

likelihood that a considerable part of Europe has been flooded with another type, another color of ideology—[and he is speaking of global warming here—again, another type, another color of ideology]—but with very similar implications for European societies and human societies the world over.

He also said that imposition of the Kyoto Protocol “would deal a powerful blow on the whole humanity similar to the one humanity experienced when Nazism and communism flourished.”

And that was the chief economic advisor to Russian President Putin. The world has certainly turned on its head that we Americans must look to Russians for speaking out strongly against irrational authoritarian ideologies. Putin’s economic advisor’s words are underscored by the conclusion of the Russian Academy of Science which this last May concluded that there is a high degree of uncertainty that global warming is caused by anthropogenic factors, that the Kyoto Protocol does not have a scientific basis and it would not be effective in achieving the IPCC’s aims.

And while the Russia legislature may well indeed ratify the Kyoto Protocol, Illarionov has stated that it would occur for political considerations, not scientific or economic. Last May, it was reported that the European Union had promised to help Russia enter the World Trade Organization and would smooth over WTO requirements in exchange for signing the Kyoto Protocol. Additionally, there is speculation within Russia that the Kyoto Protocol will fail of its own weight since only two European countries will meet their carbon emission targets. So, clearly, Russia is playing politics with the issue for its purposes just as others have for their own.

That much of this debate is about world governance and not science is not news. At the Hague in November 2002, French President Jacques Chirac stated that Kyoto represents “the first component of an authentic global governance.”

Those are his words, not my characterization of his words.

To summarize my remarks today, it makes no sense to take action on climate change when the costs are so profound and the benefits are non-existent.

Last year, I spent two hours addressing the Senate about the state of science regarding the global warming debate. And today, I have spent another two hours providing the latest, most up-to-date information on the science about global warming—or more to the point—the lack of credible science supporting it.

I have been told many times that the science is irrelevant—that we have moved beyond the science, and that we must now concentrate on what to do to stop global warming from happening. I, for one, would hope that we never abandon the science. Those who are afraid of the newest and best science are usually the same people who are afraid that the more the public actu-

ally knows, the more it will interfere with their grand geopolitical plans to ration America’s energy.

I believe we should be held accountable for the actions we take, and not bet the American economy on something unless it is firmly rooted in science, and our actions can have some beneficial effect. Global warming ideology has no place in policy debates regarding scientific issues. Credible, reproducible studies should be our gold standard—our minimum standard. By that standard, carbon restrictions fail the test.

Unfortunately, we are in a political season and some legislators believe that they can score political points with this issue. Last year, when Senator JOHN KERRY was focusing on the liberal base in his primary, he criticized President George Bush on his campaign website for rejecting the global warming treaty, stating:

Dropping out of international implementation of the Kyoto Protocol was foolhardy then, and it is even more obviously foolhardy today.

But now that JOHN KERRY is trying to be more mainstream he has removed that statement from his website and replaced it with the following:

John Kerry and John Edwards believe that the Kyoto Protocol is not the answer. The near-term emission reductions it would require of the United States are infeasible, while the long-term obligations imposed on all nations are too little to solve the problem.

Yet in the September 30 presidential debate, he criticized President Bush when he said:

You don’t help yourself with other nations when you turn away from the global warming treaty, for instance, or when you refuse to deal at length with the United Nations.

I am trying to figure out what he means by those statements.

And unless he is simply doing another of his all-too-familiar flip-flops, I can only conclude that while he does not believe the Kyoto Protocol is the answer, he would support it anyway. If I lived in the Midwest, I would find his shifting stances worrisome.

I have laid out my case today for why capping our economy with carbon restrictions is wrong-headed and rash. And I believe that the future health of our great Nation and the world is too important to have an issue as vital as this one relegated to the status of a political football. My hope is that the legislators who have moved beyond the science will, once again, develop a healthy respect for what it has to say in guiding our actions.

#### ARIZONA WATER SETTLEMENTS ACT

Mr. KYL. Mr. President, the water users and providers of Arizona have waited a long time for this day. The Arizona Water Settlements Act, S. 437, is the product of 15 years of negotiation, litigation, and more negotiation. Virtually every major water user and

provider in central Arizona has devoted itself to the passage of this bill. In fact, S. 437 would codify the largest water claims settlement in the history of Arizona. The three titles in this bill represent the tremendous efforts of literally hundreds of people in Arizona and here in Washington over a period of 15 years. Looking ahead, this bill could ultimately be nearly as important to Arizona’s future as was the authorization of the Central Arizona Project, CAP, itself.

Since Arizona began receiving CAP water from the Colorado River, litigation has divided water users over how the CAP water should be allocated and exactly how much Arizona was required to repay the Federal Government. This bill will, among other things, codify the settlement reached between the United States and the Central Arizona Water Conservation District over the State’s repayment obligation for costs incurred by the United States in constructing the Central Arizona Project. It will also resolve, once and for all, the allocation of all remaining CAP water. This final allocation will provide the stability necessary for State water authorities to plan for Arizona’s future water needs. In addition, approximately 200,000 acre-feet of CAP water will be made available to settle various Indian water claims in the State. The bill would also authorize the use of the Lower Colorado River Basin Development Fund, which is funded solely from revenues paid by Arizona entities, to construct irrigation works necessary for tribes with congressionally approved water settlements to use CAP water.

Title II of this bill settles the water rights claims of the Gila River Indian Community. It allocates nearly 100,000 acre-feet of CAP water to the community, and provides funds to subsidize the costs of delivering CAP water and to construct the facilities necessary to allow the community to fully utilize the water allocated to it in this settlement. Title III provides for long-needed amendments to the 1982 Southern Arizona Water Settlement Act for the Tohono O’odham Nation, which has never been fully implemented. Title IV creates a placeholder for a future settlement on the Gila River for the San Carlos Apache Tribe and reiterates the fact that titles I, II, and III do not affect the water rights claims of the San Carlos Apache Tribe or the claims of the United States on their behalf.

For the San Carlos Apache Tribe and other Indian communities in Arizona that have not yet settled their water rights claims, this bill offers hope for the future. This bill creates a fund for future Indian water settlements in Arizona. In addition, through this legislation, 67,300 acre-feet of CAP water will be set aside for future Indian water rights settlements. The water needs of each Indian tribe in Arizona are particular to that individual tribe. Likewise, the contours of each Indian water rights settlement must be tailored to

the needs of the tribe and the local communities that surround it. Through this bill we give those tribes, the Secretary of the Interior, and future Congresses a framework of water and funding that can be customized to meet the needs of each settlement.

For now, this bill will allow Arizona cities to plan for the future, knowing how much water they can count on. The Indian tribes will finally get "wet" water—as opposed to the paper claims to water they have now—and projects to use the water. In addition, mining companies, farmers, and irrigation delivery districts can continue to receive water without the fear that they will be stopped by Indian litigation.

All final issues between the parties or the United States have been resolved. In particular, the states of Arizona and New Mexico have negotiated the best way to address New Mexico's right under the 1968 Boulder Canyon Project Act, authorizing the CAP, to exchange CAP water on the Gila River.

In summary, this bill is vital to the citizens of Arizona and will provide the certainty needed to move forward with water use decisions. Furthermore, the United States can avoid litigating water rights and damage claims and satisfy its trust responsibilities to the Tribes. The parties have worked many years to reach consensus rather than litigate, and I believe this bill represents the best opportunity to achieve a fair result for all the people of Arizona.

#### U.S. POLICY IN IRAQ

Mr. LEVIN. Mr. President, this evening on the campus of Michigan State University in Lansing I will be speaking on U.S. policy in Iraq.

My conclusion is that just as it took a new administration to extract the United States from Vietnam, it will take a new administration to extract us from Iraq in a way which leaves that country stable and democratic. We cannot leave Iraq as we did Vietnam.

Nor can we just continue a western occupation of a Muslim nation that is the target and magnet for violence and terror, and that has become more destabilizing than stabilizing. We must change course in Iraq—or else Iraq's future is not likely to be stability and democracy, and the legacy to the world of the Iraq war is likely to be greater turmoil and terror.

I ask unanimous consent that the remarks I will be making this evening be included in full at this point in the RECORD.

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

#### "IRAQ: WHAT NEXT?"

Good evening. I am delighted to be here with you to discuss where we are and where I think we need to go in Iraq.

This is going to be a pretty sober discussion, because I agree with what Republican Senator CHUCK HAGEL said recently: "We're in deep trouble in Iraq." Although President

Bush continues to say that things are going well in Iraq, even Secretary of State Colin Powell acknowledged recently that the situation is "getting worse."

And it is. American soldiers and Marines face an ever strengthening insurgency that puts our troops, the Iraqi people and a stable Iraq at increasing risk. Our troops continue to die and suffer wounds at increasing rates. American and other contractors are being taken hostage and brutally murdered.

The lack of security is having a profound effect on reconstruction and on the effort to establish a stable Iraqi government. We are paying the price for a failed strategy that included rosy pre-war assumptions and a rush to war without first allowing United Nations weapons inspectors to complete their work and without first building a credible and effective international coalition, including Muslim countries, as President Bush's father did in the first Gulf War. This was compounded by the failure to plan for the post-war period and the major mistake of abolishing the Iraqi army rather than using it to help provide security after the cessation of major combat operations.

President Bush said recently that "It's hard to help a country go from tyranny to elections to peace when there are a handful of people who are willing to kill in order to stop the process..." Only a handful of people willing to kill? That's not facing reality—that's ignoring reality.

Late last month, the Washington Post, quoting figures released by Iraq's Health Ministry and the Pentagon, reported that attacks over the previous two weeks had killed more than 250 Iraqis and 29 U.S. military personnel. Further, a sampling of daily reports produced for the U.S. Agency for International Development shows that such attacks now typically number about 70 each day, in contrast to the 40 to 50 a day during the weeks prior to the transfer of sovereignty from the Coalition Provisional Authority to the Iraqi Interim Government. Those reports also indicate that the attacks are wide-spread, with a majority occurring outside the three provinces that have been the principal locations for insurgent violence.

The security situation has deteriorated to the point that there are cities and towns in Iraq where the U.S. and Coalition forces do not go. In the absence of a presence on the ground in places like Fallujah, which has been taken over by insurgents, the U.S. military has resorted to air power to strike safe houses and other places where intelligence indicates the insurgents are located. These attacks have caused death and injuries to innocent Iraqi civilians, and an even greater lack of support for the U.S. presence in Iraq and for the Interim Iraqi Government which supports and relies upon our presence. Assassinations, kidnappings, and beheadings are becoming more frequent. The result is that Iraqis who would like to cooperate with us are deterred from doing so, and we are denied the intelligence that we need to fight the insurgency.

The President may say things are going well in Iraq, but the U.S. Intelligence Community has a different view. The July 2004 National Intelligence Estimate on Iraq reportedly sets out three possible scenarios for Iraq. The worst case was developments that could lead to civil war, and the best case was that the security environment would remain tenuous. This pessimistic National Intelligence Estimate bears out the analysis of former president George Bush in his 1998 book *A World Transformed* concerning the question of whether to march to Baghdad during the 1991 Gulf War. He wrote that "To occupy Iraq would instantly shatter our coalition, turning the whole Arab world against

us. . . It would have taken us way beyond the imprimatur of international law bestowed by the resolution of the Security Council. . . ." He wrote further that doing so would also commit our soldiers to an "urban guerilla war" and "plunge that part of the world into even greater instability and destroy the credibility we were working so hard to reestablish."

Sound familiar?

The President recently dismissed that pessimistic July 2004 analysis of the Intelligence Community, saying "they were just guessing as to what the conditions might be like." Conservative columnist Robert Novak wrote that "for President Bush to publicly write off a CIA paper as just guessing is without precedent." Publicly stating so might be unprecedented, but it appears that this is not the first time the President has actually dismissed CIA warnings. According to the New York Times recently, "two classified reports prepared for President Bush in January 2003 by the National Intelligence Council, an independent group that advises the director of central intelligence . . . predicted that an American-led invasion of Iraq . . . would result in a deeply divided Iraqi society prone to violent internal conflict."

The Administration disregarded that warning, insisting that an American invasion would be welcomed by the Iraqis with open arms. The violent bottom line is that when we attacked Iraq, we blew the lid off the boiling Iraqi pot without a plan to keep the contents from boiling over.

General Franks, the former Commander in Chief of U.S. Central Command, told Senator John Warner and me that he had been told to focus on the combat phase of the war plan and to leave the planning for the stability phase, the aftermath, to the Pentagon's civilian leadership. Then that leadership failed to ensure an adequate number of troops were committed to provide for security, prevent looting, and nip the resulting insurgency in the bud. Back in April of 2003 at the height of the looting in Iraq, Defense Secretary Rumsfeld dismissed newspaper reports of chaos, violence and unrest in Iraq by saying "it was just Henny Penny—the sky is falling." Eighteen months later, it is still falling.

These failures to adequately plan for the post-combat stability phase and to ensure that adequate numbers of troops were on-hand were compounded by the Administration's disastrous decision to disband the Iraqi Army, thereby forcing the U.S. military to begin from scratch to build a new Iraqi security force, and throwing thousands of trained Iraqi military men into the ranks of the unemployed and many into the arms of the insurgency's recruiters.

It is difficult to discern a strategy that is being followed for Iraq today. Marine Lieutenant General Jim Conway, then Marine Corps commander in Iraq, publicly criticized the conflicting orders he received with respect to Fallujah—first the initial order to go in and remove the insurgents, which went against the Marine Corps' strategy of engagement with the civilian population; and then the subsequent order to withdraw, after the Marines had only partly secured the city and after the loss of Marines. Once the orders were reversed, the Marines were withdrawn and control of the city was turned over to a local security force which quickly lost control to the insurgents.

The chaos in Iraq puts the Iraqi elections scheduled for next January at great risk. The UN Special Representative for Iraq, Ashraf Qazi, reported to the Security Council on September 14 that the "vicious cycle of violence" and the lack of security was undermining the world body's efforts to assist in elections set for January. UN Secretary