

(The remarks of Mr. REID pertaining to the introduction of S. 2336 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask unanimous consent to speak as in morning business.

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

### IRAQ

Mr. SMITH. Mr. President, like all of my colleagues, I went back home during the Easter recess and listened to the feelings of Oregonians. It is clearly on the minds of the people of my State and much of the country the circumstance we find ourselves in Iraq. I thought I would come and share some of my perspective on where America is, as this one Senator sees it, in the war on terrorism.

I shared these feelings with many of my constituents. I wanted to share them with the Senate today as my reflections on the week I have just had.

When I first came to the Senate 7 years ago, I was privileged to spend my first term as a member of the Senate Foreign Relations Committee. I came to the Senate with many preconceived views about the values of many of our alliances and our involvement in all kinds of international architecture—the United Nations, NATO, and many treaties. I have been an advocate of these institutions and treaties on many occasions. But I find myself now in a position where I am questioning some of my earlier positions, based upon my experience as a Senator.

My questioning first began when I watched with dismay the U.N. essentially stand by as nearly 1 million Rwandans were hacked to death.

I watched with further dismay when approximately a quarter of a million Bosnian Muslims were murdered in cold blood by Mr. Milosevic and his minions, and I wondered why they couldn't do anything?

I remember the occasion when a number of us were invited to meet with President Clinton as our European allies were pleading with the President to intervene with them as Europeans to help stop genocide on Europe's backdoor. I remember saying to the President: Mr. President, I think stopping genocide is a value that I share with the international community, it certainly is and ought to be an American value. So, Mr. President, you have my support, but I urge you to seek a resolution from the Security Council so we go in with the "legitimacy" of the United Nations.

He said to me: Senator, I can't because I have been promised a U.N. resolution to intervene to stop genocide in Kosovo would be vetoed by the Russians and the Chinese.

President Clinton believed that was a value high enough that nobody ought

to veto it, and America's hand should not be held back by such a veto. I could not have agreed with him more.

As a Republican, I voted with President Clinton consistently in our efforts to bail out our European friends in Kosovo to stop genocide. I am proud of those votes. I am proud of President Clinton for that. But I left the experience scratching my head about the United Nations and its role in the security architecture of our planet and particularly my country.

Then after 9/11, I heard lots of great speeches and then began to become aware of lots of wonderful resolutions and was so disappointed that there was no resolve in the resolutions; that it ended at words.

Now we find ourselves confronted with an investigation in the United Nations in which an oil for food program is going to be revealed to all the world as a monstrous corruption. It would be better titled a "Fraud for Food Program." I wonder how well served we are by a Security Council that would tolerate such a thing.

I am not suggesting we withdraw from the United Nations, but I am telling you I believe we should question that is the place we go for legitimacy. I have concluded that the U.N. can do a few things well. Mr. Brahimi's efforts are to be applauded and gratitude expressed, but, frankly, to go there for legitimacy, as some suggest, I think is very misplaced because we cannot get legitimacy from the kind of corruption that has been engaged in the United Nations in its "Fraud for Food Program."

What happened here, as Mr. Volcker will soon reveal to the world, is a system of price fixing, price kiting, skimming, bribes, paybacks in which the United Nations bureaucracy, or at least some members of it, were deeply complicit. What Saddam Hussein got out of that, according to the Washington Post, was \$4 billion. According to the New York Times, it is \$10 billion. According to other estimates, it could run as high as \$100 billion. Somewhere in that range the truth will be found.

What did he do with the billions, whether it is 4 or 100? He went about systematically rebuilding his murderous machine to buy weapons and palaces and to exterminate about 400,000 Shiite Muslims. Then I wonder why it is we are going to the U.N. for resolutions for legitimacy.

I tell you these things because, frankly, I was astounded when our friend and colleague, the Democratic presumptive nominee for President, was on "Meet the Press." When asked what was the first thing he would do, he said: I will go back to the U.N.

I remember Dwight Eisenhower, when he became the Republican nominee, we were in trouble in Korea. He said: I will go to Korea. And JOHN KERRY is essentially saying: I will go to Paris. For what? Legitimacy? International involvement? We have gone to

the U.N. and gotten 17 resolutions. Apparently, another is needed? For what? Legitimacy?

We are going to get people to sanction what we are doing when we will soon learn who was on the take and providing the money that Saddam Hussein used for palaces, weapons, and mass murder.

I hope JOHN KERRY runs his new ad in Oregon a lot because he repeats his "Meet the Press" statement in a slightly different version. He says: The first thing I will do is internationalize this. I will go to the international community.

I want the people of Oregon to know how vacuous a statement that is. I want my friend from Massachusetts to know I don't want the international community defending my family and my country. I know the American people want a sense of how do we get out of this because we don't want an open-ended commitment.

I hear it said by some of our European friends: You did it for oil. I tell the American people, if we had done it for oil, we would have invaded Venezuela. There is a lot of oil there, and they have no military. We did it for values. We did it because we believed in a post-9/11 world that Saddam Hussein was part and parcel of the war on terrorism. We believed, like all the other intelligence communities in the world, that he had weapons of mass destruction because he had declared them but not disclosed them. That is why Bill Clinton bombed Saddam Hussein for 4 days and nights in 1998. That is why this place, the United States Senate, under the direction and urging of Bill Clinton, passed a resolution calling for regime change.

The PRESIDING OFFICER (Mr. TAL-ENT). The time of the Senator from Oregon has expired.

Mr. SMITH. Mr. President, I ask unanimous consent for another 5 minutes.

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

Mr. SMITH. Mr. President, we passed the resolution on regime change. In a post-9/11 world, with that intelligence that we had from President Clinton's administration and with that belief that he was a clear and growing danger to this country, and for all the reasons which President Bush has articulated, we did what President Clinton said we would ultimately have to do: Change that regime.

I tell you, my belief is that those who would say the war on terrorism is here, but Saddam Hussein is somehow exempted from that, are engaging in a theory because the truth is, he was, by every measure, a central financier and tormenter of terrorism. Ask the Israelis.

Where did Hamas get its money? There is a way out. There is a deadline that is drawing out of the shadows all those who want to compete for power. A lot of poison is being drained out of

the Iraqi system and America is bearing the burden, but we will see a gradual transition of power and sovereignty from us to the Iraqi people because our country does not aspire to the territory or treasury or oilfields of Iraq. We desire a more peaceful world.

President Bush has concluded, yes, we can swat flies and we can send cruise missiles here and there, but the truth is, if the fundamentals on the ground cannot be changed to give the people some democratic institutions, frankly, nothing is going to be changed in the Middle East.

Now, there is a very tribal culture there and ultimately Iraq may be evolving into a three-part state, with Kurds in the north and Shia in the south and Sunnis in the center, and there may be a very loose confederacy of Iraq, but to avoid civil war they will have to have some religious and ethnic elbowroom as Iraqis. We are going to allow that to happen, I hope.

I say to the people of my State, regard with humor if you can but great skepticism if you will those who call for internationalizing America's war on terrorism. They can come in any time. The problem is, they are complicit in the financing of Saddam Hussein and they run at the first shot.

Tony Blair recently addressed this body and the House of Representatives. In conclusion, I share with my colleagues his words. Said the Prime Minister: I know how hard it is on America. And in some small corner of this vast country out in Nevada or Idaho, I know out there is a guy getting on with his life perfectly happy, minding his own business, saying to you, the political leaders of the country, why me and why us and why America? And the only answer is because destiny has put you in this place in history, in this moment of time, and the task is yours to do.

This world is a better place because of American leadership and because America's foreign policy is still based on the best values of our Bill of Rights, democracy, human rights, the spread of freedom and enterprise through trade, religious freedom, thought, press, assembly. Things that we are privileged to take for granted are, frankly, unknown in the Middle East. This is our idealism and it is a centerpiece now of our foreign policy, but those who would go to the U.N. to establish those principles, they will do it in vain and they will do it with my opposition, if to internationalize this means my family and theirs are protected by institutions which the Russians, the French, the Chinese, or anyone can veto when it involves the security of the American people.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

#### IRAQ WAR FUNDING

Mr. KENNEDY. Mr. President, in his remarks yesterday, Senator BYRD raised serious questions about whether the Bush administration violated the law when it first began to prepare for war with Iraq without informing Congress it was using funds appropriated for other purposes to do so. Three days after 9/11, both the Senate and the House of Representatives approved \$40 billion in emergency funds in response to that tragedy. The legislation was signed into law on September 18, 2001.

Its clearly stated purpose was "to respond to the terrorist attacks on the United States that occurred on September 11, 2001, to provide assistance to the victims of the attacks, and to deal with other consequences of the attacks."

When the Congress approved these funds images of the World Trade Center towers falling and the plume of smoke over the Pentagon were fresh in the minds of every American, and the Nation was mourning the loss of 3000 men and women who were brutally murdered in the worst terrorist attack in our history.

We were at war with al-Qaida, a terrorist organization based in Afghanistan, and with the Taliban government that was giving it sanctuary. Congress was united in its determination to help the administration win the war in Afghanistan and do all we could to prevent any further terrorist attacks.

Congress clearly did not intend those funds to be used for a war with Iraq. There had been no debate about Iraq. We were not thinking about Iraq in those painful and dark days after the 9/11 attacks.

But the administration was.

As we now know, the Bush administration was focused on Iraq from day one after the inauguration, and it was quick to use the 9/11 tragedy to advance its agenda on Iraq.

According to former Treasury Secretary Paul O'Neill's account in Ron Suskind's book, "The Price of Loyalty," Iraq was on the agenda at the very first meeting of the National Security Council, just 10 days after President Bush's inauguration in 2001. As Secretary O'Neill said: "Getting Hussein was now the Administration's focus. From the start, we were building the case against Hussein and looking at how we could take him out and change Iraq into a new country. And, if we did that, it would solve everything. It was all about finding a way to do it. That was the tone of it. The President saying, 'Fine. Go find me a way to do this.'"

September 11 gave the administration the excuse they were looking for to go to war with Iraq. According to notes taken by an aide to Secretary Rumsfeld on September 11, the very day of the attacks, the Secretary or-

dered the military to prepare a response to the attacks. The notes quote Rumsfeld as saying that he wanted the best information fast, to judge whether the information was good enough to hit Saddam and not just Osama bin Laden. "Go massive," the notes quote him as saying. "Sweep it all up. Things related and not."

As Bob Woodward's new book, "Plan of Attack" reveals, President Bush himself asked Secretary Rumsfeld to get a war plan for Iraq on November 21—barely 2 months after the devastating attacks. In the many months that followed, Congress had no idea that secret preparations for war in Iraq were underway. It was not until September 2002, nearly 10 months later, that the administration even asked Congress to authorize war in Iraq.

Senator BYRD is right to raise this issue and to ask the tough questions. In a hearing in the Senate Armed Services Committee on Tuesday, Deputy Secretary Paul Wolfowitz gave us a non justification. He said that the administration notified Congress about \$63 million in military construction spending for Iraq on October 11 2002—just 1 day after Congress passed the joint resolution authorizing the use of force in Iraq. After that, Secretary Wolfowitz said, "some \$800 million were made available over the following months to support Iraq preparatory tasks consistent with that joint resolution."

But Mr. Wolfowitz's claim is inconsistent with the assertion in Bob Woodward's book that \$700 million worth of "preparatory tasks" were approved in the summer of 2002 to accommodate the major U.S. troop deployment that would be required for the invasion of Iraq.

Diverting funds from the war in Afghanistan or from the Pentagon's regular operating budget to prepare for war against Iraq without the knowledge of Congress is clearly a fundamental breach of the trust that must exist between Congress and the President in our system of government. It is clearly at odds with the requirement of the Emergency Supplemental Appropriations Act itself, which states that "the President shall consult with the Chairmen and ranking minority members of the Committees on Appropriations prior to the transfer of these funds."

In the summer of 2002 when these plans were under way, the war against al-Qaida was far from over. Osama bin Laden was still at large. If Mr. Woodward is correct, the failure even to consult with Congress shows the contempt of the Bush administration for the constitutional role of Congress on the fundamental issue of war and peace.

We need satisfactory answers to many questions:

Did the administration divert funds provided to respond to the 9/11 attacks and spend them in the summer of 2002 to prepare for war in Iraq?

If the administration did begin spending those funds in the summer of