

somebody acts criminally down the line and you have been law abiding and you are at risk, that is what the bill said. It wasn't convoluted. It was clear and it was clean. I worked on it a long while, as have many others.

I am proud of our work product, and I would love to see this bill pass. But I now believe it is so dramatically wounded that it should not pass. I urge my colleagues to vote against it.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CHAFEE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 8, nays 90, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—8

Breaux	Lincoln	Pryor
Daschle	Lugar	Voinovich
Lieberman	McCain	

NAYS—90

Akaka	DeWine	Leahy
Alexander	Dodd	Levin
Allard	Dole	Lott
Allen	Domenici	McConnell
Baucus	Dorgan	Mikulski
Bayh	Durbin	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Brownback	Frist	Reed
Bunning	Graham (FL)	Reid
Burns	Graham (SC)	Roberts
Byrd	Grassley	Rockefeller
Campbell	Gregg	Santorum
Cantwell	Hagel	Sarbanes
Carper	Harkin	Schumer
Chafee	Hatch	Sessions
Chambliss	Hollings	Shelby
Clinton	Hutchison	Smith
Cochran	Inhofe	Snowe
Coleman	Inouye	Specter
Collins	Jeffords	Stabenow
Conrad	Kennedy	Stevens
Cornyn	Kerry	Sununu
Corzine	Kohl	Talent
Craig	Kyl	Thomas
Crapo	Landrieu	Warner
Dayton	Lautenberg	Wyden

NOT VOTING—2

Edwards	Johnson
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The bill (S. 1805), as amended, was rejected.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield to the Senator from Arizona.

MORNING BUSINESS

Mr. KYL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DODD. Mr. President, may I inquire, what sort of time—I want to get a few minutes in morning business, myself.

Mr. CRAIG. Mr. President, I would like only to thank all who were involved in the legislation.

Mr. KYL. Mr. President, I have a presentation I would like to make in morning business.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. While the Senator from Idaho is speaking, I will be happy to speak to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Idaho.

CONSIDERATION OF S. 1805

Mr. CRAIG. Mr. President, we have just had 5 days of very important debate. I think all who entered the debate entered it with good will in mind. There have been different points of view, very strongly held different points of view. As a result of that, the final passage of S. 1805 was not possible, and the Senate defeated it. That is all I will say about that process.

I wish to thank so many people who have been tremendously helpful on my staff: Brooke Roberts, Lisa McGrath, and Doug Lucke, who worked extremely hard with me to perfect S. 1805 and bring it to the floor; Chairman HATCH and his staff of the Judiciary Committee: Ted Lehman, Brett Tolman, and Reed O'Connor; the leadership staff in the cloakroom; and the 55 cosponsors of S. 1805.

Certainly, there was a strong effort on the part of all to get this legislation to the floor, to get clean votes on it. We even, of course, had the effort of the House, with a better than two-to-one majority in the House, on a clean bill. The President asked that a clean bill be received at the White House.

None of that, in the final hours, appeared to be possible. Clearly, we were not going to be allowed to go to conference. The minority saw no advantage in allowing the process that is historical and responsible in the Senate to move forward because that, of course, takes unanimous consent or prolonged effort and votes to get there.

It is a very short timeline for this year, and we clearly need to move the

process forward. We will look now to bring the House bill forward in a clean way. Ultimately, we hope we might get a cloture vote. This issue will not go away. It deserves to be voted on, up or down, by the Senate. Clearly, it is the will of the American people and, ultimately, we will have that day and that opportunity. That day was not today, as much as I wished it could be.

At the same time, when you have a bad bill that is created by the amendment process, it sometimes is difficult, if not impossible, to make it better or to make it acceptable. I would not send to this President or any President a bad bill of the kind that was crafted in the Senate through the amendment process over the last several days.

But, again, I thank so many who were involved in this effort. It is greatly appreciated.

With that, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The minority whip.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Connecticut, Mr. DODD, be recognized for up to 30 minutes—we are in a period of morning business—and following that, the floor return to Senator KYL.

Mr. KYL. Reserving the right to object; 20 minutes, yes, 30 minutes, no.

Mr. REID. I would say, no, he asked for 20 minutes.

Mr. KYL. Sorry. I say to the Senator from Nevada, is 20 minutes all right, then?

Mr. REID. Could we give him 25? Twenty minutes is fine. Twenty minutes is fine. Then the floor would return to Senator KYL.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. Mr. President, first, I thank the distinguished Senator from Nevada and the Senator from Arizona for their courtesies. I appreciate that very much.

HAITI

Mr. DODD. Mr. President, I wish to address, if I may, the subject matter of Haiti and the events that have occurred there over the last several days, now going back a week or more, in that country, that beleaguered nation only a few hundred miles off the southern coast of Florida.

On Sunday morning, as we now all know, the democratically elected government, the President of Haiti, was forced out of office. The armed insurrection, led by former members of the disbanded Haitian Army, and its paramilitary wing called FRAPH, made it impossible for the Aristide government to maintain public order, without assistance from the international community—international assistance that was consciously withheld, in my view.

President Aristide left Haiti on Sunday morning aboard an American aircraft. President Aristide reportedly has

gone into exile in the Central African Republic, where I am now being told he is not allowed to communicate with others outside of that country.

Members of the Black Caucus of the other body, and others who had an opportunity to speak with President Aristide yesterday, have publicly restated his claim that he was forcibly removed from Haiti by U.S. officials.

I quickly point out that Secretary of State Colin Powell and others have emphatically denied that charge. Such an allegation, if true, is extremely troubling and would be a gross violation of the laws of the U.S. and international law. Only time will tell. I presume there will be a thorough investigation to determine exactly what occurred from late Saturday night and early Sunday morning, regarding the departure and ouster of the President of Haiti, President Aristide.

Over the coming days, I believe an effort should be made to reconstruct what happened in the final 24 or 48 hours leading up to President Aristide's departure so we can resolve questions of the U.S. participation in the ouster of a democratically elected leader in this hemisphere.

Let's be clear that whether U.S. officials forcibly removed Aristide from Haiti, as he has charged, or he left voluntarily, as Secretary of Powell and others have stated, it is indisputable, based on everything we know, that the U.S. played a very direct and public role in pressuring him to leave office by making it clear that the United States would do nothing to protect him from the armed thugs who are threatening to kill him. His choice was simple: Stay in Haiti with no protection from the international community, including the U.S., and be killed or you can leave the country. That is hardly what I would call a voluntary decision to leave.

I will point out as well, if I can—and I know that international agreements are not always thought of as being terribly important in some people's minds. But in 1991, President Bush, the 41st President, along with other nations in this hemisphere, had signed the Santiago Declaration of 1991. That declaration, authored by the Organization of American States, said that any nation, democratically elected in this hemisphere, that seeks the help of others when they are threatened with an overthrow should be able to get that support.

Ten years later, the Inter-American Charter on Democracy was signed into law, a far more comprehensive proposal, again authored by the Organization of American States, the U.S. supporting. The present President Bush and our administration supported that. That charter on democracy stated that when asked for help by a democratically elected government being threatened with overthrow, we should respond.

President Aristide, a democratically elected President made that request

and, of course, not only did we not provide assistance, in fact we sat back and watched as he left the country, offering assistance for him to depart.

I cite those international agreements because we think of our Nation as being a nation of laws, not of men. These agreements either meant something or they didn't. The Santiago Declaration and the Inter-American Charter on Democracy, apparently both documents mean little or nothing when it comes to supporting democratically elected governments in this hemisphere—not ones that you necessarily like or agree with or find everything they do is in your interest, but we do adhere to the notion that democratically elected governments are what we support in this hemisphere.

When they are challenged by violent thugs, people with records of violent human rights violations, engaged in death squad activity, in the very country they are now moving back into and threatened, of course, successfully the elected government of President Aristide, then I think it is worthy of note that we have walked away from these international documents signed only 3 years ago and 10 years ago.

There is no doubt, I add, that President Aristide has made significant mistakes during his 3 years in office—these last 3 years. He allowed his supporters to use violence as a means of controlling a growing opposition movement against his government. The Haitian police were ill trained and ill equipped to maintain public order in the face of violent demonstrations by progovernment and antigovernment activists. Poverty, desperation, and opportunism led to wide government corruption.

President Aristide, in my view, must assume responsibility for these things. But did the cumulative effect of these failures amount to a decision that we thought we could no longer support this democratically elected government? If that becomes the standard in this hemisphere, we are going to find ourselves sitting by and watching one democratically elected government after another fall to those that breed chaos and remove governments with which they don't agree. They are being told by the Bush administration now that the Haitian Government was a government of failed leadership. That is a whole new standard when it comes to engaging in the kind of activity we have seen over the last several days.

Having been critical of President Aristide, I point out that he was elected twice overwhelmingly in his country. He was thrown out of office in a coup in the early 1990s. Through the efforts of the U.S. Government and others, he was brought back to power in Haiti. Then he gave up power when the government of President Preval was elected. During those 4 years, President Aristide supported that transitional government. He ran again himself, as the Haitian Constitution allowed, and was elected overwhelmingly

again, despite the fact the opposition posed little or no efforts to stand against him.

There was a very bad election that occurred in the spring of 2000, in which eight members of the Haitian Senate were elected by fraud. Those Senators were removed from office. Six months later, President Aristide was elected overwhelmingly again. It is the first time I know of in the 200-year history of Haiti as an independent nation where a President turned over power transitionally peacefully to another democratically elected government. Whatever other complaints there are—and they are not illegitimate about the Aristide government—there was a peaceful transition of democratically elected governments in Haiti. That never, ever happened before. What has happened there repeatedly is one coup after another—33 over the 200-year history of that nation.

Whatever shortcomings they may have had, President Aristide provided for the first time in Haiti's history a democratically elected government transitioning power to other people peacefully. I will also point out that he abolished the military and the army, an institution that did nothing but drain the feeble economy of Haiti of necessary resources.

Haiti did not have a need for an army. There were no threats to Haiti. In retrospect, he may regret that. But the army, in my view, was a waste of money in Haiti, served no legitimate purpose, and President Aristide should be commended for abolishing an institution that had been the source of constant corruption and difficulty on that nation.

Blame for the chaos does not rest solely on the shoulders of President Aristide. The so-called democratic opposition bears a share of the responsibility for the death and destruction that has wreaked havoc throughout Haiti over the past several weeks.

The members of CARICOM, with U.S. backing, put on the table a plan calling for the establishment of a unity government to defuse the political crisis. The opposition rejected this proposal on three different occasions, despite the fact that President Aristide said he was willing to have a government of unity, to give up power, to share governmental functions with the opposition. The opposition said no on three different occasions, despite the fact that the nations of the Caribbean region urged the opposition to avoid the kind of transition that we have seen over the last several days.

A hundred or more Haitians already have lost their lives. Property damage may be in the millions. Given the direct role the U.S. played in the removal of the Aristide government, it is now President Bush's responsibility, in my view, and moral obligation to take charge of this situation. That means more than sending a couple hundred marines for 90 days or so into Haiti. Rather, it means a sustained commitment of personnel and resources for the

foreseeable future by the U.S. and other members of the international community that called for the removal of the elected government.

If the Bush administration and others inside and outside of Haiti had been at all concerned over the last 3 weeks about the fate of the Haitian people, perhaps the situation would not have deteriorated into near anarchy, nor would the obligation of the U.S. to clean up this mess now loom so large.

We are now reaping what we have sown. Three years of a hands-off policy left Haiti unstable, with a power vacuum that will be filled in one way or another. Will that vacuum be filled by individuals such as Guy Philippe, a former member of the disbanded Haitian Army, a notorious human rights abuser and drug trafficker, or is the administration prepared to take action against him and his followers, based upon a long record of criminal behavior?

It is rather amazing to this Senator that the administration has said little or nothing about its plans for cracking down on the armed thugs who have terrorized Haiti since February 5.

Only with careful attention by the United States and the international community does Haiti have a fighting chance to break from its tragic history. In the best of circumstances, it is never easy to build and nurture democratic institutions where they are weak and nonexistent. When ignorance, intolerance, and poverty are part of the very fabric of a nation, as is the case in Haiti, it is Herculean.

Given the mentality of the political elites in Haiti—one of winner take all—I, frankly, believe it is going to be extremely difficult to form a unity government that has any likelihood of being able to govern for any period of time without resorting to repressive measures against those who have been excluded from the process.

It brings me no pleasure to say at this juncture that Haiti is failing, if not a failed state. The United Nations Security Council has authorized the deployment of peacekeepers to Haiti to stabilize the situation. I would go a step further and urge the Haitian authorities to consider sharing authority with an international administration authorized by the United Nations in order to create the conditions necessary to give any future Government of Haiti a fighting chance at succeeding. The United States must lead in this multinational initiative, as Australia did, I might point out, in the case of East Timor; not as Secretary Defense Rumsfeld suggested yesterday: Wait for someone else to step up to the plate to take the lead. It will require substantial, sustained commitment of resources by the United States and the international community if we are to be successful.

The jury is out as to whether the Bush administration is prepared to remain engaged in Haiti. Only in the eleventh hour did Secretary of State

Colin Powell focus his attention on Haiti as he personally organized the pressure which led to President Aristide's resignation on Sunday. Unless Secretary Powell is equally committed to remaining engaged in the rebuilding of that country, then I see little likelihood that anything is going to change for the Haitian people. The coming days and weeks will tell whether the Bush administration is as concerned about strengthening and supporting democracy in our own hemisphere as it claims to be in other more distant places around the globe. The people of this hemisphere are watching and waiting.

I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Arizona.

Mr. REID. Mr. President, will my friend yield for a question?

Mr. KYL. Yes.

Mr. REID. Mr. President, we have people on both sides trying to determine what their schedules will be tonight. It is my understanding the Senator from Arizona would like to speak for an extended period of time or have someone on his side speak. We certainly think that is appropriate. We would, however, like to see what we can do to determine how much time would be used on each side. I ask my distinguished friend from Arizona, through the Chair, if he believes they can do their speeches in 2 hours.

Mr. KYL. If I can answer the question of the Senator from Nevada this way, I know that we have 2 hours. I just asked the staff on the schedule they have if it goes beyond that. They are checking that right now. I say to my friend from Nevada, if there are no people beyond that time, then 2 hours, and then if there are, then whatever the Senator is willing to agree to we will be happy to enter an agreement on.

Mr. REID. Mr. President, I ask unanimous consent that during this period for morning business, that I be in control of 2½ hours and that the majority be in control of 2½ hours, with the time starting from the time Senator KYL starts his speech.

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

IRAQ

Mr. KYL. Mr. President, I rise today to discuss the subject of the removal of Saddam Hussein's regime in Iraq and to address some of the recent criticism regarding whether, given that large stockpiles of weapons of mass destruction have not been found, action by the United States was justified. When I have concluded, I know there are some colleagues who will want to address this same question from slightly different perspectives.

The tragic events of September 11, 2001, demonstrated with great clarity that we can no longer afford to wait for

threats to fully emerge before we deal with them. We paid a heavy price that day for our previous half-measures against those who hate us and want to destroy us.

By definition, intelligence is imprecise, and no matter what reforms we implement in our intelligence community, the fact is, at least to some degree, it will always be uncertain. This is precisely why intelligence information is just part of a larger puzzle, as it was in the case of Iraq, that we used to determine the direction of U.S. policy.

So given the uncertainty about weapons of mass destruction stockpiles, were our actions in Iraq justified? The answer to that question is most certainly yes. There is no doubt that the United States, the Iraqi people, and the international community are far better off today without Saddam Hussein in power.

The inability to find weapons of mass destruction stockpiles now does not mean that Iraq did not have access to such weapons, and that under Saddam Hussein Iraq was not a grave and gathering danger. In fact, the overwhelming body of evidence, including most recently that from the Iraq Survey Group, indicates that his regime did, indeed, pose a threat, and that its removal will aid in our overall aid against terror.

Some of our colleagues have charged that the President led the American people to war under false pretenses; that the case for removing Saddam Hussein's regime was supposedly based on an imminent threat posed by that regime because of its arsenals of weapons of mass destruction which now cannot be found. This assertion is categorically false, and today I intend to explain why.

Let's briefly review how we arrived at the decision to authorize force against Iraq in October of 2002.

Contrary to what some would have us believe, the Bush administration did not fundamentally change U.S. policy with Iraq from that of the Clinton administration. Upon entering office in January 2001, President Bush inherited from the Clinton administration a policy of regime change. I repeat, the Bush administration pursued the same Iraqi policy as the Clinton administration. That policy was based on the 1998 Iraq Liberation Act which stated:

It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power and to promote the emergence of a democratic government to replace that regime.

This policy was unanimously approved by this Senate. This legislation and, thus, the shift in U.S. policy from containment to regime change reflected an acknowledgment that diplomatic solutions for dealing with Saddam's intransigence were being exhausted.

Even before that shift, however, the Clinton administration was clear about the nature and capabilities of Saddam