate will adjourn for the year. We are privileged and blessed to return to the comfort of our families for the holidays. Not all families in America will share in our blessings.

Many families will wait out the holidays in fear and tension as they worry about their loved ones in Iraq and Afghanistan.

We in the Senate will not be here to absorb the news from the battle fronts in Iraq and Afghanistan or to voice our response to these developments. I pray that all will be calm, that "Silent Night, Holy Night" will be more than the strain of a familiar carol. But I worry it will not be so, that reality will be harsher than sentimentality.

The war in Iraq is far from over. When we will ultimately be able to declare victory, I do not know and I dare not venture a guess. I only hope that the President will be able to put the good of the Nation over the pride of his administration and accept a helping hand from the United Nations to turn the tide of anarchy in Iraq. Perhaps he may finally be ready to do so. Senior administration officials have been quoted as suggesting that the United States is preparing to seek another U.N. resolution endorsing a new plan for the transition of power in Iraq. I urge the President to do so without delay. This time around, the effort must be genuine, and the resolution must be meaningful.

The facts are stark and hard to accept. If not outright losing, the United States is far from winning the peace in Iraq. Only a significant turnabout in the handling of the security and reconstruction effort, centered on giving the United Nations a leading role in the transition of power, holds any hope for a constructive course change in Iraq. It is a course change that is desperately needed.

As the crisis in Iraq deepens, leadership and statesmanship are urgently needed. I pray that the President, in his desperate quest for a new solution to the chaos in Iraq, will demonstrate those qualities, abandon the U.S. stranglehold on Baghdad, and forge a meaningful partnership with other nations of the world, a partnership with the United Nations so that a swift, orderly, and effective transition of power in Iraq can be achieved and American fighting men and women can come home.

THE APPROPRIATIONS PROCESS

Mr. BYRD. Mr. President, I join with my colleagues to decry this appropriations process. This process has fallen apart. Despite the hard work of the chairman of the Senate Appropriations Committee and the bipartisan effort of members of the House and Senate Appropriations Committees, the omnibus bill is parked and the engine is cold.

Why? Why is it that funding for 11 of the 15 departments of this Government is two months late? Why is it that the Nation's veterans haven't received funding? Why is it that our classrooms have been relegated to the sidelines? Why is it that health care, law enforcement, education, roads, airports, embassy security, worker safety, job training, farmers are put off, day after day? It is because the White House has insisted on legislating. The White House has overplayed its hand and, as a result, the nation is not served.

On Thursday, the Nation will pause to celebrate Thanksgiving. But our colleagues on the other side of the aisle have decided to deliver to the Senate a turkey of an omnibus appropriations conference report. This turkey is filled with stuffing and all the trimmings, but as we stand here today, few Senators know what it is stuffed with. What we do know is that this turkey has been specially carved for special interests.

The process for producing this bill was just one more example of the President's disrespect for the Congress. My way or the highway is the President's mantra. He expects the Congress to rubber stamp his budget.

Initially, the conference process was bipartisan. Chairman STEVENS wanted to do the right thing in producing this bill. The ranking members on the seven bills were at the table and worked out reasonable compromises on the bills. I commend Chairman TED STEVENS and House Chairman BILL YOUNG for their efforts to get this bill done in a balanced way.

But when it came time to make the tough decisions, the leadership went behind closed doors with the White House at the table. And they served up a turkey.

They took a balanced package that was worked out by the conferees and at the eleventh hour insisted that they had to have it all. They insisted on changes that were not even contemplated when the bills were before the House and Senate.

The President prevailed on every one of his veto threats.

The overtime regulation prohibition, which passed the Senate by vote of 54-45 was dropped; virtually identical Cuba sanction provisions that were in both the House and Senate versions of the Transportation/Treasury bill were dropped, as was a Cuba sanction provision in the Senate version of the Agriculture bill; the 1 year limitation on the FCC media ownership rule was turned into a permanent cap at 39 percent; the House language in the Transportation/Treasury bill, blocking OMB's plan to contract out 400,000 Federal workers was dropped. A bipartisan compromise that was worked out by the conferees was rejected by the White House and what remains provides so many loopholes for OMB that little protection is provided for Federal workers.

This is a bad bill.

There are many provisions that are controversial and were not considered by the Senate. There is language that permits overfishing in the Northeast fishery. There is language that would mandate that the Justice Department destroy background check records for the purchase of guns within 24 hours of the gun purchase. These matters were never debated in the Senate because the Commerce/Justice/State bill was never debated in the Senate.

There is language in the omnibus conference report that would postpone the country of origin labeling rule that was enacted as part of the Farm bill. Rather than the 1-year delay that was in the House bill, there is a 2-year delay, breaking up the balance of the 2002 Farm bill. The DC portion of the bill contains \$13 million for approximately 2,000 school vouchers.

The White House's approach to Congress is my way or the highway. Well, this turkey of a bill wandered out on the highway and the rights of Senators to amend legislation and the needs of the American people got crushed. Whenever the Senate Republican leaders decide to bring this turkey to the floor, the Senate will be asked to vote on this as a conference report, with no opportunity for amendment.

Let's look at the overtime issue. This omnibus appropriations bill does not include the overtime pay protections included in the Senate Labor, Health and Human Services and Education Appropriations bill. That provision was included in that bill on a 54-45 vote in the Senate in early September. The House of Representatives voted to instruct its conferees to the Appropriations bill to accept the Senate language on overtime on a vote of 221-203. Yet the provision was dropped. It should be clear to the working men and women of this country that it was the Republican leadership, at the behest of the White House, that killed the overtime pay protections in the omnibus appropriations bill despite a majority of members in both the House and Senate voting to protect the overtime rights of American workers. As a result, the White House is responsible for the pay cut that 8 million American families will receive this holiday season.

On the overtime issue, Congressman DELAY recently said, "We're sticking with the White House. We're going to win." White House Chief of Staff Andrew Card, on November 19, said the White House was unwilling to move away from its position of supporting the Department of Labor's proposed rules. "We'll stick to it," he said.

In September, Members of Congress received a letter from several women's organizations that concluded, "Millions of working women would see their pay reduced and their workdays lengthened." Well, as far as the President is concerned it is my way or the highway and the Senate effort to protect American workers is gone.

Let's look at the issue of the FCC media ownership cap. The original pro-

vision included in both the House and the Senate CJS appropriations bills limited funding to the FCC for purposes of keeping the media ownership cap at 35 percent for the next year. The CJS conferees agreed to the language. But behind closed doors, the White House said no, not good enough.

In a back room, the Republican Leadership and the White House changed the rules. Instead of a 1-year limitation, we now have a "permanent" fix, authorizing the cap to be raised to 39 percent. A permanent fix was never debated by the Senate. This is a policy decision that should be made by the authorizing committees. Instead, it was made by a few individuals and that authorizing language is now being placed in an unamendable appropriations conference report.

Let's look at the gun issue. As part of a carefully negotiated agreement, the C/J/S conferees agreed to drop language that was in the House bill that would have reduced the amount of time that the Justice Department has to retain records from gun purchases from ninety days to immediate destruction. Yet, the White House said that was not satisfactory. Agreements reached between House and Senate Republicans and Democrats did not make the cut for this White House.

A significant national security provision, a counter-terrorism initiative approved by Congress, is being gutted by the Bush White House. Under current law, the Bureau of Alcohol, Tobacco, and Firearms can retain for 90 days the records from gun purchases. This 90-day period gives the law enforcement community the opportunity to find individuals purchasing weapons who should simply not have access to those weapons.

It is a simple matter of law enforcement, of national security. Yet the Bush White House wants no 90 day cushion. This administration is insisting that any federal record associated with the purchase of a weapon be destroyed after just 1-day. This current 90 day cushion is not a delay on the actual purchase. This is not a step that infringes on an American's right to bear arms. But it is a better protection for America's national security. At a time when we are in a heightened state of alert for terrorist attack, should we not provide law enforcement with more than 24 hours to examine information on weapons' purchases?

This administration's own Department of Justice's Office of Legal Counsel, in an October 1, 2001, legal opinion concluded that having data from the gun transactions would aid in the investigation of 9/11. But for the White House, it is "my way or the highway." No cushion, no security.

Among the many outrages that I find with the substance of this Omnibus Appropriations bill and the process in which it was developed, centers around the language regarding President Bush's so-called "competitive sourcing" initiative. Competitive

sourcing is President Bush's euphemism for throwing a federal employee onto the unemployment line for the purpose of contracting out his work to a private company.

Division F of this Omnibus Appropriations Act includes the Transportation, Treasury and General Government Appropriation bill. One will find in that division of the bill, under section 647, a largely meaningless and ineffective provision, that is rife with loopholes intended to mask the Bush administration's determined efforts to fire thousands of Federal employees. This provision did not always read this way. Indeed, the conferees on the Transportation, Treasury and General Government Appropriations bill met in open conference on Wednesday, November 12th and it was anticipated at that time that the conference agreement would be sent to the President as a freestanding bill. That conference was chaired by the very able Subcommittee Chairman Senator SHELBY. I was a conferee on that bill and I was proud to sign the conference report when it was presented to me.

The original conference agreement reached by the members of that conference committee included a sound and balanced policy to govern the President's competitive sourcing initiative. The conference agreement ensured that there would be uniform rules for this initiative across all agencies of the Federal Government. It also ensured that the administration would have to demonstrate meaningful cost savings to the taxpayers before contracting out federal work. The agreement also provided Federal employees an opportunity to appeal a wrongful contracting out decision. Under the Bush administration's regulations, only private contractors have that appeal right.

That tentative conference agreement was agreed to as a substitute for the amendment that was included in the House bill that was championed by Congressman VAN HOLLEN of Maryland. The Bush White House made it quite clear to all the conferees that inclusion of the Van Hollen amendment would result in the Transportation/Treasury bill being vetoed. Ever since the day that conference concluded—Wednesday, November 12th—we have been waiting for the conference agreement on the Transportation-Treasury bill to be filed in the House and Senate. Instead, what has happened has been an unpardonable effort by the Bush White House to dismantle this agreement as it pertains to its beloved "competitive sourcing" initiative.

Why did the administration not like this agreement? Because they do not care to have to demonstrate to the taxpayers that any real dollar savings will accrue to the taxpayer when they contract out Federal jobs; they do not want Federal employees to have the opportunity to appeal a decision that was made in error; and they do not want a consistent and fair policy for all Federal agencies in this area.

Believe it or not, the Bush administration complained about provisions in the Transportation/Treasury conference agreement that were identical to provisions that President Bush had already signed into law on the Department of Defense Appropriations Act and the Department of Interior Appropriations Act. When one now reviews the Omnibus Appropriations bill, it is clear that the Bush administration has succeeded in neutering the original conference agreement in this area. Never mind that we met in full and open conference and agreed to a meaningful set of safeguards. Never mind that all the members of the conference committee signed on to that agreement—Democrats and Republicans alike. This White House would have none of it. So, working through the offices of the House and Senate Republican leadership, the White House has succeeded in undermining the provisions of the original conference agreement to the point of making them largely hollow. The Bush administration has made a sham of our Federal procurement process and a sham of the appropriations process. So, on the Transportation Appropriations bill, once again, the President says it is my way or the highway.

Finally, there is the matter of the across the board cuts. The President set an arbitrary topline for discretionary spending of \$786 billion. In the President's view, we can afford \$1.7 trillion dollars of tax cuts. When it comes to the Medicare bill, we can afford \$12 billion for subsidies for private insurance companies. When it comes to the Energy bill, we can afford over \$25 billion of tax cuts and \$5 billion of mandatory spending for big energy corporations. But when it comes to discretionary programs that help average Americans, the President insists on cuts. A cut of 0.59 percent would reduce funding for No Child Left Behind programs by over \$73 million, resulting in 24,000 fewer kids being served by Title I. Overall, the Title I Education for the Disadvantaged program would be \$6 billion below the level authorized by the No Child Left Behind Act that the President signed in January of 2002. Another promise unfulfilled.

The across-the-board cut would reduce Head Start funding by \$40 million, resulting in 5,500 fewer kids attending Head Start. Veterans Medical Care funding would be cut by \$159 million, resulting in 26,500 fewer veterans receiving medical care or 198,000 veterans not getting the drugs they need.

Funding for highway construction would be cut by over \$170 million. Well, for this President, it is my way or the highway, but fewer Americans will be building highways next year.

Chairman STEVENS and I tried very hard to produce thirteen bills to send to the President. I commend him for his effort to do so. But, the process was kidnapped by the White House and the leadership. Instead of sending thirteen fiscally responsible appropriations bills

to the President, the House is filing a turkey of a conference report. That is no way to govern. That is no way to serve the American people.

I wish all Senators a happy Thanksgiving and a happy Christmas. I hope they stay safe for the holidays.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, no one deserves that holiday more than Senator BYRD who constantly reminds us of what this wonderful, interesting discussion is all about; that is, stand up for the Constitution, and stand up for the people we represent. To Senator BYRD and his wonderful wife, we wish an especially warm and cheerful holiday.

Mr. BYRD. Mr. President, I thank again the Senator.

THANKFUL FOR THANKSGIVING

Mr. BYRD. Mr. President, Thanksgiving is one of the oldest and most cherished American holidays. Along with the Fourth of July, it is a uniquely American holiday. I realize that other countries and other cultures have their days of feasts, some even have them in autumn to glorify their harvests. But our Thanksgiving, our day of thanks, is a truly American holiday.

Thanksgiving is our special day. It is a day on which we celebrate with Turkey, gravy, dressing, cranberry sauce. You should try Erma's cranberry sauce; there is nothing like it anywhere in the world, my wife's cranberry sauce. Just to think of it, just to think of it makes me want to go home now—cranberry sauce, sweet potatoes, pumpkin pie.

In addition to being a time of family togetherness, it is a day of football games, parades, and the beginning of the Christmas holiday season—a little early for the Christmas holiday season, but that is the way it is in this commercial time in which we live.

But more profoundly, Thanksgiving is a day for recognizing and celebrating our Pilgrim heritage—that small group of men and women who left their homeland, crossed a mighty ocean, and settled in a wilderness so that they could worship God as they chose.

Before disembarking from the ship that brought them to these lands, the famous and legendary Mayflower, this gallant group of early American settlers gathered together and they formulated a government for their new world—a government based on the principle of self-rule. It was also a government under God—a government under God. The document that created that new government, the Mayflower Compact—we should have on our office walls. That government was anticipated in the Mayflower Compact. The Compact read in part—listen to this:

In the name of God, amen, we whose names are underwritten . . . Having undertaken for the Glory of God . . . Do by these Presents, solemnly and mutually in the Presence of