

responsibilities, Captain Zeller was selected to command the Trident Refit Facility (TRF), Kings Bay, Georgia, a 2000-man Fleet Maintenance Activity. During his tour, TRF was awarded the Meritorious Unit Commendation for outstanding Trident submarine maintenance performance. Following this highly successful command tour, Captain Zeller returned to service on the Secretary of the Navy's staff as the Deputy Chief of Legislative Affairs, from May 1999 to June 2000. Captain Zeller was then selected to be the Legislative Director for the Chairman of the Joint Chiefs of Staff. During this tour of duty from June 2000 until his retirement, Captain Zeller served the Chairman of the Joint Chiefs and the Congress during an especially demanding time in U.S. history that included the attacks of September 11, 2001 on the World Trade Center and the Pentagon, and subsequent military operations in Afghanistan, Iraq, and elsewhere in the Global War on Terrorism. His important contributions were of great importance in keeping the Congress fully informed regarding worldwide military developments and requirements. Captain Zeller's timely, responsive support was critical to the success of global U.S. military efforts.

A successful military career is not accomplished without dedication and sacrifice. Captain Zeller is fortunate to have the devoted support of his wife, the former Deborah Lee Chairman of Dayton, OH, and their two children Alexandra (11) and Nathaniel (8). For their support, service and sacrifice, they have my profound appreciation, and that of a grateful Nation.

It is a great honor and personal privilege for me to recognize the exemplary service of CPT Randel L. Zeller and his family today. Their selfless service to country, to the Navy, to their community, and to family serve as an inspiration to those whose lives they have touched, and who now carry on the proud traditions of our Armed Forces. As the Zeller family moves into a new chapter in their lives as valued citizens of the Commonwealth of Virginia, I wish them the continued success and happiness they so richly deserve. May they always enjoy fair winds and following seas.

DELAWARE'S BILL OF RIGHTS COMES HOME

Mr. BIDEN. Mr. President, it is with tremendous pride that I rise today to commemorate that after 213 years, Delaware's original copy of Bill of Rights ratified in 1790, is returning home.

This is a story steeped in history, mixed with some modern-day political negotiations—worth celebrating.

While Delaware holds the distinction as the first State to ratify the Constitution, on December 7, 1787, it was the sixth State to ratify the Bill of Rights—on January 28, 1790. The two signors of this historic document were Jehu Davis and George Mitchell. And

they were quite efficient. Instead of drafting a separate letter, as most States did, to notify Congress of Delaware's ratification of the Bill of Rights, they simply penned their signatures on the Bill of Rights document and returned it whole cloth to Congress. Thus, Delaware had no copy of what Davis and Mitchell signed.

The National Archives, to its immense credit, conserved Delaware's original copy of the Bill of Rights in pristine condition for more than two centuries. However, two years ago Delaware's Public Archives, State House Majority Leader Wayne Smith, and the Delaware General Assembly asked the congressional delegation to help negotiate the return of our Bill of Rights document. We all agreed that this historic document should be displayed for all to see in Delaware, not stored in the basement of the National Archives in Washington, DC.

The National Archives is, justifiably, quite protective of its documents. Suffice to say that it took ten months of negotiations, meetings, letters and conference calls to come to terms on an agreement that returns this document to Delaware, while retaining the National Archives legal and preservation rights to it.

Starting this December 7, on my State's 216th birthday, its original Bill of Rights will be on display for all to see. It will be on view at our new, state-of-the-art Public Archives Building in Dover, DE. And that is exactly where this document belongs—on public display where school students and adults alike can appreciate its historic significance.

We should all be proud of this accomplishment because it's part of our history. The Bill of Rights is a symbol of who we are and the values we hold dear. It ties us to our past and reminds us of those principles that will guide us into the future.

CENTER FOR AMERICAN PROGRESS'S NEW AMERICAN STRATEGIES FOR SECURITY AND PEACE CONFERENCE

Mr. LEAHY. Mr. President, in the end of October, the Center for American Progress, in conjunction with The American Prospect magazine and The Century Foundation, held a conference on U.S. national security titled, "New American Strategies for Security and Peace." Three of my fellow senators—Senator HILLARY CLINTON, Senator JOE BIDEN, and Senator CHUCK HAGEL—and Dr. Zbigniew Brzezinski made incisive remarks at this conference about the direction of our country's foreign policy and its effects on Americans at home and abroad. They also spoke about how to restore America to respected international leadership. I ask unanimous consent that the remarks of Senator CLINTON and Dr. Brzezinski be printed in the RECORD.

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

REMARKS OF SENATOR HILLARY RODHAM CLINTON

WASHINGTON, Oct. 29, 2003.—Thank you, John for that introduction. I want to compliment you for all the hard work that you have put into the creation of the Center for American Progress, an institution that I am convinced will be a tremendous force in engaging in the war of ideas so critical to our country's future. And there is no better leader for that effort than John Podesta who has the warrior spirit and strategic mind needed for such an endeavor. I also want to thank Bob Kuttner at the American Prospect and Dick Leone at the Century Foundation for their work on this conference.

Today's conference, "New American Strategies for Security and Peace" comes at a critical point in our nation's history and I commend the Center for American Progress, the American Prospect and the Century Foundation for putting together from what is, by all accounts, an outstanding program.

Today is a critical moment, not just in our history, but in the history of democracy. As we seek to build democratic institutions in Iraq, and we in this room push for us to reach out to our global partners in this endeavor, this nation must remember the tenets of the democratic process that we advocate.

The issue I'd like to address is whether we apply the fundamental principles of democracy—rule of law, transparency and accountability, informed consent—not only to what we do at home but to what we do in the world. There can be no real question that we must do so because foreign policy involves the most important decisions a democracy can make—going to war, our relations with the world, and our use of power in that world.

But the fact is that new doctrines and actions by the Bush administration undermine these core democratic principles—both at home and abroad. I believe they do so at a severe cost.

In our efforts abroad, we now go to war as a first resort against perceived threats, not as a necessary final resort. Preemption is an option every President since Washington has had and many have used. But to elevate it to the organizing principle of American strategic policy at the outset of the 21st century is to grant legitimacy to every nation to make war on their enemies before their enemies make war on them. It is a giant step backward.

In our dealings abroad, we claim to champion rule of law, yet we too often have turned our backs on international agreements. The Kyoto Treaty, which represents an attempt by the international community to meaningfully address the global problem of climate change and global warming. The biological weapons enforcement protocol. The Comprehensive Test Ban Treaty. This unwillingness to engage the international community on problems that will require international cooperation sends a clear signal to other nations that we believe in the rule of law—if it is our law as we interpret it. That is the antithesis of the rule of law. The administration argues that international agreements, like the Kyoto Treaty, are flawed. And the fact is they have some good arguments. When the Clinton administration signed the Kyoto Protocol it said that, working, inside the tent, it would try to make further improvements. But rather than try to make further improvements from inside the process, the Bush administration stomped out in an effort to knock over the tent. That is not the prudent exercise of power. It is the petulant exercise of ideology.

In our dealings abroad, we more often than not have promoted, not the principles of

international cooperation, but the propensity for an aggressive unilateralism that alienates our allies and undermines our tenets. It deeply saddens me, as I speak with friends and colleagues around the world, that the friends of America from my generation tell me painfully that for the first time in their lives they are on the defensive when it comes to explaining to their own children that America truly is a good and benign nation. Their children, too often, have seen an America that disregards their concerns, insists they embrace our concerns and forces them to be with us or against us. Our Declaration of Independence calls for "a decent respect for the opinions of mankind," yet this administration quite simply doesn't listen to our friends and allies. From our most important allies in Europe to relations with our neighbors in this hemisphere, this administration has spanned the range of emotions from dismissive to indifferent. Ask President Vicente Fox, who staked his Presidency on a political alliance with Mexico's historically controversial ally to the north, only to discover that he got no farther north than Crawford, Texas.

If we are to lead this world into a wholly democratic future, we must first be consistent in the principles we champion and the ones we pursue.

Nowhere is this more apparent than in the transparency of government decisions. Without such transparency, how can leaders be accountable? How can the people be informed? Without such transparency—openness and information—the pillars of democracy lose their foundation.

Of course in a democracy, there always is tension between the information that the Executive Branch needs to keep secret and the information that must be provided to the public to have an informed citizenry. There are no easy answers to striking the right balance. But we must always be vigilant against letting our desire to keep information confidential be used as a pretext for classifying information that is more than political embarrassment than national security. Let me be absolutely clear. This is not a propensity that is confined to one party or the other. It is a propensity of power that we must guard against. Because when that happens, we move away from the bedrock principle of informed consent that governs all State actions in a democracy. Getting back, once again, to our founders who I think were not only extraordinary statesmen, but brilliant psychologists—they understood profoundly the dangers and temptations of power. The balance of power that they enshrined in our Constitution and our system of government was a check on all of our human natures and the propensity for anyone, no matter how convinced they are of the righteousness of their cause and view of the world, to be held in a check and a balance by other institutions.

Since 9/11, this question has much more salience since the War on Terror will often be fought in the shadows outside the public limelight. New doctrines of preemption raise profound questions about democratic oversight by making decisions effecting war and peace. They also raise profound questions about the quality of the intelligence information that is not open to public scrutiny. One of the most critical issues that we confront is what is wrong with our intelligence, the gathering and the analysis and the use?

Anybody who follows what is going on on Capitol Hill is aware that we are locked in a partisan conflict as to how far to go in analyzing the intelligence with respect to Iraq—with the other side complaining that we can look to the intelligence community, but we cannot look at the decision makers. We can't look at the uses to which the intelligence

was put and we can't look at the particular viewpoint that was brought to that analysis. I think that is a profound error and undermining to our democratic institutions.

The American people, and indeed the international community, need to have confidence that when the U.S. government acts, it is acting in good faith—sharing information where appropriate and developing appropriate mechanisms to insure that power is not being abused. A perception that our government is not providing honest assessments of the rationale for war or is unwilling to admit error will diminish the support for U.S. foreign policy of the American people and the international community. The American people will be far more willing to accept the administration's statement's about what is going right in Iraq if they believe that the administration is more forthright about what is going wrong. It is difficult to convince people that everything is fine when we are asking them to essentially shelve their common sense and human experience.

An example that hits close to home for me can be found in the administration's approach to the investigation surrounding 9/11. As Senator of New York, there is no more searing event than what happened to us on September 11th. My constituents have a right to know all the facts of how our government was prepared—or not—for the attacks. Yet, over the weekend, we learned that the 9/11 Commission, charged with the important task of investigating how 9/11 happened, complains that it isn't getting access to all the documents that it needs. This is a hugely important issue and one that must be addressed. The lack of transparency on the part of the Bush administration has forced Governor Kean, the former Republican governor of New Jersey, to threaten subpoenas. This should not be happening.

As bad as it was for Vice President Cheney to keep secret how the administration developed its energy policy—this is far worse. The 9/11 commission is not trying to embarrass the President, any former Presidents, or anyone else. It is trying to learn what happened—what went wrong—in hopes that we can become better prepared to protect ourselves from future attacks. In taking this action, the administration unnecessarily raises suspicions that it has something to hide—that it might use national security to hide mistakes. That is not necessary or appropriate.

Meanwhile, on Iraq, the Bush administration describes progress on many fronts in direct contravention to what we are hearing every day. There undoubtedly are many instances where U.S. efforts in Iraq are successful. But what is going right should not delude us about what is going wrong. There is too much at stake to treat war as a political spin zone.

We need to level with the American people—the good, the bad and the ugly. For the simple fact is that we cannot fail in Iraq. On that fundamental principle, I am in full and profound agreement with the President. The stakes are simply too high. That means we need to improve our transparency and credibility in Iraq. In the recent \$87 billion supplemental appropriations bill passed by the Senate, an amendment that I offered, and which was included in the final bill, would require GAO audits of these opaque supplemental appropriations. Another amendment that I co-sponsored with Senator Harkin would require the GAO to examine the level of profits being made by U.S. contractors in Iraq. This is a historic mission that our government has encouraged, going back to George Washington, to make sure that no private company profited off the spoils of war. We need to assure the American people

that their money is being spent wisely, assure the Iraqi people that it is being spent in their interest and assure the world that it is not being spent for profiteering by American companies. I understand both of these amendments, my amendment and the one I co-sponsored with Senator Harkin, are the subject of some dispute by the administration. And in fact, I understand that the majority party has been advised to ensure the final package doesn't include those amendments. I can only hope that they have a change of mind. They are creating a level of mistrust in our government by our citizens for which we will reap the consequences for years to come.

As we discuss and debate these issues, let us remember the simple fact that we remain at war. That is not a fact lost on the men and women stationed in Iraq. It is not a fact lost on their families who sit at home worrying about their well-being. It should not lead to the administration refusing to release injury figures. We should be willing to admit the price that is being paid by these brave young men and women to pursue this policy. I believe that the Executive Branch has a strong prerogative on national security issues. As Senator, I have supported that prerogative. But the men and women elected to serve in the Congress also have a great deal of wisdom to bring to bear. And quite honestly, my friends, things, have not gone so well in Iraq that we have a single mind to waste.

Recent articles in The New York Times and Newsweek report that many Republicans share the frustration that comes from lack of genuine consultations—failure to construct a genuine bipartisan consensus for the sacrifices we are asking Americans to make. My Republican colleagues Senator McCain and Senator Hagel, who is speaking at this conference, have cautioned the administration of the dangers of a failure to be open and honest with the American people on the situation in Iraq.

As Senator Hagel and others have suggested, Congress needs to be more than just a rubber stamp for the administration's policies. Tell me what war America has won without seeking, achieving, and maintaining a bipartisan consensus.

President Truman worked closely with Senator Vandenberg after WWII to secure U.S. support for the United Nations. President George H.W. Bush consulted closely with Democratic congressional leaders during the first Gulf War. My husband consulted closely with Senator Dole and other Republican leaders during the military action in Bosnia and Kosovo.

In giving Iraqis more of a say and in making transactions and contracting more open, the U.S. simply is practicing the habits of democracy—inclusion, empowerment and openness. Fundamentally, this is about trust—winning and earning the trust of the Iraqi people and trusting in the Iraqi people who eventually are going to be left to govern themselves and keeping the trust of the American people. I cannot stress strongly enough how significant it is that the American people across the board, are beginning to ask such serious questions about our direction in our efforts to pursue a course in Iraq, but also from the Middle East to North Korea as well. An unwillingness of the administration to be more forthright can undermine the greatest capital we have, the capital of human trust between a government and the governed. I think we're on the edge of losing both the confidence of the Iraqi people and of the American people. We can prevent that from happening with a heavy dose of straight talk.

At the same time that we are trying to build a democratic society in Iraq, we must

abide by those basic principles that we hold dear and demonstrate that we are willing to be open and have partnerships and build coalitions that are more than just in a name.

I think this moment in American history is wrought with danger and challenge. If you look back at our security and goals in WWII they were clear, the Cold War was clear, the post Cold War era, prior to 9/11, was a little more muddy because it wasn't as obvious what our strategic objectives were and how we would achieve them.

Now we do have, once again, a very clear adversary. But just proclaiming the evil of our adversary is not a strategy; just assuming that everyone will understand that we are well motivated and people to be trusted is beyond the range of human experiences that I understand. This administration is in danger of squandering not just our surplus which is already gone in financial terms, but the surplus of good feeling and hopefulness and care and that we had in almost global unanimity after 9/11. We are a resilient, optimistic and effective people and I'm confident that we can regain our footing, but it needs to be the first order of business, not only for the administration, but also for Congress and the American public. It is my hope this conference will provide more ammunition and more support for those of us who are trying to get back on track and to give America the chance to lead consistent with our values and ideals. Thank you very much.

REMARKS OF ZBIGNIEW BRZEZINSKI

WASHINGTON, Oct. 28, 2003.—Ladies and gentlemen, 40 years ago almost to the day an important Presidential emissary was sent abroad by a beleaguered President of the United States. The United States was facing the prospect of nuclear war. These were the days of the Cuban Missile Crisis.

Several emissaries went to our principal allies. One of them was a tough-minded former Secretary of State, Dean Acheson whose mission was to brief President De Gaulle and to solicit French support in what could be a nuclear war involving not just the United States and the Soviet Union but the entire NATO Alliance and the Warsaw Pact.

The former Secretary of State briefed the French President and then said to him at the end of the briefing, I would now like to show you the evidence, the photographs that we have of Soviet missiles armed with nuclear weapons. The French President responded by saying, I do not wish to see the photographs. The word of the President of the United States is good enough for me. Please tell him that France stands with America.

Would any foreign leader today react the same way to an American emissary who would go abroad and say that country X is armed with weapons of mass destruction which threaten the United States? There's food for thought in that question. Fifty-three years ago, almost the same month following the Soviet-sponsored assault by North Korea on South Korea, the Soviet Union boycotted a proposed resolution in the U.N. Security Council for a collective response to that act.

That left the Soviet Union alone in opposition, stamping it as a global pariah. In the last three weeks there were two votes on the subject of the Middle East in the General Assembly of the United Nations. In one of them the vote was 133 to four. In the other one the vote was 141 to four, and the four included the United States, Israel, Marshall Islands and Micronesia.

All of our NATO allies voted with the majority including Great Britain, including the so-called new allies in Europe—in fact almost all of the EU—and Japan. I cite these events because I think they underline two

very disturbing phenomena—the loss of U.S. international credibility, the growing U.S. international isolation.

Both together can be summed up in a troubling paradox regarding the American position and role in the world today. American power worldwide is at its historic zenith. American global political standing is at its nadir. Why? What is the cause of this? These are facts. They're measurable facts. They're also felt facts when one talks to one's friends abroad who like America, who value what we treasure but do not understand our policies, are troubled by our actions and are perplexed by what they perceive to be either demagoguery or mendacity.

Maybe the explanation is that we are rich, and we are, and that we are powerful, and we certainly are. But if anyone thinks that this is the full explanation I think he or she is taking the easy way out and engaging in a self-serving justification. I think we have to take into account two troubling conditions.

Since the tragedy of 9/11 which understandably shook and outraged everyone in this country, we have increasingly embraced at the highest official level what I think fairly can be called a paranoid view of the world. Summarized in a phrase repeatedly used at the highest level, "he who is not with us is against us." I say repeatedly because actually some months ago I did a computer check to see how often it's been used at the very highest level in public statements.

The count then quite literally was 99. So it's a phrase which obviously reflects a deeply felt perception. I strongly suspect the person who uses that phrase doesn't know its historical or intellectual origins. It is a phrase popularized by Lenin when he attacked the social democrats on the grounds that they were anti-Bolshevik and therefore he who is not with us is against us and can be handled accordingly.

This phrase in a way is part of what might be considered to be the central defining focus that our policy-makers embrace in determining the American position in the world and is summed up by the words "war on terrorism." War on terrorism defines the central preoccupation of the United States in the world today, and it does reflect in my view a rather narrow and extremist vision of foreign policy of the world's first superpower, of a great democracy, with genuinely idealistic traditions.

The second condition, troubling condition, which contributes in my view to the crisis of credibility and to the state of isolation in which the United States finds itself today is due in part because that skewed view of the world is intensified by a fear that periodically verges on panic that is in itself blind. By this I mean the absence of a clearly, sharply defined perception of what is transpiring abroad regarding particularly such critically important security issues as the existence or the spread or the availability or the readiness in alien hands of weapons of mass destruction.

We have actually experienced in recent months a dramatic demonstration of an unprecedented intelligence failure, perhaps the most significant intelligence failure in the history of the United States. That failure was contributed to and was compensated for by extremist demagoguery which emphasizes the worst case scenarios which stimulates fear, which induces a very simple dichotomic view of world reality.

I think it is important to ask ourselves as citizens, not as Democrats attacking the administration, but as citizens, whether a world power can really provide global leadership on the basis of fear and anxiety? Can it really mobilize support and particularly the support of friends when we tell them that if you are not with us you are against us?

I think that calls for serious debate in America about the role of America in the world, and I do not believe that that serious debate is satisfied simply by a very abstract, vague and quasi-theological definition of the war on terrorism as the central preoccupation of the United States in today's world. That definition of the challenge in my view simply narrows down and over-simplifies a complex and varied set of challenges that needs to be addressed on a broad front.

It deals with abstractions. It theologizes the challenge. It doesn't point directly at the problem. It talks about a broad phenomenon, terrorism, as the enemy overlooking the fact that terrorism is a technique for killing people. That doesn't tell us who the enemy is. It's as if we said that World War II was not against the Nazis but against blitzkrieg. We need to ask who is the enemy, and the enemies are terrorists.

But not in an abstract, theologically-defined fashion, people, to quote again our highest spokesmen, "people who hate things, whereas we love things"—literally. Not to mention the fact that of course terrorists hate freedom. I think they do hate. But believe me, I don't think they sit there abstractly hating freedom. They hate some of us. They hate some countries. They hate some particular targets. But it's a lot more concrete than these vague quasi-theological formulations.

I think in the heat of debate Democrats should not be nay-sayers only, criticizing. They certainly should not be cheerleaders as some were roughly a year ago. But they should stress a return to fundamentals in so far as American foreign policy is concerned. Above all else in stressing these fundamentals, Democrats particularly should insist that the foreign policy of a pluralistic democracy like the United States should be based on bipartisanship because bipartisanship is the means and the framework for formulating policies based on moderation and on the recognition of the complexity of the human condition.

That has been the tradition since the days of Truman and Vandenberg all the way until recent times. That has been the basis for American foreign policy that has been remarkably successful and has led us not only to a triumph in the Cold War but to emerging as the only global superpower with special responsibilities.

Bipartisanship helps to avoid extremes and imbalances. It causes compromises and accommodations. So let's cooperate. Let's cooperate and challenge the administration to cooperate with us because within the administration there are also moderates and people who are not fully comfortable with the tendencies that have prevailed in recent times.

That has a number of specific implications that are of a policy type. The first and most important is to emphasize the enduring nature of the alliance relationship particularly with Europe which does share our values and interests even if it disagrees with us on specific policies. But the sharing of values and interests is fundamental, and we partake of the same basic beliefs.

We cannot have that relationship if we only dictate or threaten and condemn those who disagree. Sometimes we may be right. Sometimes they may be right. But there is something transcendental about shared values that shouldn't be subordinated to tactical requirements. We should seek to cooperate with Europe, not to divide Europe to a fictitious new and a fictitious old.

And we should recognize that in some parts of the world Europeans have more experience and more knowledge than we and certain interests as important as ours. I think particularly of the Middle East. We should be therefore supporting a larger Europe, and in so doing we should strive to expand the zone of peace and prosperity in the

world which is the necessary foundation for a stable international system in which our leadership could be fruitfully exercised.

Part of the process of building a larger zone of peace involves also engaging Russia and drawing it into a closer relationship simultaneously with Europe and with the Euro-Atlantic community. But we can only do that if we are clear as to what we are seeking in pursuing that strategy. I would say that what we ought to be seeking unambiguously is the promotion of democracy and decency in Russia and not tactical help of a very specific and not always all that very useful type purchased at the cost of compromising even our own concept of what democracy is.

I am troubled by the unqualified endorsements of a government in which former KGB types are preponderant as a successful democracy. That has been the judgment rendered at the highest levels again within the last few weeks without any qualification. But in fairness we have to say that some of that happened before this administration assumed office as well.

We should be aware of that. If we are going to pursue a bipartisan policy let's be willing also to accept some shortcomings on our part. But if Russia is to be part of this larger zone of peace it cannot bring into it its imperial baggage. It cannot bring into it a policy of genocide against the Chechens, and cannot kill journalists, and it cannot repress the mass media.

I think we should be sensitive to that even if they do arrest oligarchs with whom some of our friends on K Street have shared interests. That is not to be approved. It is to be condemned, but surely there are deeper causes for emphasizing that it is important that Russia should move towards democracy.

To increase the zone of peace is to build the inner core of a stable international zone. While America is paramount it isn't omnipotent. We need the Europeans. We need the European Union. (Applause) We have to consistently strive to draw in Russia while at the same time being quite unambiguous in what it is that disqualifies Russia still from genuine membership in the community of democratic, law abiding states.

Secondly, we have to deal with that part of the world which is a zone of conflict and try to transform it into a zone of peace, and that means above all else the Middle East. In Iraq we must succeed. Failure is not an option. But once we say that we have to ask ourselves what is the definition of success? More killing, more repression, more effective counter-insurgency, the introduction of newer devices of technological type to crush the resistance or whatever one wishes to call it—the terrorism?

Or is it a deliberate effort to promote by using force a political solution? And if there's going to be a political solution in Iraq, clearly I think it is obvious that two prerequisites have to be fulfilled as rapidly as feasible namely the internationalization of the foreign presence in Iraq regarding which too much time has been lost and which is going to be increasingly difficult to accomplish in spite of the somewhat dialectical successes with which we are defining progress in Iraq lately.

In addition to the internationalization of Iraq we have to transfer power as soon as is possible to a sovereign Iraqi authority. Sovereignty is a word that is often used but it has really no specific meaning. Sovereignty today is nominal. Any number of countries that are sovereign are sovereign only nominally and relatively. Ultimately even the United States is not fully sovereign as we go around asking for more men and money to help us in Iraq.

Therefore there's nothing to be lost in prematurely declaring the Iraqi authority as

sovereign if it helps it to gain political legitimacy in a country which is searching to define itself, which has been humiliated, in which there is a great deal of ambivalence, welcoming on the one hand the overthrow of Saddam as the majority does, and on the other hand resenting our presence and our domination.

The sooner we do that the more likely is an Iraqi authority under an international umbrella that becomes itself more effective in dealing with the residual terrorism and opposition that we continue to confront. We will not understand what is happening right now in Iraq by analogies to Vietnam because I think they are all together misplaced, and one could speak at length about it.

If you want to understand what is happening right now in Iraq I suggest a movie that was quite well known to a number of people some years ago. Maybe not many in this audience, given the age of some present, but it's a movie which deals with a reality which is very similar to that that we confront today in Baghdad. It's called "The Battle For Algiers." It is a movie that deals with what happened in Algeria after the Algerian Liberation Army was defeated in the field by the French army and the resistance which used urban violence, bombs, assassinations, and turned Algiers into a continuing battle that eventually wore down the French.

I do not expect we'll be worn down, but I think we want to understand the dynamics of the resistance. This provides a much better analogy for grappling with what is becoming an increasingly painful and difficult challenge for us. A challenge which will be more successful in meeting if we have more friends engaged in meeting it and if more Iraqis begin to feel that they are responsible for the key decisions pertaining to their country.

We will not turn the Middle East into a zone of peace instead of a zone of violence unless we more clearly identify the United States with the pursuit of peace in the Israeli/Palestinian relationship. Palestinian terrorism has to be rejected and condemned, yes. But it should not be translated de facto into a policy of support for a really increasingly brutal repression, colonial settlements and a new wall.

Let us not kid ourselves. At stake is the destiny of a democratic country, Israel, to the security of which, the well-being of which, the United States has been committed historically for more than half a century for very good historical and moral reasons. But soon there will be no option of a two-state solution.

Soon the reality of the settlements which are colonial fortifications on the hill with swimming pools next to favelas below where there's no drinking water and where the population is 50 percent unemployed, there will be no opportunity for a two-state solution with a wall that cuts up the West Bank even more and creates more human suffering.

Indeed as some Israelis have lately pointed out, and I emphasize some Israelis have lately pointed out, increasingly the only prospect if this continues is Israel becoming increasingly like apartheid South Africa—the minority dominating the majority, locked in a conflict from which there is no extraction. If we want to prevent this the United States above all else must identify itself with peace and help those who are the majority in Israel, who want peace and are prepared to accept peace.

All public opinion polls show that and the majority of the Palestinians, and I believe the majority of the Jewish community in this country which is liberal, open-minded, idealistic and not committed to extremist repressions.

The United States as the government, but all of us as citizens and Democrats particularly, will soon have an opportunity to underline their commitments to a peaceful solution in the Middle East because in the next two weeks a group of Israelis and Palestinians are going to unveil a detailed peace plan on which they have been working for months and months. It's a fifty-page document with maps and detailed compromise solutions for all of the major contentious issues, solutions which opinion shows 70 percent of the Israelis would accept.

When that happens what will be the stance of the United States? Sharon has already condemned it, and not surprisingly. I hope we do not decide to condemn it. I hope we will show at least a positive interest, and many of us as citizens, as people concerned, should I think endorse it because if we count on the people who want peace eventually we will move towards peace. But they have to be mobilized and given support.

I think one of the reasons that that support from the United States has not been forthcoming is in fact political cowardice which I think is unjustified because I have real confidence in the good judgment, both of the Israeli people and of the American Jewish community and more basically of the basic American preference for a moderate peaceful solution.

The last third area pertains more broadly to strategic doctrine and to strategic commitment. It involves trying to deal with nuclear proliferation, and we are learning fortunately that we can only deal with that problem when it comes to North Korea or to Iran by cooperation with other major powers.

That we have to support, and if the administration moves in that direction or is prodded to move in that direction that is all to the good because there is no alternative. If we to resolve the North Korean problem by arms alone we will produce a violent reaction against the United States in South Korea—and don't underestimate the growing anti-American tendencies in South Korean nationalism—and will precipitate a nuclear armed Japan and thereby create a whole dual strategic dynamic in the Far East.

In the case of Iran it is also in our interest that the theocratic despotism fade. It is beginning to fade. It is in its thermidorian phase. The young people of Iran are increasingly alienated. The women of Iran are increasingly assertive and bold. Notice the reception given to the Nobel Peace Prize winner when she returned to Tehran. That is a symptom of things to come.

And if we take preemptory action we will reinforce the worst tendencies in the theocratic fundamentalist regime, not to speak about the widening of the zone of conflict in the Middle East. But beyond that we still have one more challenge in the area of strategic doctrine which is how to respond to the new conditions of uncertainty of weapons of mass destruction perhaps eventually being available to terrorist groups.

Here I think it is terribly important not to plunge headlong into the tempting notion that we will preempt unilaterally on suspicion which is what the doctrine right now amounts to. The reason for that being we simply do not know enough to be able to preempt with confidence. That to me involves one fundamentally important lesson. We have to undertake a genuine national effort to revitalize and restructure our intelligence services.

For four years I was the principal channel of intelligence to the President of the United States. We had a pretty good idea of the nature of the security challenge that we faced because the challenge itself was based on a highly advanced scientific technological system of arms. Today the problem is much more difficult.

It's more elusive. We're not dealing with nuclear silos and coordinated structures necessary for an effective assault on American security, structures that we could begin to decipher and also technologically seek to undermine or in the event of warfare paralyze. We were really remarkably well informed and in some respects prepared for a central nuclear war to a degree to which we certainly are not today in dealing with the new challenges of security.

These can only be addressed if we have what we do not have, a really effective intelligence service. I find it appalling that when we went into Iraq we did not know if they had weapons of mass destruction. We thought they had weapons of mass destruction based largely on extrapolation. But that also means that our commanders in the field went into battle without any knowledge of the Iraqi WMD order of battle.

They did not know what units, brigades or divisions in the Iraqi armed forces were equipped with what kind, allegedly, of weapons of mass destruction. Were there chemical weapons on the battalion level or on the brigade level or were there special units in the different divisions that were supposed to use chemical weapons?

What about the alleged existence of bacteriological weapons? Who had them? Who had the right to dispose of them? What about the allegedly reconstituted nuclear program? At what level of development was it? Where were these weapons to be deployed? The fact is none of that was known regarding a country that was permeable, that was not as isolated as the Soviet Union.

All of that cumulatively testifies to a fundamental shortcoming in our national security policy. If we want to lead we have to have other countries trust us. When we speak that have to think it is the truth. This is why DeGaulle said what he did. This is why others believed us. This is why they believed us prior to the war in Iraq.

It isn't that the Norwegians or the Germans or whoever else had their own independent intelligence services. They believed us, and they no longer do. To correct that we have to have an intelligence that speaks with authority, that can be trusted, and if preemption becomes necessary can truly tell us that as a last resort preemption is necessary. Right now there's no way of knowing.

Ultimately at issue, and I end on this, is the relationship between the new requirements of security and the traditions of American idealism. We have for decades and decades played a unique role in the world because we were viewed as a society that was generally committed to certain ideals and that we were prepared to practice them at home and to defend them abroad.

Today for the first time our commitment to idealism worldwide is challenged by a sense of security vulnerability. We have to be very careful in that setting not to become self-centered, preoccupied only with ourselves and subordinate everything else in the world to an exaggerated sense of insecurity.

We are going to live in an insecure world. It cannot be avoided. We have to learn to live in it with dignity, with idealism, with steadfastness. Thank you.

FAIR AND ACCURATE CREDIT TRANSACTIONS ACT

Mr. BENNETT. Mr. President, this past Saturday, November 22, 2003, the Senate passed the Fair and Accurate Credit Transactions Act of 2003. Section 214 of the conference report, entitled "Affiliate Sharing," adds a new requirement for a notice and an oppor-

tunity for a consumer to opt-out of receiving solicitations from a person based on information that has been shared from an affiliate of that person.

Several exceptions to the notice and opt-out requirement are included in the bill. The first, and most logical one, is an exception for a business sending solicitations to its own customers. The conference report defines this as a "pre-existing business relationship."

The conference report further defines categories of relationships that qualify as a "pre-existing business relationship" and directs the regulators, including the Federal Trade Commission, to use their regulatory discretion to deem any "any other pre-existing customer relationship" as qualifying for the definition that may be appropriate but not clear from the statute.

The first category of relationships that the conference report definition of "pre-existing business relationship" lists is a relationship based on "a financial contract between a person and a consumer which is in force." "Financial contract," however, is not defined and it is not clear on its face what the term describes. In any case, I believe the operative concern is that it must be a contract in force.

As a conference, I believe the conference report intends that the term "pre-existing business relationship" includes a contractual relationship between a consumer and a person, where the consumer has requested the provision of a good or service, or affirmatively registered to receive a service, whether or not a fee is assessed.

Certain business models, such as those in the online world, do not follow the traditional fee for services model that characterizes the brick and mortar world. Financial consideration may not exchange up front with a customer, or at all for that matter. Accordingly, I urge the regulators to factor in new and innovative business models when issuing the regulations implementing section 214 of the Fair and Accurate Credit Transactions Act of 2003, particularly with regard to the definition of "pre-existing business relationship."

ENERGY POLICY ACT OF 2003

Mr. JEFFORDS. Mr. President, I have raised concerns about the troubling environmental provisions contained in the energy bill conference report several times during the course of debate on the measure, but I also wanted to share my concerns regarding the energy provisions of the bill. Energy policy is an important issue for America and one which my Vermont constituents take very seriously. The bill before us seeks to address important issues, such as the role of domestic production of energy resources versus foreign imports, the tradeoffs between the need for energy and the need to protect the quality of our environment, and the need for additional domestic efforts to support improvements in our energy

efficiency, and the wisest use of our energy resources. Given the importance of energy policy, this bill is a very serious matter and I do not take a decision to oppose such a bill lightly. In my view, this conference report does not achieve the correct balance on several important energy issues, as well as on a number of environmental issues.

In my work on this legislation, I have heard from large numbers of my constituents. They generally regard the bill as legislation written by a handful of people with the purpose of rolling back environmental protections and providing big corporations with giveaways at the expense of average Americans. Wally Elton from Springfield, VT called my office last Tuesday to voice his many concerns about the bill. Mr. Elton is skeptical about many facets of this legislation. "It makes energy the top priority for public lands, it relaxes clean air and clean water standards, which will have bad effects on public health. There is nothing for conservation—it is all about giving companies subsidies and granting them everything on their 'wish list'. In a time of deficit, we should not be doing this."

In short, Mr. Elton has deep concern regarding all aspects of this bill, right down to the way it was produced. "The bill is not a reconciliation of two bills, and was not the product of bipartisan effort," he said. "They just started over."

Many people echo Mr. Elton's concern about this bill being written behind closed doors, in "secret." My constituents tell me that a bill written without the valid contributions of a wide range of people will not reflect the feelings of the majority of Americans. It is widely known as "Cheney's bill."

Carol Groom of Warren said "They are rolling back our environmental protections and cleanup of MBTE will be put on the taxpayers." Mary Lou Treat of Putney, VT is worried about respiratory diseases caused from pollutants from coal-burning factories, while Catherine Audetter, also of Putney, said "wary of this legislation's unusual support of oil" and lack of focus on renewables. Susanna Liepmann of South Strafford is concerned about wildlife protection.

An energy expert in my State likened this bill to a horror movie: "My strong recommendation is to oppose this bill in any way you can. This bill should have been released on Halloween—it's a Frankenstein monster of mismatched body parts, most of them bad in and of themselves, and even worse when patched together."

For example, in the electricity title, it strengthens the hand of FERC by permitting mandatory reliability standards, which is fine, but not as big an improvement as some claim. But it weakens the hand of FERC to require transmission companies to join RTOs, and blocks FERC's hand on moving to better market structures. In New England, this means that transmission