

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

2002, why did it not consult the Chairman of the Appropriations Committee as the law required?

If the administration did begin spending such funds in the summer of 2002, why did the quarterly reports provided to Congress not clearly indicate that projects were being funded to prepare for war with Iraq?

The failure to engage the Congress confirms what many of us have said all along. The administration had a hidden agenda from day one, and it shamelessly capitalized on fears created by 9/11 to advance that agenda.

The Congress and the American people deserve answers, and we deserve them now. The administration must tell the full truth and provide to the Congress and the American people a full accounting of all Iraq war related expenditures in 2002.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Ms. CANTWELL. I ask to speak for 20 minutes on two pieces of legislation.

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

#### ELECTRICITY GRID AND RELIABILITY

Ms. CANTWELL. Mr. President, I rise to discuss with my colleagues two bills that I believe we are being negligent as a body in not taking up and passing. I am sure many of my colleagues are heading to the airport feeling like this week we accomplished a lot, or maybe they feel they gave a lot of speeches. The world is obviously a very dangerous and threatening place right now, and maybe my colleagues think if we get up and we communicate about that, we have done our job in Washington, DC. Well, the discussion is good, but action is even better when it comes to the American people. And there are two critical issues—two critical issues we have bipartisan support on, two critical issues both the House and Senate have passed legislation in the past to deal with and on which we could pass legislation today—that we cannot put on the priority list to take up and take action to help the American people.

The first one is on the electricity grid and reliability. Now, some of my colleagues may remember that the blackout of last August 14 led to a report from a commission that was released more than two weeks ago. When the blackout occurred last summer, we said that we were going to get to the bottom of how it happened and what we should do about it. The No. 1 recommendation from that commission was to make reliability standards man-

datory and enforceable, with penalties for noncompliance. People across America probably woke up after that blackout and thought, what happened? How did this whole situation happen to us?

I can tell them how it happened. We do not have any mandatory rules in place for the electricity grid to make sure we protect consumers, that there is a reliability backstop governing actions by these energy companies.

Why is there not? The independent system operators and utilities have rules, but they are not mandatory. In fact, the commission's report said First Energy, one of the key companies involved in last August's blackout, was not complying with the voluntary rules.

Well, I am sure they did not feel there was much penalty in not complying with these rules because they were voluntary. So the commission's report is being very specific about what we should do. Congress needs to get about our business in passing legislation to make these rules mandatory.

Now I know some people think, I have sat a night at home with candles or gotten the flashlight out or my fuse box goes out and it is not so bad. Well, I tell my colleagues, last August's blackout was a bad situation. We had people in New York who could not get down elevators and lived many flights up in apartments. We had an increase of people going to emergency rooms in New York because they were having heart attacks or other kinds of things were happening to them physically. Under the stress of trying to vacate many of the facilities in New York, we had major gridlock for hours. We lost \$4 billion to \$10 billion economically as the result of the blackout, and we put our senior citizens at great risk of harm because they did not have access to electricity on a hot summer day.

So the question is, what are we going to do about this and are we going to move ahead? Well, I came to speak about this a couple of weeks ago, before we adjourned for the recess. And since then, I find we have now 20 different newspapers across America that basically have asked, why hasn't Congress operated and gotten this done?

For example, the Miami Herald—it is starting to get warm in Miami. People are realizing summer is not that far off and the Miami Herald stated that, "Another long, hot summer is looming." These reliability bills should be enacted and they should be enacted now. That is not surprising since they know what a blackout can do in the heat of a summer.

Another newspaper, the Boston Globe, stated that "at the top of the commission's proposals is legislation that would make mandatory the grid reliability standards that are now voluntary. Congress should quickly pass a bill . . . that would do just that."

There is another newspaper that knows about this because its readers were impacted by that electricity grid

blackout last August. They know the commission came back and recommended this is what we should do.

The reason I am bringing this issue up now is because I think some people on the other side of the aisle think we are just going to take another stab at the good old Energy bill. We are going to make another attempt to pass legislation that just about every newspaper in America has editorialized against—a bill that myself and my colleagues have called legislation for hooters, polluters, and corporate looters, because those are the kinds of provisions that were included in the Energy bill that drowned out the more notable items such as the reliability standards also buried in there.

Why are we going to continue to hold hostage legislation on reliability standards that would protect consumers across America from future blackouts, just to getting a big, fat energy bill for which there is never enough support? My colleagues know how bad that legislation is.

My colleagues want to continue to use the reliability standards, which all the blackout commissions and various organizations across America have said consumers deserve as protection, as the train driving the energy bill. My colleagues are going to say, no, we are going to keep holding reliability hostage. We want to see if Congress blinks and maybe will go ahead and pass that big energy bill.

Well, do not come to blame this side of the aisle when we do not get the Energy bill and we do not have reliability standards, because we are trying to pass these standards, just as various newspapers across the country are saying. In fact, I think the Detroit Free Press said it best. They said " . . . the solution lies with Congress. Nearly 8 months post-blackout, it still has not passed mandatory standards. Voters should turn on their power and demand it."

I think what they mean is that voters should be demanding that we do our job. Reliability legislation could have been brought up any day this week—Tuesday, Wednesday, Thursday. I understand my colleagues have probably now gone to catch planes and meet other schedules, but this could be brought up next week. We could make a commitment to have it brought up. I do not think there is controversy over this particular legislation or the original provision as it was included in the Energy bill. It is just being used as bait and being held hostage.

So there are other newspapers across the country that say, "a responsible energy policy would be to strip out the mandatory federal [reliability] standards and pass them as a stand-alone bill." This is from the Memphis newspaper. The people in Memphis, TN, are asking, why are you doing this? Why are you continuing not to pass good legislation just so you can get bad legislation attached to it? When people across America are asking, what is