LAUER: Richard Butler. Mr. Butler, thanks very much for your time.

Mr. BUTLER: Thank you.

LAUER: It's 17 after the hour. Once again, here's Katie.

KATIE COURIC (co-host): Thanks, Matt.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S.J. Res. 45, which the clerk will report.

The senior assistant bill clerk read as follows:

A joint resolution (S.J. Res. 45) to authorize the use of United States Armed Forces against Iraq.

Pending:

Lieberman/Warner Modified Amendment No. 4856, in the nature of a substitute.

Graham Amendment No. 4857 (to Amendment No. 4856), in the nature of a substitute.

The PRESIDING OFFICER. The senior Senator from Virginia.

Mr. WARNER. The Senate now turns to the resolution, it is my understanding.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. The leadership has indicated there have been expressions of interest to speak this morning from Senator FEINGOLD for approximately 30 minutes; Senator KAY BAILEY HUTCHISON for 30 minutes; the Presiding Officer, Senator LEAHY, for 20 minutes; and Senator GRASSLEY for 20 minutes.

Further, we have expressions on this side by about half a dozen other Members who would hope to speak during the course of the day and the afternoon, but we will await announcement of names and times until the other side indicates the expression of interest on their side.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. I am advised it is the Graham second degree amendment.

Mr. MCCAIN. I thank the President for informing me of what the pending business is before the Senate. I urge my colleagues to come and speak on behalf or in opposition to the Graham amendment so we can dispose of that amendment. It is my intention to move to table the Graham amendment after a reasonable length of time for my colleagues to come and speak for or against that amendment, which is my right, as is any Senator's right, but I want to make sure every Senator has the time, if they so wish, to speak on the pending business.

I see my dear friend from Wisconsin in the Chamber. I know he is talking about the overall issue. We need Senators to speak on the Graham amendment. I am sure my friend from Wisconsin and my colleague from West Virginia would be glad to speak, but we need to dispose of the pending Graham amendment and move on to other amendments.

I understand by 1 p.m. all amendments have to be filed. So let us move on and dispose of the Graham amendment.

I yield the floor.

Mr. REID. Mr. President, in debating this resolution on which we spent so much time and so much thought, we are making one of the most important decisions we have ever faced. The decision to send American troops into battle is not one we take lightly and I don't take lightly.

There is much at stake for this Nation. There is much at stake for the State of Nevada. Thousands of men and women in Nevada would undoubtedly be called to support or directly serve in a military conflict with Iraq. Our pilots from Fallon Naval Air Station and Nellis Air Force Base are considered the best aviators in the world. I know they would be asked to play a leading role in eliminating the threat posed by Saddam Hussein.

I am personally very grateful for the contributions that would be made by the National Guard and Reserve forces not only from Nevada but from across our country. These heroic citizen soldiers are such an integral part of the American military. We simply could not succeed without them. We must be mindful that their sacrifices are great because they leave their families and civilian occupations behind and become citizen soldiers. They serve proudly on behalf of our Nation. When called upon, they do not complain. They did not question the need to act. They did not ask why.

However, we must explain that these brave men and women are the reason for making this life-and-death decision. Therefore, I rise today to explain to one man why I intend to vote and how I intend to vote. That man is President George W. Bush. I say, President Bush, your father may recall that a decade ago I was the first Democrat in this body to publicly support his request for congressional authorization to make war to free Kuwait. At that time, I compared Saddam Hussein to Benito Mussolini. My position has not changed, although I believe our continued efforts have degraded Hussein from a second-grade dictator to a third-rate thug.

In 1991, I said I thought the constitutional role of the Chief Executive is to make war. That is our role—halt or prevent an unjust or unwise conflict. I stated my strong belief that the President must be able to use the diplomatic corps and the Marine Corps with equal facility, subject only to our power to force a halt to actions taken contrary to the national interests.

President Bush, I intend once again to vote to give you that power on a geographically limited basis, but I do so with more reluctance because the situation has changed. We do not, as we did 10 years ago, face a dictator who successfully invaded a tiny and relatively defenseless neighbor.

We have not enlisted, as your father did so magnificently, the whole world to fight by our side. We have not yet convinced our people or the world that international law is on our side, or that we are champions of the new world order envisioned by your father in which the power of a nation is measured by the strength of its moral values and not by the size of its Armed Forces.

President Bush, the core ideal which motivated the Founding Fathers was that this would be a nation of laws not men. As such a decent respect to the opinions of mankind requires that we should declare the causes which impel our action. Our quarrel with Iraq is not about one two-bit tin-horn dictator. Rather, it is, and it ought to, be explained as a question of the rule of law.

I am voting you this power, Mr. President, because I know this nation would be justified in making war to enforce the terms we impose on Iraq in 1991, if we have to. But I am also voting you this power secure in the knowledge that no President of the United States of whatever political philosophy, will take this nation to war as a first resort alternative rather than as a last resort.

I found most encouraging your speech on Monday when you said war was not inevitable.

I urge you Mr. President to continue to make the case to the American people and to the world. The international coalition you have started to build is critical, not only for military and cost-sharing reasons, but also to assist in the rebuilding of Iraq.

Your father chose not to carry our fight into the cities of Iraq in 1991, and we have to live with his decision. He gave the Iraqi leadership a chance to reenter the community of peaceful nations. Saddam Hussein has squandered that opportunity.

We stopped the fighting based on an agreement that Iraq would take steps to assure the world that it would not engage in further aggression and that it would destroy its weapons of mass destruction. It has refused to take those steps. That refusal constitutes a breach of the armistice which renders

it void and justifies resumption of the armed conflict. President Bush, if you believe the time has come to use force, this resolution authorizes you to do so. I trust you will use this force wisely.

I have not doubt that is Iraq continues to refuse to abide by its agreement the nations united in 1991 will again support enforcement in the United Nations. But Mr. President, the rule of law matters, and so does a decent respect for opinion of the rest of the world. As President of the United States you are the leader of the free world; you are not its ruler.

I will support the Lieberman amendment. But I have said enough, President Bush, and I have said it to explain my vote to you, to the people of Nevada, to the people of this Nation, and to the world. I have confidence, sir, that you will do the right thing.

Mr. FEINGOLD. Mr. President, what is the regular order?

The PRESIDING OFFICER. The regular order is for Senators to debate the Graham amendment to S.J. Res. 45. Senators will be recognized as they seek to speak, as they so appropriately do.

Mr. FEINGOLD. My understanding was there was an order entered whereby I would be recognized at this point.

The PRESIDING OFFICER. It was not a unanimous consent request, but the distinguished Senator from Virginia had mentioned others would be coming. Of course, the Senator from Wisconsin now has the floor and he is in control of his time.

Mr. FEINGOLD. I thank the Chair.

Mr. BYRD. Will the distinguished Senator yield for a question?

Mr. FEINGOLD. I yield for a question.

Mr. BYRD. This Senator has to go downtown and speak around noon. Does the Senator intend to speak a considerable length at this point?

Mr. FEINGOLD. Not that long. I will be concluded in time for the Senator to speak prior to that.

Mr. BYRD. Prior to that time?

Mr. FEINGOLD. Yes, sir.

Mr. BYRD. I wonder if I might ask unanimous consent to follow the Senator from Wisconsin?

Mr. WARNER. I say to my colleague that Senator REID, the assistant Democrat leader, working with us, established the order. In consultation with Senator REID, if he wishes to come back and suggest to us an amendment to what he had in mind, certainly we will take into consideration the desire of the Senator from West Virginia. But at this time, I feel the leadership has established this, and I would not be at liberty to agree to anything else.

Mr. BYRD. If the Senator will yield further without losing the floor?

Mr. FEINGOLD. Yes.

Mr. BYRD. If and when Senator REID comes back to the floor and attempts to change the list——

Mr. REID. I am here.

Mr. BYRD. I was about to say, I was hoping I might be considered on the list and be able to follow the statement by Mr. FEINGOLD.

Mr. REID. Without the Senator from Wisconsin losing his right to the floor, could we answer a few questions that are pending? I was watching the proceedings from my office.

It is my understanding there is an order that is now in effect. Could the Chair announce what that is?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. It is my understanding, under the order, we have four Senators who are set to speak, and they have been given time. Senator FEINGOLD is first. The Republican is Senator HUTCHISON of Texas, to speak for 30 minutes, as I recall. Then Senator LEAHY speaks for 30 minutes, and then Senator GRASSLEY speaks. That is as far as we went this morning.

Mr. MCCAIN. Is there a unanimous consent in effect?

Mr. REID. That order has already been entered.

The PRESIDING OFFICER. The Chair was in error before. There is a unanimous consent that was granted this morning before the present occupant took the chair, giving the allocated times to Senator FEINGOLD, Senator HUTCHISON, Senator LEAHY, and Senator GRASSLEY in the order as described by the senior Senator from Virginia.

Mr. REID. Yesterday, we tried to line up Senators and give specific times, but it did not work. So what we decided to do, with the consent of the two leaders, is to line up a couple on each side. We hope that works better than yesterday. Yesterday we had a little bit of downtime because some people did not speak long enough, some people spoke too long. So if the Senators from Arizona and West Virginia wish to get in the queue, I think that is totally appropriate.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. If the Senator from Nevada will yield, I stated earlier the pending business before the Senate is the Graham amendment. The Graham amendment should be dispensed with. That is why I hope any Senator who supports or opposes the Graham amendment would speak on it because I intend to move to table the Graham amendment, which is my right. So when we line up people to talk, I am all for that, but I would seek recognition at some time—sooner rather than later—so we could dispose of the Graham amendment. We need to move forward on this issue, I say to my friend from Nevada.

Mr. REID. The Senator from Arizona is totally correct. I have been in touch with the Senator from Florida, and he needs to come and speak. Otherwise, his motion is going to be tabled because it is not only the Senator from Arizona but others have the same thing in mind. As we all know, once that motion is made, it is nondebatable. From what I have been able to determine, it is likely that motion would prevail.

I would like to hear from the Senator from West Virginia. Does the Senator from West Virginia wish to speak after the four we have lined up?

Mr. BYRD. I have an engagement downtown. I had hoped to speak immediately following Mr. FEINGOLD. I would have to say to my friend from Arizona my remarks are on the general subject. They are not precisely on the point with respect to the Graham amendment.

May I make a parliamentary inquiry? I ask if the Senator will yield for that purpose?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. FEINGOLD. I do not want to lose my right to the floor at this point. Can the Senator from West Virginia pose a question to me?

Mr. BYRD. I would like to make a parliamentary inquiry of the Chair.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. FEINGOLD. If I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator for yielding for the inquiry. Is there a motion to invoke cloture before the Senate?

The PRESIDING OFFICER. Two cloture motions were filed yesterday, on the resolution itself and on the Lieberman substitute amendment.

Mr. BYRD. If I might ask, until what time today are Senators in a position to offer amendments in the first degree to the cloture motion on the Lieberman amendment?

The PRESIDING OFFICER. Under rule XXII, a 1 p.m. filing deadline is imposed on the first-degree amendments.

Mr. BYRD. I wonder if Senators would yield consent to allow Senators to file first-degree amendments until a later point today. For example, my own situation is such, I have so many things going on, including a conference on the Defense appropriations. I also have other problems that would impinge upon my ability to offer an amendment by 1 p.m.

Could all Senators have a little longer than that today?

Mr. REID. If I may, with the permission of the Senator from Wisconsin, I will respond to the Senator from West Virginia. I will be happy, while Senator FEINGOLD is speaking, to see if we can work with both sides to see if that is possible. We will do that.

You are scheduled to speak for how long, Senator?

Mr. FEINGOLD. Thirty minutes.

Mr. REID. And I say to my friend from Arizona, we have heard from Senator GRAHAM from Florida. He was ready to come anytime today, but because we lined up the speakers, he did not come. We will make sure he has an opportunity to speak on his amendment and that you are recognized.

Mr. WARNER. Mr. President, we can rearrange the Senators on our side because the Senator from Arizona made

the point last night, Senator GRAHAM came in—we were here—unexpectedly, laid that amendment down, and indicated to this Senator that he was going to pursue it early in the morning.

Mr. REID. I say to my friend from Virginia it is not his fault. He is anxious to speak.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. REID. I ask unanimous consent that the time to which the Senator from Wisconsin is entitled still be in effect.

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

Mr. BYRD. I thank the distinguished Senator from Wisconsin for his kindness and courtesy.

Mr. FEINGOLD. Mr. President, many have spent months reviewing the issue on advisability of invading Iraq in the near future, from hearings and meeting on the process and the very important role of Congress to the difficult questions of substance, including foreign policy and military implications. After my own review and carefully listening to hundreds of Wisconsin citizens in person, I spoke on the floor on Thursday, September 26. I indicated my opposition to the original draft use of force authorization by the President. I also used that opportunity to raise some very important questions to which I needed answers before supporting a narrower and more responsible resolution.

Now, after many more meetings and reading articles and attending briefings, listening to my colleagues' speeches, and especially listening to the President's speech in Cincinnati on Monday, I still do not believe the President and the administration have adequately answered the critical questions. They have not yet met the important burden to persuade Congress and the American people we should invade Iraq at this time.

Both in terms of the justifications for an invasion and in terms of the mission and the plan for the invasion, the administration's arguments do not add up. They do not add up to a coherent basis for a new major war in the middle of our current challenging fight against the terrorism of al-Qaida and related organizations. Therefore, I cannot support the resolution for the use of force before the Senate.

My colleagues, my focus today is on the wisdom of this specific resolution, vis-a-vis Iraq, as opposed to discussing the notion of an expanded doctrine of preemption, which the President has articulated on several occasions. However, I associate myself with the concerns eloquently raised by Senator KENNEDY and Senator BYRD and others that this could well represent a disturbing change in our overall foreign and military policy. This includes grave concerns about what such a preemption-plus policy will do to our relationship with our allies, to our national security, and to the cause of world peace in so many regions of the world where such a doctrine could trigger very dangerous actions with very minimal justification.

I want to be clear about something. None of this is to say that I don't agree with the President on much of what he has said about the fight against terrorism and even what he has said about Iraq. I agree, post-9/11, we face, as the President said, a long and difficult fight against terrorism. We must be very patient and very vigilant, and we must be ready to act and make some very serious sacrifices.

With regard to Iraq, I agree, Iraq presents a genuine threat, especially in the form of weapons of mass destruction, chemical, biological, and potentially nuclear weapons. I agree that Saddam Hussein is exceptionally dangerous and brutal, if not uniquely so, as the President argues. And I support the concept of regime change. Saddam Hussein is one of several despots whom the international community should condemn and isolate with the hope of new leadership in those nations.

Yes, I agree; if we do this Iraq invasion, I hope Saddam Hussein will actually be removed from power this time. I agree, we cannot do nothing with regard to Saddam Hussein in Iraq. We must act. We must act with serious purpose and stop the weapons of mass destruction and stop Saddam Hussein. I agree, a return to the inspections regime of the past alone is not a serious, credible policy.

I also believe and agree, as important and as preferable as U.N. action and multilateral solutions to this problem are, we cannot give the United Nations the ability to veto our ability to counter this threat to our people. We retain and will always retain the right of self-defense, including self-defense against weapons of mass destruction. When such a threat requiring self-defense would present itself—and I am skeptical that is exactly what we are dealing with here—then we could, if necessary, act alone, including militarily.

These are all areas where I agree with the administration. However, I am increasingly troubled by the seemingly shifting justifications for an invasion at this time. My colleagues, I am not suggesting there has to be only one justification for such a dramatic action, but when the administration moves back and forth from one argument to another, it undercuts the credibility of the case and the belief in its urgency. I believe this practice of shifting justifications has much to do with the troubling phenomenon of many Americans questioning the administration's motives in insisting on action at this time.

What am I talking about? I am talking about the spectacle of the President and senior administration officials citing a reported connection to al-Qaida one day, weapons of mass destruction the next day, Saddam Hussein's treatment of his own people on another day, and then on some days the issue of Kuwaiti prisoners of war.

For some of these, we may well be willing to send some 250,000 Americans into harm's way; for others, frankly, probably not.

These litanies of various justifications—whether the original draft resolution discussions or the new White House resolution, or, regrettably throughout the President's speech in Cincinnati—in my view set the bar for an alternative to a U.S. invasion so high I am afraid it almost locks in—it almost requires—a potentially extreme and reckless solution to these problems.

I am especially troubled by these shifting justifications because I and most Americans strongly support the President on the use of force in response to the attacks on September 11, 2001. I voted for S.J. Res. 23—the use of force resolution—to go after al-Qaida and the Taliban and those associated with the tragedies of September 11, and I strongly supported military actions pursuant to S.J. Res. 23. But the relentless attempt to link 9/11 and the issue of Iraq has been disappointing to me for months, culminating in the President's singularly unpersuasive attempt in Cincinnati to intertwine 9/11 and Iraq, to make the American people believe there are no important differences between the perpetrators of 9/11 and Iraq.

I believe it is dangerous for the world—and especially dangerous for us—to take the tragedy of 9/11 and the word ''terrorism'' in all their powerful emotion and then too easily apply them to many other situations—situations that surely need our serious attention, but are not necessarily the same as individuals and organizations who have shown a willingness to fly suicide planes into the World Trade Center and into the Pentagon.

Let me say the President is right, we have to view the world, the threats, and our own national security in a very different light since 9/11. There are shocking new threats. But it is not helpful to use virtually any strand or extreme rhetoric to suggest the new threat is the same as other preexisting threats.

I think common sense tells us they are not the same. They cannot so easily be lumped together as the President sought to do in Cincinnati.

I have reviewed the intermittent efforts to suggest a connection of 9/11 and Saddam Hussein, or suggest the possibility such a connection has developed since 9/11. I want to be very clear. In fact, if there was a connection in planning for the 9/11 attacks by Saddam Hussein or his agents and the perpetrators of 9/11 and al-Qaida, I have already voted for military action. I have no objection. But if it is not, if this is premised on some case that has supposedly been made with regard to a subsequent coalition between al-Qaida and the Iraqi government, I think the President has to do better. He has to do

better than the shoddy piecing together of flimsy evidence that contradicts the very briefings we have received by various agencies. I am not hearing the same things at the briefings I am hearing from the President's top officials.

In fact, on March 11 of this year, Vice President CHENEY, following a meeting with Tony Blair, raised the possibility of weapons of mass destruction falling into the hands of terrorists. He said:

> We have to be concerned about the potential marriage, if you will, between a terrorist organization like al-Qaida and those who hold or are proliferating knowledge about weapons of mass destruction.

In March, there was a potential marriage.

Then the Vice President said on September 8, without evidence—and no evidence has been given since that time—that there are:

> ''Credible but unconfirmed'' intelligence reports that 9/11 ringleader Mohammad Atta met in Prague with senior Iraqi intelligence officials a few months before the 9/11 attacks.

We have seen no proof of that.

Finally, the Secretary of Defense follows on September 27 of this year, and says:

> There is ''bulletproof evidence'' of Iraqi links to al-Qaida, including the recent presence of senior al-Qaida members in Baghdad.

I don't know where this comes from. This so-called ''potential marriage'' in March is beginning to sound like a 25th wedding anniversary at this point.

The facts just aren't there. At least they have not been presented to me in the situations where they should have been presented to me as an elected Member of this body. In other words, the administration appears to use 9/11 and the language of terrorism and the connection to Iraq too loosely—almost like a bootstrap.

For example, I heard the President say in Cincinnati that Iraq and al-Qaida both regard us as a common enemy. Of course they do. Who else are we going to attack in the near future on that basis alone?

Or do we see an attempt to stretch the notion of harboring terrorists? I agree with the President, if any country is actively harboring and assisting terrorists involved in 9/11, we have to act against them. But I don't think you can bring to the definition of harboring terrorists the simple presence of some al-Qaida members somewhere in Iraq. After all, apparently we have al-Qaida agents active in our country as well. They are present in our Nation as well. How can this be a sufficient basis on its own?

Therefore, without a better case for an al-Qaida connection to Saddam Hussein, this proposed invasion must stand on its own merit—not on some notion that those who question this invasion don't thoroughly condemn and want to see the destruction of the perpetrators of 9/11 and similar terrorist attacks on the United States.

Invasion of Iraq must stand on its own—not just because it is different than the fight against the perpetrators of 9/11, but because it may not be consistent with and may even be harmful to the top national security issue of this country. And that is the fight against terrorism and the perpetrators of the crimes of 9/11.

In fact, I am so pleased to see one of the most eloquent spokesmen on this viewpoint here in the Senate Chamber, Senator GRAHAM, who has done a terrific job of trying to point out our top priorities in this area. He said:

> Our first priority should be the successful completion of the war on terrorism. Today, we Americans are more vulnerable to international terrorist organizations than we are to Saddam Hussein.

I ask: Is this war against terrorism going so terribly well when we see the possible explosion of the French tanker in Yemen, when we see the tremendous difficulties in trying to pursue stability in Afghanistan itself, and when we realize we are not certain at all whether Mr. Osama bin Laden is alive or dead? Will the invasion of Iraq encourage our allies and Islamic friends to help us in the fight against terrorism, or just make them extremely nervous?

I met with a group of African Ambassadors the other day in my role as chairman of the Africa Subcommittee of the Foreign Relations Committee. They told me various people were placing bets on what country would be next after Iraq under this new doctrine the President is putting forward. Will this idea of invading Iraq at this time, on this case, on these merits, help or hurt cooperation in our fight against terrorism, against the known murderers of Americans who are known to be plotting more of the same?

I am especially dismayed at the weak response to the potential drain on our military capability and resources in our fight against terrorism, if we go forward with this invasion at this time. The administration likes to quickly say, whenever asked whether we can do this and fight the war against terrorism—they just simply say we can do both. There is no proof. There is no real assurance of this.

I find these answers glib, at best.

When former Secretary of State Kissinger was asked in this regard, he said:

> It is not clear to me what measures that are required in the war against terrorism would be interrupted or weakened by the actions that may be imposed on us if it is not possible to do away with the stockpiles of weapons of mass destruction in Iraq by other means.

That is the only explanation the former Secretary of State gave us on this tough question.

But let's look at what the current Secretary of State, Colin Powell, said in response to a similar question. He said:

> So the campaign against terrorism is going in full swing. And I don't see why there is a suggestion that somehow, if we had to undertake this mission, it would be at the expense of the campaign against terrorism.

That is all he said. Now, that is a pretty weak reassurance, to me, that such an enormous undertaking will not call into question some of our other military efforts and priorities.

What about what we are doing in Bosnia? What about what we are doing in Kosovo? What about all the resources stretching from the Philippines all the way to portions of the former Soviet Union, to the Middle East, to parts of Africa, that are being employed in the fight against terrorism? What about the fact we are using our National Guards and Reserves, many times within our country, to protect our own citizens at public events with regard to the challenge of the fight against terrorism?

All of this, and an invasion of Iraq, too? I wonder. As mighty as we are, I wonder if we are not very close to being overextended. Invasion of Iraq in the next few weeks or months could, in fact, be very counterproductive. In fact, it could risk our national security.

In any event, I oppose this resolution because of the continuing unanswered questions, including the very important questions about what the mission is here, what the nature of the operation will be, what will happen concerning weapons of mass destruction in Iraq as the attack proceeds and afterward, and what the plan is after the attack is over.

In effect, we are being asked to vote on something that is unclear. We do not have the answers to these questions. We are being asked to vote on something that is almost unknowable in terms of the information we have been given.

In my judgment, the issue that presents the greatest potential threat to U.S. national security—Iraq's pursuit of weapons of mass destruction—has not been addressed in any comprehensive way by the administration to date. Of course, I know we don't need to know all the details, and we don't have to be given all the details, and we shouldn't be given all the details, but we have to be given some kind of a reasonable explanation.

Before we vote on this resolution, we need a credible plan for securing WMD sites and not allowing materials of concern to slip away during some chaotic course of action. I know that is a tall order, but it is a necessary demand.

As I said, I agree with the administration when it asserts that returning to the same restricted weapons inspection regime of the recent past is not a credible policy for addressing the WMD problem in Iraq. But there is nothing credible about the ''we will figure that out later'' approach we have heard to date.

What if actors competing for power in the post-Hussein world have access to WMD? What if there is chaos in the wake of the regime's fall that provides new opportunities for non-state actors, including terrorist organizations, to bid on the sinister items tucked away in Iraq?

Some would say those who do not unquestionably support the administration are failing to provide for our national security. But, I am sure of this: these issues are critical to that security, and I have yet to get any answers.

We need an honest assessment of the commitment required of America. If the right way to address this threat is through internationally supported military action in Iraq, and Saddam Hussein's regime falls, we will need to take action to ensure stability in Iraq and to help the country on the road to reconstruction.

This could be very costly and time-consuming. It could involve the occupation—the occupation—of a Middle Eastern country. Now, this is not a small matter: the American occupation of a Middle Eastern country. Consider the regional implications of that scenario: the unrest in moderate states, the calls for action against American interests, the difficulty of bringing stability to Iraq so we can extricate ourselves in the midst of regional turmoil.

We need much more information about how we propose to proceed so we can weigh the costs and benefits to our national security.

In Afghanistan, the Government of President Karzai works under constant threat, and instability plagues the country outside of Kabul. Many Afghan people are waiting for concrete indicators that they have a stake in this new Taliban-free future. The task is daunting, and we only have just begun that task.

What demands might be added in a post-Saddam Iraq?

I do believe the American people are willing to bear high costs to pursue a policy that makes sense. But right now, after all of the briefings, after all of the hearings, and after all of the statements, as far as I can tell, the administration apparently intends to wing it when it comes to the day after, or, as others have suggested, the decade after. I think that makes no sense at all.

So, Mr. President, I believe to date the administration has failed to answer the key questions to justify the invasion of Iraq at this time.

Yes, September 11 raises the emotional stakes and raises legitimate new questions. This makes the President's request understandable, but it does not make it wise.

I am concerned the President is pushing us into a mistaken and counterproductive course of action. Instead of, in his words, this action being ''crucial to win the war on terrorism,'' I fear it could have the opposite effect.

So this moment—in which we are responsible for assessing the threat before us, the appropriate response, and the potential costs and consequences of military action—this moment is of grave importance. Yet there is something hollow in our efforts. In all of the administration's public statements, its presentations to Congress, and its exhortations for action, Congress is urged to provide this authority and approve the use of our awesome military power in Iraq without knowing much at all about what we intend to do with it.

We are about to make one of the weightiest decisions of our time within a context of confused justifications and vague proposals. We are urged to get on board and bring the American people with us, but we do not know where the ship is sailing.

On Monday night, the President said in Cincinnati: ''We refuse to live in fear.'' I agree. But let us not overreact or get tricked or get trapped out of fear, either.

Mr. President, on the 11th of September, 2001, our country came under attack, and the world suddenly seemed shockingly small and unquestionably dangerous. What followed that horror continued to be frightening and disorienting: anthrax attacks, color-coded threat levels, report after report of terrorist cells seemingly everywhere.

In the weeks and months since September 11, Americans have had to contend with these changes and to come to grips with the reality this could happen again and there are forces planning to do us harm, and we cannot unconditionally guarantee our own safety.

In this new world, we cannot help but sense the future is uncertain, our world is disordered, unpredictable, up for grabs. So when our leaders propose taking action, Americans do not want to resist. But they are resisting this vague and worrisome proposal.

My constituents have voiced their concerns in calls, at town meetings, in letters, and through e-mails or faxes. They are not calling for Congress to bury its head in the sand. They are not naively suggesting Saddam Hussein is somehow misunderstood. But they are asking questions that bear directly on our national security, and they are looking for answers that make sense. They are setting the standard, just as they should do, in a great democracy.

Their standard is high. We should work together to develop a policy toward Iraq that meets it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WARNER. The Senator from Texas is present in the Chamber. My understanding is, she is next to be recognized.

The PRESIDING OFFICER. The Senator is right. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the Senators from Virginia, Arizona, and Connecticut for all of the efforts being made to bring a full debate on this issue to the Senate.

Congress has no greater responsibility under the Constitution than to provide for our Nation's common defense. There is no decision we make that requires more careful consideration than a decision to authorize the use of armed forces and, in so doing, send America's sons and daughters into harm's way.

Shortly after I was elected to the Senate, our Nation suffered through the brutal battle in Mogadishu, Somalia. It left 18 of our soldiers dead. Our mission was vague. There was no clear American national security threat in Somalia. The President did not come to the American people and explain the rationale for continued military involvement.

The impact of this uncertainty became very clear to me soon after the tragedy when I met a constituent on a flight from Washington, DC, to Dallas.

He came up to me and said: Senator, my name is Larry Joyce. I am your constituent.

I said: Hi, Larry, how are you doing? What were you doing in Washington?

He said: I was burying my son in Arlington National Cemetery.

His son Casey had been killed in the street ambush that was depicted in the book ''Black Hawk Down,'' also a movie.

Colonel Joyce said to me, with tears rolling down his face: Senator, I am a military man. I served two tours in Vietnam. And now my son Casey, on his first mission as an Army Ranger, is not coming home. Senator, I can't tell you why.

I vowed that day that I would never vote to send an American into battle unless I could answer that question. I want to be able to face any parent and say: This is the national security interest of our country, and that is why your child signed up and was willing to fight and was sent to do so.

Since Somalia, I have come to the Senate floor to express grave reservations about deployments to Haiti, Bosnia, and Kosovo. In each case, I called on the President to come to Congress, make the case to the American people, and outline the U.S. security interest.

After the tragic events of 9/11, President Bush sought and received the authorization to use force to find and destroy the terrorists who had launched that heinous crime. There was no question in my mind and in the minds of most Members of Congress that our national security demanded our support of the President.

Today, President Bush seeks congressional authorization to use military force to deal with the threat Saddam Hussein poses with weapons of mass destruction. We must answer the major question for America: What is the U.S. security interest? Why Saddam? Why now?

It is a question I thought about as I sat among the hushed crowds at the Pentagon's memorial service on September 11, 2002. It was a poignant moment. I was surrounded by those who had suffered so much and many who will ultimately bear the consequences of the decision we are about to make.

I doubt there is anyone in America who doesn't feel as I do. If we could have prevented 9/11, we certainly would have. We didn't have warning, and we paid a heavy price.

It is this experience that has led President Bush to think in a different way about protecting our homeland. I believe he doesn't want to wait until an enemy is finished building his deadly arsenal and ready to attack from a position of strength. It is one thing to turn three commercial airliners into weapons of mass destruction. It is another to have a nuclear missile ready to deploy or to arm an unmanned aerial vehicle with anthrax ready to ship anywhere in the world.

Each generation of Americans has been called to defend our freedom. Each time, our forefathers and mothers have answered the call. Our generation's time of national trial has come. We are being called to stop a new kind of enemy, different from any we have ever fought before. This enemy is not just contained in one country or two, it is spread throughout the world and even within our own borders. This enemy purposely kills itself in order to harm others.

This enemy is patient, building resources and striking when and where we are least prepared. This enemy uses a different method each time. This enemy requires a new kind of defense. That is what the President is attempting to build.

The cold war ended when the Iron Curtain and Berlin Wall came tumbling down. The post-cold-war era ended when the World Trade Center towers came crashing down. September 11 made it abundantly clear that the strategy of deterrence alone is not enough.

The President recently released a new national security strategy. It articulates a policy of preemption and dominance. Some fear that our new national security strategy is too bold. A bold defense does not cause calamities to occur, but a lack of action will. It is not our defense strategy that will provoke attacks on the United States. Rather, it is when we fail to act or fail to lead that our enemies strike. It is when they think we have become soft and complacent that they will kill innocent Americans again.

We have learned hard and valuable lessons these past few years. The first terrorist attack on the World Trade Center occurred in 1993, a bombing that killed 6 Americans and injured more than 1,000. What did we do? In 1996, Hezbollah extremists bombed the United States military barracks at Khobar Towers in Saudi Arabia, killing 19 American servicemembers and injuring 500 others. What did we do? In 1998, al-Qaida terrorists bombed the United States Embassies in Kenya and Tanzania, killing and injuring hundreds. What did we do? In 2000, al-Qaida terrorists again attacked Americans, this time bombing the U.S.S. *Cole* in Yemen, killing 17 American servicemembers and injuring scores more. What did we do?

Then came the devastating attacks of 9/11. Our Nation finally was awakened. We put the pattern together to see the threat to the very freedom that we cherish. We did do something. We took action against our enemy swiftly and boldly after 9/11. Now we must follow through.

The President has asked for authority to meet this threat. Congress gave him wide latitude to root out terrorism. We and our allies are doing that job in Afghanistan, the home base of al-Qaida.

We have liberated millions and millions of innocent Afghanis from the cruel Taliban regime.

Now the President is asking for authority to go into Iraq. Why Iraq? Why now? Because we have learned the lessons of complacency. We have learned the lessons of not being prepared.

The President has solid information that with a small amount of highly enriched uranium, Iraq could have a nuclear weapon in less than a year. We know Iraq already has the means to deliver it. He has hard intelligence that Iraq has chemical and biological weapons and small, unmanned aerial vehicles to disseminate them, potentially killing thousands of people anywhere in the world. The President is saying: ''Do we wait for the attack, or do we take steps to prevent it?'' Our post-9/11 defense strategy demands that we prevent it.

Saddam Hussein has fired on coalition aircraft patrolling the no-fly zones over Iraq 2,500 times since the Gulf War. Saddam Hussein has rewarded the families of Palestinian suicide bombers. He has attempted to assassinate the former U.S. President who led the international coalition that defeated him in the Gulf War. His No. 1 enemy is the United States of America.

So if all diplomatic efforts fail, and if the U.N. weapons inspectors are not allowed unfettered access to suspected sites, our President wants to be able to take away Saddam Hussein's means to destroy us and our allies.

It is our responsibility to give the President the authorization he needs. The question of whether the security of the United States is threatened has been answered. The answer is yes.

It is with a heavy heart and a realization of the consequences that I will vote yes. But it would be a burden I could not carry to vote no and then, a year or 2 from now, see a preventable attack kill thousands more innocent Americans or our allies.

Mr. President, we are going to meet this test of our generation. We are going to protect the freedom and the way of life that has become the beacon to the world of the way life should be. We can do no less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Has the Senator completed her statement?

Mrs. HUTCHISON. Yes.

Mr. REID. Mr. President, I ask unanimous consent that following the statement of Senator GRASSLEY, Senator GRAHAM of Florida be recognized.

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

Mr. WARNER. Reserving the right to object. Senator MCCAIN will address the Chair.

Mr. MCCAIN. Mr. President, I ask the Senator to repeat that.

Mr. REID. I said that following the statement of the Senator from Iowa, Mr. GRASSLEY, Senator GRAHAM be recognized. Based on our conversations, following that, the Senator from Arizona would like to be recognized.

Mr. MCCAIN. That is fine.

Mr. REID. I add to the request, Mr. President.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, might I at this juncture complete my statement to express strong support for the remarks made by the distinguished Senator from Texas. She has been very much involved in the planning for this resolution, and I very much appreciate her remarks.

(Mr. REID assumed the Chair.)

Mrs. HUTCHISON. Thank you. I say to the Senator from Virginia that I appreciate that. We have worked together on this resolution to try to ensure that the President has the authorization he needs and that Congress plays its constitutional role. I appreciate all the cooperation on both sides of the aisle to make this happen.

Mr. MCCAIN. Mr. President, pending the arrival of Senator LEAHY, I ask unanimous consent for a colloquy with Senator SPECTER and LIEBERMAN. I imagine Senator LEAHY will be here shortly.

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

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I had discussed briefly with the Senator from Connecticut a couple of questions, and I would like to engage him in a colloquy. The first relates to the difference in language between the 1991 resolution authorizing then-President Bush to use force, which says in pertinent part:

> The President is authorized to use United States Armed Forces, pursuant to resolutions of the UN, in order to achieve implementation of those Security Council resolutions.

Now, that is different from the authorization in the current resolution, which says:

> The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate.

The current resolution might be called a subjective standard, which gives substantially greater latitude to President Bush to use force ''as he determines to be necessary and appropriate.'' This language is very much

subjective as contrasted with the 1991 language, which is more objective, authorizing the President to use force to achieve implementation of certain Security Council resolutions.

I ask the Senator from Connecticut if the intent here, in trying to develop some legislative history, notwithstanding the language in the present resolution, is really about the same—or is the same—as the 1991 resolution.

Mr. LIEBERMAN. Mr. President, I thank my colleague from Pennsylvania for his thoughtful question. The intent is the same, although we may have a different understanding of what that intent is. I will say that the operative language here may be somewhat different because the circumstances that engendered the resolution of Congress in 1991 are different than now. Then, we had a specific act, which was the Iraq invasion of Kuwait. Resolutions have been passed by the U.N. so that there was specifically reference in the authorizing resolution that Senator WARNER and I were privileged to cosponsor in 1991.

Now we have a totality of circumstances, including the repeated violation of some of those same resolutions, but others calling for inspections, calling for the destruction of weapons of mass destruction that Saddam Hussein has. In fact, in the initial suggestion of a resolution drafted by the White House, there was an enumeration of specific U.N. resolutions, and Members of Congress negotiating—I believe from the other body—preferred to have the term that we have in there now, giving the President the power to use the Armed Forces to enforce all relevant United Nations Security Council resolutions.

In either case, I think what is involved here is an understanding both in the 1991 resolution and in this one that Congress, using its authority under article I of the Constitution to declare war, authorize military action, does so and sets the parameters, but that ultimately, according to article II, it is the President who is the Commander in Chief of the Army, Navy, United States militia of the several States, when called into the actual service of the United States. Implicit in that has to be the understanding that the President will use the force that he determines to be necessary and appropriate.

As I said yesterday, with the authority to give the President comes accountability. So, bottom line: There are two different circumstances that engender slightly different resolutions. In each case, Congress is fulfilling its responsibility to authorize military action, ultimately, within the parameters set forth in both resolutions. You have to give the President, as Commander in Chief, the authority to make decisions that he deems to be necessary and appropriate in the defense of our national security, and then be held accountable for those decisions.

The PRESIDING OFFICER. Senator LEAHY is now recognized for up to 30 minutes.

Mr. LEAHY. Mr. President, was the Senator from Pennsylvania seeking further time?

Mr. SPECTER. I ask, Mr. President, the Senator from Vermont if I may pose one more question.

Mr. MCCAIN. Mr. President, I suggest the regular order.

The PRESIDING OFFICER. The time will come off Senator LEAHY's time.

Mr. LEAHY. I will have no objection to that provided the time is not taken from the time the Senator from Vermont has reserved.

Mr. MCCAIN. Reserving the right to object, how long will it take?

Mr. SPECTER. Probably less than the time to inquire about it. I will ask the question in a minute or less.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for up to 1 minute.

Mr. SPECTER. The question I have for the Senator from Connecticut is on the expansive whereas clauses. One of these clauses refers to repression of the civilian population of Iraq. I ask whether the resolution intends to give the President the power to use force to cure those kinds of matters, which are separate from the issues of weapons of mass destruction, and whether the issue on weapons of mass destruction is satisfied, so that the UN resolutions are satisfied, and whether the clause on authorization relating to defending the national security interests of the United States will be satisfied with the resolution of the weapons of mass destruction without picking up the whereas clause on regime change.

I think that is less than a minute, Mr. President.

Mr. LIEBERMAN. I probably should let the Senator from Arizona respond because he will do it much more quickly than I.

Mr. LEAHY. Again, Mr. President, I ask this not be deducted from the time available to the Senator from Vermont.

Mr. LIEBERMAN. Mr. President, I will try to do this within a minute and perhaps give time for Senator SPECTER to clarify this. The whereas clauses, the preamble, speak for themselves. It suggests a totality of circumstances that lead the sponsors of the resolution to want to authorize the President, if all else fails, to take military action against Iraq under Saddam Hussein.

Clearly—and what the President has said and what the sponsors of the resolution have said—the focus of our concern is the weapons of mass destruction and the means to deliver them. As we said yesterday, this resolution is intended to send a message to Saddam: Disarm, as you promised to do 11 years ago at the end of the gulf war, or we will use force to disarm you with our allies and the international community.

Nonetheless, the other conditions describing the totality of Saddam's brutality—violation of international law, invasion of his neighbors, et cetera—are stated in the preamble and consistent with what I said in response to the earlier question.

The President, as Commander in Chief, is given the authority, the responsibility, and accountability to enforce all relevant U.N. Security Council resolutions regarding Iraq. I do not think anyone expects the President to take military action against Iraq if, hopefully, and in some sense miraculously, Saddam disarms, destroys his ballistic missiles, unmanned aerial vehicles, allows inspections without any restrictions. Under those circumstances, it is hard to imagine the President would authorize military action, for instance, in regard to some of the lesser U.N. resolutions as generally understood by this body.

Mr. SPECTER. I thank the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Vermont is recognized for up to 30 minutes.

Mr. LEAHY. Mr. President, I have enjoyed this colloquy and would yield further, but I know there are other Senators awaiting their turn to speak.

On September 26, I spoke at length in this Chamber about the important issue before us. I voiced my concerns and the concerns of a great many Vermonters—in fact, a great many Americans from whom I have heard. I spoke about the President's plan to send Americans into battle to overthrow Saddam Hussein.

Many Senators have also expressed their views on this difficult decision. As I prepared to speak 2 weeks ago, I listened to Senator BINGAMAN urge the administration to seriously consider a proposal for ''coerced inspections.'' After I finished speaking, Senator JOHNSON voiced his support for providing the President with the broad authority he seeks to use military force against Iraq.

The opportunity and responsibility to have this debate is one of the cornerstones on which this institution, and indeed this country is built. Some have suggested that expressing misgivings or asking questions about the President's plan to attack Iraq is somehow unpatriotic. Others have tried to make it an election year issue on bumper stickers or in TV advertisements.

These attempts are misguided. They are beneath the people who make these attempts and they are beneath the issue. This is an issue of war. An issue of war should be openly debated. That is a great freedom of this Nation. We fought a revolution to have such debates.

As I and others have said over and over, declaring war is the single most important responsibility given to Congress. Unfortunately, at times like this, it is a responsibility Congress has often shirked. Too often, Congress has abdicated its responsibility and deferred to the executive branch on such matters. It should not. It should pause and read the Constitution.

In the Senate, we have a duty to the Constitution, to our consciences, and

to the American people, especially our men and women in uniform, to ask questions, to discuss the benefits, the risks, the costs, to have a thorough debate and then vote to declare war or not. This body, the Senate, is supposed to be the conscience of the Nation. We should fulfill this great responsibility.

In my 28 years in the Senate, I can think of many instances when we asked questions and took the time to study the facts. It led to significant improvements in what we have done here.

I can also remember times when Senators in both parties wished they had taken more time to carefully consider the issues before them, to ask the hard questions, or make changes to the legislation, despite the sometimes overwhelming public pressure to pass the first bill that came along.

I know following the Constitution is not always politically expedient or popular. The Constitution was not designed to be politically expedient, but following the Constitution is the right course to take. It is what we are sworn to do, and there is no question that having this debate, which really began some months ago, has helped move the administration in the right direction.

Today, we are considering a resolution offered by Senator LIEBERMAN to authorize the use of force. Article I of the Constitution gives the Congress the sole power to declare war. But instead of exercising this responsibility and voting up or down on a declaration of war, what have we done? We have chosen to delegate this authority and this burden to the executive branch.

This resolution, like others before it, does not declare anything. It tells the President: Why don't you decide; we are not going to.

This resolution, when you get through the pages of whereas clauses, is nothing more than a blank check. The President can decide when to use military force, how to use it, and for how long. This Vermonter does not sign blank checks.

Mr. President, I suppose this resolution is something of an improvement. Back in August the President's advisors insisted that there was not even any need for authorization from Congress to go to war. They said past resolutions sufficed.

Others in the administration argued that the United States should attack Iraq preemptively and unilaterally, without bothering to seek the support of the United Nations, even though it is Iraq's violations of U.N. resolutions which is used to justify military action.

Eventually, the President listened to those who urged him to change course and he went to the United Nations. He has since come to the Congress. I commended President Bush for doing that.

I fully support the efforts of Secretary Powell to negotiate a strong, new Security Council resolution for the return of weapons inspectors to Iraq, backed up with force, if necessary, to overcome Iraqi resistance.

Two weeks ago, when the President sent Congress his proposed resolution authorizing the use of force, I said that I hoped his proposal was the beginning of a consultative, bipartisan process to produce a sensible resolution to be acted on at the appropriate time.

I also said that I could envision circumstances which would cause me to support sending U.S. Armed Forces to Iraq. But I also made it clear that I could never support the kind of blank check resolution that the President proposed. I was not elected to do that.

I commend Senator DASCHLE, Senator HAGEL, and others who tried hard to work with the administration to craft a bipartisan resolution that we could all support.

But while the resolution that we are considering today is an improvement from the version that the President first sent to Congress, it is fundamentally the same. It is still a blank check. I will vote against this resolution for all the reasons I have stated before and the reasons I will explain in detail now.

Mr. President, there is no dispute that Saddam Hussein is a menace to his people and to Iraq's neighbors. He is a tyrant and the world would be far better without him.

Saddam Hussein has also made no secret of his hatred of the United States, and should he acquire a nuclear weapon and the means to deliver it, he would pose a grave threat to the lives of all Americans, as well as to our closest allies.

The question is not whether Saddam Hussein should be disarmed; it is how imminent is this threat and how should we deal with it?

Do we go it alone, as some in the administration are eager to do because they see Iraq as their first opportunity to apply the President's strategy of preemptive military force?

Do we do that, potentially jeopardizing the support of those nations we need to combat terrorism and further antagonizing Muslim populations who already deeply resent our policies in the Middle East?

Or, do we work with other nations to disarm Saddam, using force if other options fail?

The resolution now before the Senate leaves the door open to act alone, even absent an imminent threat. It surrenders to the President authority which the Constitution explicitly reserves for the Congress.

And As I said 2 weeks ago, it is premature. I have never believed, nor do I think that any Senator believes, that U.S. foreign policy should be hostage to any nation, nor to the United Nations. Ultimately, we must do what we believe is right and necessary to protect our security, whenever it is called for. But going to war alone is rarely the answer.

On Monday night, the President spoke about working with the United Nations. He said:

> To actually work, any new inspections, sanctions, or enforcement mechanisms will have to be very different. America wants the U.N. to be an effective organization that helps keep the peace. That is why we are urging the Security Council to adopt a new resolution setting out tough, immediate requirements.

I could not agree more. The President is right. The status quo is unacceptable. Past U.N. resolutions have not worked. Saddam Hussein and other Iraqi officials have lied to the world over and over and over. As the President points out, an effort is underway in the U.N. Security Council—led by the United States—to adopt a strong resolution requiring unconditional, unimpeded access for U.N. weapons inspectors, backed up with force if necessary.

That effort is making steady progress. There is wide acceptance that a new resolution is necessary before the inspectors can return to Iraq, and this has put pressure on the other nations, especially Russia and France, to support our position.

If successful, it could achieve the goal of disarming Saddam without putting thousands of American and innocent Iraqi lives at risk or spending tens of billions, or hundreds of billions, of dollars at a time when the U.S. economy is weakening, the Federal deficit is growing, and the retirement savings of America's senior citizens have been decimated.

Diplomacy is often tedious. It does not usually make the headlines or the evening news. We certainly know about past diplomatic failures. But history has shown over and over that diplomatic pressure cannot only protect our national interests, it can also enhance the effectiveness of military force when force becomes necessary.

The negotiations are at a sensitive stage. By authorizing the use of force today, the Congress will be saying that irrespective of what the Security Council does, we have already decided to go our own way.

As Chairman and sometime Ranking Member of the Foreign Operations Subcommittee for over a decade, I have received countless letters from Secretaries of State—from both Democratic and Republican Administrations—urging Congress not to adopt legislation because it would upset ongoing negotiations. Why is this different?

Some say the President's hand will be strengthened by Congress passing this resolution. In 1990, when the United States successfully assembled a broad coalition to fight the gulf war, the Congress passed a resolution only after the UN had acted. The world already knows that President Bush is serious about using force against Iraq, and the votes are there in Congress to declare war if diplomatic efforts fail and war becomes unavoidable.

More importantly, the resolution now before the Senate goes well beyond what the President said on Monday about working through the United Nations. It would permit the administration to take precipitous, unilateral action without following through at the U.N.

Many respected and knowledgeable people—former senior military officers and diplomats among them—have expressed strong reservations about this resolution. They agree that if there is credible evidence that Saddam Hussein is planning to use weapons of mass destruction against the United States or one of our allies, the American people and the Congress would overwhelmingly support the use of American military power to stop him. But they have not seen that evidence, and neither have I.

We have heard a lot of bellicose rhetoric, but what are the facts? I am not asking for 100 percent proof, but the administration is asking Congress to make a decision to go to war based on conflicting statements, angry assertions, and assumption based on speculation. This is not the way a great nation goes to war.

The administration has also been vague, evasive and contradictory about its plans. Speaking here in Washington, the President and his advisors continue to say this issue is about disarming Saddam Hussein; that he has made no decision to use force.

But the President paints a different picture when he is on the campaign trail, where he often talks about regime change. The Vice President said on national television that ''The President's made it clear that the goal of the United States is regime change. He said that on many occasions.''

Proponents of this resolution argue that it does put diplomacy first. They point to section 4, which require the President to determine that further diplomatic or other peaceful means alone will not adequately protect the national security, before he resorts to military force. They say that this ensures that we will act only in a deliberative way, in concert with our allies.

But they fail to point out that the resolution permits the President to use unilateral military force if he determines that reliance on diplomacy along.

. . . is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq . . .''

Unfortunately, we have learned that ''not likely'' is a wide open phrase that can be used to justify just about anything. So let us not pretend we are doing something we are not. This resolution permits the President to take whatever military action he wants, whenever he wants, for as long as he wants. It is a blank check.

We have the best trained, best equipped Armed Forces in the world, and I know they can defeat Iraq. I hope, as we all do, that if force is used the Iraqi military surrenders quickly.

But if we have learned anything from history, it is that wars are unpredictable. They can trigger consequences that none of us would intend or expect. Is it fair to the American people, who have become accustomed to wars waged from 30,000 feet lasting a few weeks with few casualties, that we not discuss what else could happen? We could be involved in urban warfare where large numbers of our troops are killed.

And what of the critical issue of rebuilding a post-Saddam Iraq, about which the Administration has said virtually nothing? It is one thing to topple a regime, but it is equally important, and sometimes far more difficult, to rebuild a country to prevent it from becoming engulfed by factional fighting.

If these nations cannot successfully rebuild, then they will once again become havens for terrorists. To ensure that does not happen, do we foresee basing thousands of U.S. troops in Iraq after the war, and if so, for how many years? How many billions of dollars will we spend?

Are the American people prepared to spend what it will take to rebuild Iraq even when the administration is not budgeting the money that is needed to rebuild Afghanistan, having promised to do so? Do we spend hundreds of billions in Iraq, as the President's Economic Adviser suggested, while not providing at home for homeland defense, drought aid for farmers, education for our young people, and other domestic priorities?

Who is going to replace Saddam Hussein? The leading coalition of opposition groups, the Iraqi National Congress, is divided, has questionable support among the Iraqi people, and has made little headway in overthrowing Saddam. While Iraq has a strong civil society, in the chaos of a post-Saddam Iraq another dictator could rise to the top or the country could splinter along ethnic or religious lines.

These are the questions the American people are asking and these are the issues we should be debating. They are difficult issues of war and peace, but the administration, and the proponents of this resolution, would rather leave them for another day. They say: vote now! and let the President decide. Don't give the U.N. time to do its job. Don't worry that the resolution is a blank check.

I can count the votes. The Senate will pass this resolution. They will give the President the authority he needs to send United States troops to Iraq. But before the President takes that step, I hope he will consider the questions that have been asked. I hope he considers the concerns raised by former generals, senior diplomats, and intelligence officials in testimony before Congress. I hope he listens to concerns raised privately by some of our military officers. Above all, I hope he will listen to the American people who are urging him to proceed cautiously and not to act alone.

Notwithstanding whatever disagreements there may be on our policy toward Iraq, if a decision is made to send troops into battle, there is no question that every Member of Congress will unite behind our President and our Armed Forces.

But that time has not yet come. Based on what I know today, I believe in order to solve this problem without potentially creating more terrorists and more enemies, we have to act deliberately and not precipitously. The way the United States responds to the threat posed by Iraq is going to have consequences for our country and for the world for years to come.

Authorizing a U.S. attack to overthrow another government while negotiations at the United Nations are ongoing, and before we exhaust other options, could damage our standing in the world as a country that recognizes the importance of international solutions. I am afraid that it would be what the world expects of a superpower that seems increasing disdainful of international opinion or cooperation and collective diplomacy, a superpower that seems more and more inclined to ''go it alone.''

What a dramatic shift from a year ago, when the world was united in its expressions of sympathy toward the United States. A year ago, the world would have welcomed the opportunity to work with us on a wide agenda of common problems.

I remember the emotion I felt when I saw ''The Star Spangled Banner'' sung by crowds of people outside Buckingham Palace in London. The leading French newspaper, Le Monde, declared, ''We are all Americans.'' China's Jiang Zemin was one of the first world leaders to call Washington and express sympathy after September 11.

Why squander the goodwill we had in the world? Why squander this unity? If September 11 taught us anything, it is that protecting our security involves much more than military might. It involves cooperation with other nations to break up terrorist rings, dry up the sources of funding, and address the conditions of ignorance and despair that create breeding grounds for terrorists. We are far more likely to achieve these goals by working with other nations than by going it alone.

I am optimistic that the Administration's efforts at the U.N. will succeed and that the Security Council will adopt a strong resolution. If Saddam Hussein refuses to comply, then force may be justified, and it may be required.

But we are a great nation, with a wide range of resources available to us and with the goodwill of most of the world. Let us proceed deliberately, moving as close to our goal as we can by working with our allies and the United Nations, rather than writing a blank check that is premature, and which would continue the trend of abdicating our constitutional authority and our responsibility.

Mr. President, that trend started many years ago, and I have gone back and read some of the speeches the Senators have made. For example, and I quote:

The resolution now pending is an expression of American unity in this time of crisis.

It is a vote of confidence . . . but is not a blank check for policies that might in the future be carried on by the executive branch of the Government without full consultation by the Congress.

Do these speeches sound familiar? They were not about Iraq. They were spoken 38 years ago when I was still a prosecutor in Vermont. At the end of that debate, after statements were made that this resolution is not a blank check, and that Congress will always watch what the Executive Branch is doing, the Senate voted on that resolution. Do you know what the vote was? 88 to 2. It passed overwhelmingly.

In case everyone does not know what resolution I am talking about, I am talking about the Tonkin Gulf resolution. As we know all too well, the Tonkin Gulf resolution was used by both the Johnson and Nixon administrations as carte blanche to wage war on Vietnam, ultimately involving more than half a million American troops, resulting in the deaths of more than 58,000 Americans. Yet, even the Tonkin Gulf resolution, unlike the one that we are debating today, had a sunset provision.

When I came to the Senate, there were a lot of Senators, both Republicans and Democrats, who had voted for the Tonkin Gulf resolution. Every single Senator who ever discussed it with me said what a mistake it was to write that kind of blank check on the assurance that we would continue to watch what went on.

I am not suggesting the administration is trying to mislead the Congress about the situation in Iraq, as Congress was misled on the Tonkin Gulf resolution. I am not comparing a possible war in Iraq to the Vietnam war. They are very different countries, with different histories, and with different military capabilities. But the key words in the resolution we are considering today are remarkably similar to the infamous resolution of 38 years ago which so many Senators and so many millions of Americans came to regret.

Let us not make that mistake again. Let us not pass a Tonkin Gulf resolution. Let us not set the history of our great country this way. Let us not make the mistake we made once before.

I yield the floor.

Mr. WARNER. Madam President, late last night in a colloquy between myself and the Senator from Oregon, the Senator from Oregon read into the RECORD portions of a letter addressed to Senator GRAHAM, chairman, Select Committee on Intelligence, signed by George Tenet. I ask unanimous consent that that letter be printed in the RECORD today, followed by a statement issued by Mr. Tenet bearing on his interpretation and intent in writing that letter.

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

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, October 7, 2002.

Hon. BOB GRAHAM,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter of 4 October 2002, we have made unclassified material available to further the Senate's forthcoming open debate on a Joint Resolution concerning Iraq.

As always, our declassification efforts seek a balance between your need for unfettered debate and our need to protect sources and methods. We have also been mindful of a shared interest in not providing to Saddam a blueprint of our intelligence capabilities and shortcoming, or with insight into our expectation of how he will and will not act. The salience of such concerns is only heightened by the possibility for hostilities between the U.S. and Iraq.

These are some of the reasons why we did not include our classified judgments on Saddam's decisionmaking regarding the use of weapons of mass destruction (WMD) in our recent unclassified paper on Iraq's Weapons of Mass Destruction. Viewing your request with those concerns in mind, however, we can declassify the following from the paragraphs you requested.

Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW against the United States.

Should Saddam conclude that a US-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions. Such terrorism might involve conventional means, as with Iraq's unsuccessful attempt at a terrorist offensive in 1991, or CBW.

Saddam might decide that the extreme step of assisting Islamist terrorists in conducting a WMD attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

Regarding the 2 October closed hearing, we can declassify the following dialogue.

Senator Levin: . . . If (Saddam) didn't feel threatened, did not feel threatened, is it likely that he would initiate an attack using a weapon of mass destruction?

Senior Intelligence Witness: . . . My judgment would be that the probability of him initiating an attack—let me put a time frame on it—in the foreseeable future, given the conditions we understand now, the likelihood I think would be low.

Senator LEVIN: Now if he did initiate an attack you've . . . indicated he would probably attempt clandestine attacks against us . . . But what about his use of weapons of mass destruction? If we initiate an attack and he thought he was in extremis or otherwise, what's the likelihood in response to our attack that he would use chemical or biological weapons?

Senior Intelligence Witness: Pretty high, in my view.

In the above dialogue, the witness's qualifications—"in the foreseeable future, given the conditions we understand now"—were intended to underscore that the likelihood of Saddam using WMD for blackmail, deterrence, or otherwise grows as his arsenal builds. Moreover, if Saddam used WMD, it would disprove his repeated denials that he has such weapons.

Regarding Senator Bayh's question of Iraqi links to al-Qa'ida, Senators could draw from the following points for unclassified discussions:

Our understanding of the relationship between Iraq and al-Qa'ida is evolving and is based on sources of varying reliability. Some of the information we have received comes from detainees, including some of high rank.

We have solid reporting of senior level contacts between Iraq and al-Qa'ida going back a decade.

Credible information indicates that Iraq and al-Qa'ida have discussed safe haven and reciprocal non-aggression.

Since Operation Enduring Freedom, we have solid evidence of the presence in Iraq of al-Qa'ida members, including some that have been in Baghdad.

We have credible reporting that al-Qa'ida leaders sought contacts in Iraq who could help them acquire WMD capabilities. The reporting also stated that Iraq has provided training to al-Qa'ida members in the areas of poisons and gases and making conventional bombs.

Iraq's increasing support to extremist Palestinians, coupled with growing indications of a relationship with al-Qa'ida, suggest that Baghdad's links to terrorists will increase, even absent US military action.

Sincerely,

JOHN MCLAUGHLIN
(For George J. Tenet, Director).

STATEMENT BY DCI GEORGE TENET, October 8, 2002

There is no inconsistency between our view of Saddam's growing threat and the view as expressed by the President in his speech. Although we think the chances of Saddam initiating a WMD attack at this moment are low—in part because it would constitute an admission that he possesses WMD—there is no question that the likelihood of Saddam using WMD against the United States or our allies in the region for blackmail, deterrence, or otherwise grows as his arsenal continues to build. His past use of WMD against civilian and military targets shows that he produces those weapons to use not just to deter.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 20 minutes.

Mr. GRASSLEY. Madam President, before I give my reasons for my vote on this resolution, I would like to point out some ironies and inconsistencies in some positions of some of my colleagues.

It is not unusual for Senators to be inconsistent in positions taken, but in recent weeks we have had some colleagues blaming the administration for not responding to the pre-9/11 warnings of possible terrorist attacks on the United States. I am talking about the warnings of whether or not the CIA and the FBI had information about that and whether or not the President had access to that information. The insinuation is that maybe the President knew more than what he did and, why didn't he do something about 9/11?

It seems to me the same colleagues are now refusing to support the President's call to disarm Saddam Hussein. The President is trying to preempt Saddam Hussein from unleashing on Americans his weapons of mass destruction. Yet my colleagues who are inconsistent in this way apparently want the President to wait until we are attacked again. I ask, if you were expecting preemption before September 11, 2001, why wouldn't you expect the President to preempt an attack on the United States today?

I come to the floor today to share my thoughts concerning the resolution before the Senate. Again we find ourselves in the midst of an important debate with one of the most important decisions that many Senators will make in our lifetime. The issue of war and peace involves the threats to the lives of the men and women we send to battle. This issue may even involve threats to the American civilian population, as well.

It was just a little more than a decade ago that many Members were here making similar decisions in regard to the Persian Gulf war.

As many of my colleagues may remember, I was just one of two Senate Republicans who opposed the resolution authorizing military action against Iraq in 1991. I voted against that resolution because I questioned the timing of military action while diplomatic measures and economic sanctions had just been started. I felt they needed a chance to work. Opposing the resolution was a difficult decision, but one that I have never regretted.

While today's decision is not one to be taken lightly, it stands in stark contrast to that of 1991. While I opposed that resolution for the reasons I stated, I intend to support the compromise resolution before us because I believe the time to hold Saddam Hussein accountable is past due.

But, this is not the first time since 1991 that Congress has approved a resolution approving military action against Iraq.

In 1998, by unanimous vote by the Senate and an overwhelming 407–6 vote in the House, Congress approved a resolution, and subsequently President Clinton bombed Iraq in December of 1998.

Let us see how forthrightly the Senate spoke at that time about the dangers of Iraq and Saddam Hussein.

I speak from page 2 of the Iraq Liberation Act of 1998. It says in section 3:

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

It is pretty clear we knew about the threat of Saddam Hussein under a Democratic President—President Clinton—with a bipartisan action by consensus of this body. Why should anybody be surprised if President Clinton and the Senate, in a bipartisan way, would be expressing the same concern 4 years later?

What was the basis of that overwhelming vote? Primarily, it was because Iraq has kicked United Nations weapons inspectors out, as they did in 1998. Today we have a lot of intelligence information saying it is a far more dangerous situation today, and particularly for the United States.

Thousands of Americans were killed in that 9/11 attack by terrorists.

Iraq is aligned with those terrorists, and Iraq is building weapons of mass destruction. We must, therefore, respond appropriately.

One of the most pressing concerns expressed by my constituents over the past few months is that of timing. The question: Why now? The question: Why can't we continue to pursue inspections and other diplomatic measures? They are legitimate questions. Many of my colleagues will answer this differently than I will. But the response for me is quite simple. I believe the actions by Saddam Hussein over the past 10 years builds a strong case why firm action is needed and why we cannot afford as a Congress delaying a decision any longer.

None of this precludes inspections or diplomatic missions. But these alternatives demand full cooperation by Iraq if a military response is to be withheld.

However, during the past 10 years, the international community has worked with Iraq through diplomatic efforts, various inspection regimes, economic sanctions, and even limited military force in an effort to encourage Saddam Hussein to abide by the very resolutions he agreed to at the end of the gulf war. He agreed to follow these within the rule of law—the international rule of law. We can legitimately expect any person to agree to follow those agreements.

Yet Saddam Hussein has consistently and convincingly evaded and defied those obligations he agreed to.

In the spring of 1991, the United Nations Security Council agreed to Resolution 687, which required Saddam Hussein to destroy his chemical and biological weapons and to unconditionally agree not to acquire or develop nuclear weapons. That same resolution also demanded Iraq not develop or acquire any weapons of mass destruction. However, the CIA reported Iraq is continuing to develop and acquire chemical and biological weapons.

The report states since the United Nations weapons inspectors left in 1998, Iraq has maintained its chemical weapons effort and invested even more heavily in biological weapons.

In addition, the CIA estimated Iraq could develop nuclear weapons in the near term with the proper supply of material.

United Nations Resolution 687 also required Saddam Hussein to end his support for terrorism and to prohibit terrorist organizations from operating inside the borders of Iraq.

Yet there is clear evidence Iraq has provided safe haven to a number of prominent, international terrorists. Iraq has provided assistance to terrorist organizations whose sole purpose is to disrupt and prevent peace efforts in the Middle East.

Most importantly, fleeing al-Qaida members now reside in Iraq. Of course, it is only a matter of time before these two enemies of the United States join forces—and maybe they already have.

Altogether, Saddam has defied at least 16 United Nations resolutions during the past decade. He has manipulated U.N. weapons inspectors, tortured and repressed Iraqi people, supported international terrorists, and violated United Nations economic sanctions.

So he continues to thumb his nose at the world, and particularly the rule of law under the international regimes we all respect.

The issue is as much about protecting people as it is about enforcing the international rule of law. But enforcing international rule of law is one way to eliminate chaos so people can live peacefully.

Will the United Nations take a stand in defense of their very own resolutions and hold Saddam Hussein accountable? Will the United Nations resolutions, which seek to provide peace and security in the region, continue to be unenforced?

This resolution before the Senate then asks the United Nations: Does the organization want to be relevant during the 21st century, an instrument of peace in this century, or does it somehow want to fade away as the League of Nations did because of its failures in Abyssinia in the 1930s?

I want, and I hope all my colleagues want, the U.N. to be relevant. I want the U.N. to lead. Its moral leadership is important. We have to discourage tinhorn dictators from violating the rule of law. The time for accountability is right now.

According to former President Clinton, in a speech on December 16, 1998:

> Heavy as they are, the costs of action must be weighed against the price of inaction. If Saddam defies the world and we fail to respond, we will face a far greater threat in the future. Saddam will strike again at his neighbors. He will make war on his own people. And mark my words, he will develop weapons of mass destruction. He will deploy them, and he will use them.

That is what President Clinton said in a speech on December 16, 1998.

Former President Clinton's words are very applicable to the situation now, even 4 years later.

I have also heard concerns from people who question this resolution, saying that by supporting it, we are supporting preemptive military action against a sovereign nation. However, for the last decade, the United States and allied forces have patrolled no-fly zones in northern and southern Iraq to protect Kurdish and Shiite minority populations from Saddam Hussein, and all the while they have been fired upon by Iraq's military.

These are American pilots. Some of them have been Iowans because over the past 6 years the Iowa Air National Guard has completed five 90-day missions and will likely be needed for a sixth mission before the end of this year. And as the President stated earlier this week, the American and British pilots have been fired upon more than 750 times. In a sense, we have been involved in military action in Iraq since the 1991 gulf war. So what is contemplated by this resolution cannot be described as preemptive.

Some of my constituents have also questioned the effect this will have on our war on terrorism. I believe that forcing Iraq to disarm is part of the war against terrorism and is consistent with the war on terrorism. Iraq has already been labeled by previous administrations as a state sponsor of terrorism. Iraq is one of seven nations to be designated by our own State Department as a state sponsor of terrorism. And given Iraq's support for international terrorists and its support for efforts to provide safe haven for al-Qaida, it is clear that this effort should not be seen as separate from the war on terrorism but very much an integral part of the war on terrorism.

It is because of our obligations to enforce international law, and to disarm this threat to our national security and to the security of the entire world, that I have decided to support the resolution offered by Senator LIEBERMAN and Senator WARNER.

A decade ago, as I said, I opposed war with Iraq because I believed we had not exhausted all alternatives available at that time. Today, I support this resolution because we have exhausted all other remedies, unless somehow Saddam Hussein has a change of heart. After years of evasion, after years of defiance, the time has come to stand firm and enforce the resolutions to disarm Iraq. Or, on the other hand, it is time for Saddam Hussein to repent and fully cooperate. But his track record in that regard is not very promising.

It is important to keep in mind that this resolution before the Senate does not guarantee military action, nor do I think it should. But it does authorize the use of United States military forces to defend the national security of the United States against this continuing threat posed by Iraq and to enforce all relevant U.N. resolutions regarding Iraq. In other words, this is as much about enforcing the rule of law as a policeman in Washington, DC, would enforce the domestic rule of law to prevent chaos and to encourage law-abiding citizenry, as it is about military action, at least from my standpoint.

Most importantly, this resolution makes clear that if the United Nations fails to ensure full compliance with international law, we will not sit quietly and let this tinhorn dictator ignore the rule of law. At the same time, we will be sending the message to other tinhorn dictators around the world that they had better not violate the international rules of law.

The terrorist attacks on September 11, 2001, dispelled notions of America's invincibility, it placed greater demands on our Government to protect and defend American citizens, and it put more demand on American citizens themselves to look out for their own safety, as a Jerusalem-type terrorist bombing could happen in New York City or Washington, DC, as much as it happens in Jerusalem.

My resolve is stronger than ever to win the war on terrorism, protect U.S. citizens, secure the homeland, and, most importantly, defend American values and our way of life. By supporting this resolution, we will send a strong signal to the United Nations, as well as our friends and allies around the world, that we will not sit idly by and allow a ruthless dictator to violate international law and threaten the security of that region and, in fact, impact the whole world. This resolution says to the world community that America stands together, committed to the rule of law and the security of all nations.

So, Madam President, I urge my colleagues to support this resolution offered by our colleagues, Senator LIEBERMAN and Senator WARNER.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I believe there is an order. I ask unanimous consent that I be able to speak for a moment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I thank the Senator from Iowa for his strong and thoughtful statement and for his expression of intention to vote for this resolution—all the more significant, as he pointed out, because he was one of two Republican Members of the Senate to vote against the similar resolution prior to the gulf war. And I think his support—a respected and solid Member of the Senate, as he is—gives encouragement to those of us who are the sponsors of this resolution that when the final roll is called, we will enjoy the broad bipartisan support that I truly believe this resolution deserves and the moment requires.

I thank my colleague and the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I alert Members that at 1:30 or a quarter to 2, thereabouts, there will be a vote. Knowing that the Senator from Arizona usually does not speak for long periods of time, it will probably be closer to 1:30. There will be a vote on the Graham amendment, the pending amendment.

Mr. MCCAIN. Madam President, 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. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAHAM. Madam President, I rise in support of an amendment which I have offered which will increase the authority of the President of the United States to use force to protect the people of the United States.

This amendment will designate a set of international terrorist organizations for whom the President does not now have the authority to use force as within the range of his authority.

There has been a lot of discussion over the past several months about connecting the dots, seeing a pattern out of what might appear to be isolated independent events. It is always easier to do that after the disaster, after September 11, than it is before. I consider us today as standing before the event has occurred, and I think we can begin to see the pattern of the dots today. What are those dots? What is that pattern?

First, a new element has been added to our assessment of national security risk. That is the element of what is the risk to Americans in the homeland. When we went to war in Korea, we did not ask the question: What will this mean to our people at home? We did not ask that question in Vietnam. We did not ask that question when we voted together to authorize the President to use force in the Persian Gulf. This is a new phenomenon in the paradigm of American and national security consideration.

The second dot is, who poses the greatest risk inside the homeland? In my judgment, it is those nations, organizations, and persons who possess three primary characteristics: One, access to weapons of mass destruction; two, a hatred for the United States; and three, a significant presence of trained operatives within the United States. It is that triumvirate which makes our enemy lethal.

The third dot, that we have the opportunity to reduce the risk of that triumvirate. We can do it by rolling up the terrorists here at home, or we can do it by cutting off the support which the terrorists are receiving from abroad. I suggest we ought to be doing both.

If we are going to effectively attack over there, it requires we have the resources, a strategy, and the authorization to use the force against our enemy over there.

The next dot is a surprising dot. It is essentially a void. Unlike many Members of this Chamber—and I will cite one who just a few moments ago gave a speech in which he implied the President of the United States today has the authority to take on international terrorists who meet these requirements: Access to weapons of mass destruction, hatred of the United States, and a significant presence inside the United States of America. The answer is, no, the President today does not have such authority. In my judgment, the Congress should grant this authority and do so concurrent with the granting to the President his power to use force in Iraq, because it is that act of giving the authority to commence war in Iraq that is going to raise the risk of those terrorists among us attacking.

Those are the dots I see. That is the sequence I think the dots lead us to.

There is one thing we agree upon, and that is that Saddam Hussein is an evil man. He is a tyrant. He has used

chemical and biological weapons on his own people. He has disregarded United Nations resolutions calling for inspections of his capabilities and research and development programs. His forces regularly fire on American and British jet pilots enforcing the no-fly zones in the north and south of his country. And he has the potential to develop and deploy nuclear weapons, a potential that we need to monitor closely.

Saddam Hussein lives in a tough neighborhood. It is a neighborhood in which the United States has a number of commitments and threats. The underlying resolution suggests Saddam Hussein is the ultimate bully, the baddest dog in this rough neighborhood, and that taking him out now and for good is in the Nation's highest priority.

I respectfully disagree. And in so disagreeing, I am, or at least I was, joined by the President of the United States and the Secretary of Defense.

Less than 13 months ago, 9 days after the terrorist attack of September 11, the President declared our top national priority to be a war on terrorism. This is what he said:

> Our war on terror begins with al-Qaida but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated.

In his State of the Union speech on January 29 of this year, President Bush restated our priority:

> Our nation will continue to be steadfast and patient and persistent in the pursuit of two great objectives. First, we will shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. And, second, we must prevent the terrorists and regimes who seek chemical, biological or nuclear weapons from threatening the United States and the world.

That is what the President said on January 29.

Just Monday of this week, on the anniversary of the commencement of the war in Afghanistan, Secretary of Defense Donald Rumsfeld recommitted himself to the war on terrorism. The Secretary repeated the statement he had made one year earlier:

> Our objective is to defeat those who use terrorism and those who house or support terrorists. The campaign will be broad, sustained, and we will use every element of American power.

The Secretary of Defense proceeded to say:

> Today, Afghanistan is no longer a safe haven for terrorists, but there is no question that free nations are still under threat. Thousands of terrorists remain at large in dozens of countries. They're seeking weapons of mass destruction that would allow them to kill not only thousands but tens of thousands of innocent people. Our objective in the global war on terror is to prevent another September 11th, or an attack that is far worse, before it happens.

The war on terrorism did not begin in Afghanistan. For us, it began in the United States of America on September 11th, 2001. It began and it continues in our homeland. As we assess the many challenges faced by the United States—and Saddam Hussein is clearly among those challenges—we must ask: What is our greatest responsibility? In my opinion, the answer is easy: Securing the peace and safety of the homeland or our great Nation.

And what is the most urgent threat to our peace and security? In my judgment, it is that shadowy group of international terrorists who have the capabilities, the materials, conventional and weapons of mass destruction, the trained core of zealots united by their hatred for the United States, and the placement of many of those bombthrowers so they are sleeping among us, waiting for the order to assault.

For the better part of 2 years, 19 of those killers took silent refuge in the sanctuary of the United States, silent refuge until they struck us on September 11. Three thousand twenty-five innocent lives later, we have learned the bitter lesson of the power of those who live dual lives in our communities. To the outside they were appearing to be unexceptional, while they were prepared to do the most unimaginable evil. Those who committed mass murder left behind a much larger number of terrorists, continuing their dual existence of duplicity.

How many of these are there, Mr. President? What are the skills they possess? What are their plans and intentions? Why are they so driven by hatred? The answer is we know only dimly.

Unfortunately, our ability to tear out these weeds from our home garden is limited because the attention we have paid to understanding this enemy next door has been grossly inadequate.

The Inspector General at the Department of Justice issued a report just last month, in September. That report concluded:

> The Federal Bureau of Investigation serves as the Federal Government's principal agency for responding to and investigating terrorism.

But the IG report went on:

> The FBI has never performed a comprehensive, written assessment of the risk of a terrorist threat facing the United States.

So we arm for battle with a shield of ignorance at home. Unfortunately, one of the realities of the startup of the proposed Department of Homeland Security is that, for at least a transition period, Americans will be even more vulnerable in the homeland. Agencies such as the Coast Guard, Border Patrol, Immigration Service, which will play a key role in protecting our perimeter defenses, will be distracted as organizational relationships of decades or more are reshuffled. And a final increased vulnerability is the likelihood that, if war starts and intensifies in Iraq, this very conflict thousands of miles away could spark a wake-up call to action from the sanctuaries of the Middle East and Central Asia to the sleepers in your hometown.

Mr. President, I refer you to the front-page story in today's Washington Post, which talks about the possibility of counterattacks in the United States after a war commences in Iraq.

The first prong of our defense here in the homeland, which is to root out the terrorists among us—both because of the instability of the days through which we are and will be living and our lack of preparation through the quality of intelligence we need—is not a shield that should give us great hope.

Thus, the importance of a second strategy for disrupting and decapitating the enemy among us—attacking them at their source, just as we have done with such devastating effectiveness against al-Qaida in Afghanistan. One of the reasons the anticipated second, third, and fourth wave of terrorist acts have not occurred since September 11 is the military assault we began on October 7, 2001, has largely dismantled the command-and-control operations of al-Qaida, making it more difficult for them to support and provide financing and logistics to their large number of operatives in the United States.

I believe we need to adopt a similar strategy of disruption and dismantlement. What is it going to take to do so? First, it is going to require the President of the United States have the authority to use that necessary force to dismantle, as he said in his State of the Union speech, the terrorist camps, terrorist plans, and the command-and-control centers of these organizations. Here we come to a point of widespread confusion, and that is the President already has this authority.

On Sunday afternoon, a prominent foreign policy spokesman appeared immediately after Senator SHELBY and myself on a talk show and, in passing in the hallway, she said, ''I support the position that you have taken that we need to go after these international terrorists, but doesn't the President already have the authority to do so?'' I quickly explained that the answer was no. I think she was stunned at the vulnerability we have and by the limited authority the President has.

Our colleague, the Senator from Texas, today in her remarks implied she thought the President of the United States had the authority to attack international terrorism broader than those who are directly linked to the events of September 11.

If I might say, the very language of the resolution we are considering today carries the same inference.

The language of the resolution states that:

> Acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those who planned, authorized, committed, or aided in the terrorist attack that occurred on September 11.

The fact is the only group the President has authority to use force against is those who planned, authorized, committed, or aided in the terrorist attack that occurred on September 11. The

President specifically was denied the authority to take on the other terrorist groups who, in my judgment, represent the greatest threat inside the American homeland today.

Let me just give a little bit of history. On September 12, President Bush requested robust authority to launch a full-scale war on terror. He sent to the Congress a proposed resolution which stated:

> The President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, harbored, committed, or aided in the planning or commission of the attacks against the United States on September 11, 2001, and to deter and preempt any future acts of terrorism or aggression against the United States.

That is what the President asked for on September 12, 2001. But Congress demurred. They only granted the President the power to use necessary force related to those nations or organizations and persons which were determined to be connected to the tragedy of September 11. Al-Qaida was not only our bull's-eye, it was the totality of the target. Two days after the Congress gave the President this limited authority, President Bush, on September 20, expanded the scope of the war:

> In a joint session of Congress, our war on terror begins with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.

From that point until today, Mr. President, the stated mission of the United States in the war on terror has fallen well beyond the authority we have given to the President of the United States to deliver on that mission.

The President continues:

> . . . to be limited to those nations, organizations, and persons who can be indicted as conspirators and participants in September 11.

This limited authority to use force has made it possible for America and our allies to crush the Taliban and severely cripple al-Qaida. The amendment I offer would extend that power to the President to use necessary force through the next still vigorous and violent band of terrorists.

Against whom would the President by this amendment be given power to use force? The State Department has identified 34 international terrorist organizations, approximately two-thirds of which are in the region of the Middle East and central Asia. They list five, in addition to al-Qaida, that have these characteristics: They currently receive support from a state that possesses weapons of mass destruction; they have a history of hating and killing Americans; and they have the ability today to strike within the United States of America.

Who are these groups? I will name them and then talk about the A team: The Abu Nidal organization, Hamas, the Islamic Resistance Movement, the Palestine Islamic Jihad, and the Palestine Liberation Front.

Who is the A team? The A team is Hezbollah, ''the party of God.'' Hezbollah was formed in 1982 in response to the Israeli invasion of Lebanon. This organization, which is based primarily in Lebanon and Syria and financed from Iran, is a radical Shi'a group which takes its ideological inspiration from the Iranian revolutions and teachings of Ayatollah Khomeni.

Hezbollah formally advocates the ultimate establishment of Islamic rule in Lebanon and liberating all occupied Arab lands, including Jerusalem. It has expressed as a goal the elimination of Israel. Although closely allied with and closely directed by Iran, the group may have conducted operations that were even beyond those approved by the Government of Iran.

While Hezbollah does not share the Syrian regime's secular orientation, the group has been a strong tactical ally in helping Syria advance its political objectives in the region.

What are some of the activities of Hezbollah? It is known or suspect to have been involved in numerous anti-U.S. terrorist attacks, including the suicide truck bombing of the U.S. Embassy in Beirut in April of 1983; the U.S. Marine barracks in Beirut in October 1983; the U.S. Embassy annex in Beirut in September of 1984; three members of Hezbollah are on the FBI's list of the 22 most wanted terrorists for the hijacking of TWA flight 847 during which a U.S. Navy diver was murdered; elements of the group are responsible for the kidnaping and detention of U.S. and Western hostages.

The group also attacked the Israeli Embassy in Argentina in 1992 and is suspect in the 1994 bombing of the Israeli Cultural Center in Buenos Aires, and the Senator from Texas stated, in her judgment, they were also responsible for Khobar Towers.

This group receives a substantial amount of financial, training, weapons, explosives, diplomatic, and organizational aid from Iran and receives diplomatic, political, and logistical support from Syria. Hezbollah has a significant presence of its trained merchants of death placed in the United States of America.

Mr. President, you will note that several of these organizations gravitate around one axis of evil: Iran. And not surprisingly.

Yesterday, October 8, former FBI Director Louis Freeh testified before the joint inquiry on the attacks of September 11 which are being conducted by the House and Senate Intelligence Committee. Mr. Freeh cited the conclusions of the National Commission on Terrorism that:

> Iran remains the most active state supporter of terrorism. The Iranian Revolutionary Guard Corps and the Ministry of Intelligence and Security have continued to be involved in the planning and execution of terrorist acts. They also provide funding, training, weapons, logistical resources, and guidance to a variety of terrorist groups, including the Lebanese Hezbollah, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine.

My amendment says that those five groups should also be brought within the ambit of evil that the President of the United States should be entitled to use force against to protect the security of the people of the United States of America.

What strategy should be used against the designated international terrorist groups? The decision will be left to the President. The Congress invested its confidence in the judgment of the President on September 18 of last year when it gave him the power to use force against the Taliban and al-Qaida. If the underlying resolution is adopted, he will have the authority to use force against Iraq.

This amendment will give the President the next stage of powers which he will be required to have in order to wage war on terror and to do so to a successful conclusion. The President would have the authority and the subsequent accountability to use these three authorities in whatever sequence and with whatever impact he deems to be in our national interest.

In this stage on the war on terror, the President has already fashioned a war plan: To take out the training camps, the incubators from which in the 1990s thousands of youth were given the skills and the determination to be hardened assassins; to attack the terrorists' plans, to disrupt and dismantle.

Many of these operations, and particularly the training camps, are flourishing today in the orbit of Iran. We should empower the President to take those acts that are going to be necessary to protect the security of the United States.

Director Freeh, in his remarks yesterday, spoke of the need for a full arsenal of weapons to triumph over terrorists. Director Freeh said:

> We must recognize the limitations inherent in a law enforcement response. As we see at this very moment in history, others, to include Congress, must decide if our national will dictates a fuller response.

I am not prepared to say the only response I want against these five organizations that have access to weapons of mass destruction, that have a history of killing Americans and have a capability to do so here at home because of a significant presence of their operatives among us, that we are going to tell the President of the United States that he does not have the authority to attack with force these terrorists groups where they live and to disband and dismantle their capability of continuing to provide support to their agents in the United States.

I believe our national will and our obligation to the security of the American people, especially their security on our native soil, demand a fuller response to meet this fuller challenge.

I conclude by saying that I am not optimistic about the prospects for this amendment, but I am deeply concerned, and I am deeply saddened. I am concerned in part because I see us making life-and-death decisions without

consideration because we do not have access to what might be critical, and I would suggest determinative, information. I believe the national security interests are being put at risk by this information not being available.

I am saddened because I fear the action we are going to take will increase the risk at home without increasing our capability to respond to that risk.

I have been described as a cautious man. I will accept that label. I do not see the world as a simple set of blacks and whites. I see the world as a complex of grays. That leads to caution. I believe that caution today is to recognize that we are not dealing with one evil, as evil as Saddam Hussein might be. We are dealing with a veritable army of evils.

We must be prepared to respond to that army of evils. I believe the step we can take today is to give to the President of the United States the opportunity to exercise his judgment as to whether he believes it would be appropriate to use U.S. force against these five international terrorist groups which represent, in my judgment, the most serious urgent threat to the interests of the United States of America, including a threat to Americans at home.

I urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my colleague from Florida for the thoughtful statement he has made. I agree with so much he has said, certainly about the threats that are represented by the terrorist groups cited in his amendment, but I want to explain why I have reluctance about the amendment. It is for reasons that are both procedural and substantive.

The resolution offered by Senator MCCAIN, Senator WARNER, Senator BAYH, myself, and others—including the occupant of the Chair, the Senator from Georgia—is the result of a detailed, open, and sincere process of negotiation between Members of both Chambers, both parties, and the White House.

This is not to say it is a perfect document, but in responding to the threat to our national security posed by Iraq under the leadership of Saddam Hussein, it represents our best effort to find common ground to dispatch our constitutional responsibility and to provide an opportunity for the broadest bipartisan group of Senators to come together and express their support of action to enforce the United Nations resolutions that Saddam Hussein has constantly violated, and in so doing endangered his neighbors, his people and, of course, the rest of the world, including us. We have a well-worked-over and finely calibrated document.

In his amendment, the Senator from Florida has opened new territory, and I am reluctant to see that added to this resolution, all the more so since the new territory he opens up was considered in the immediate aftermath of the attacks against us on September 11 when the initial resolution in which the President sought to have authority to take action against terrorists generally—not just those who had planned, authorized, committed, or aided terrorist attacks that occurred on September 11 of last year—was rejected or was opposed by a large number of Members of the Senate, including particularly those on the Democratic side, and in that sense the amendment offered by the Senator from Florida may well reopen concerns expressed by many Senate Democrats about granting too much authority to the President at this point.

Let me get to the essence of what is said. Clearly, I agree with what the Senator has said, and I agree wholeheartedly with his description of the terrorist groups he has cited, specifically five in number, and the extent to which they represent a threat to the areas in which they operate, as well as the American people.

I respectfully disagree with him that the President of the United States would not be authorized, without this action, to take action against any of these groups—the Abu Nidal organization, Hamas, Hezbollah, Palestine Islamic Jihad, Palestinian Liberation Front—if the President, as Commander in Chief, concluded that any one of those groups or its members posed a threat to the security of the American people or any group of Americans. It seems to me that is inherent in the authority given to the President, as Commander in Chief, under article II, section 2 of the Constitution, followed by other descriptions of the authority that the President has in that regard, and not just the general constitutional authority but the specific acts of this Congress that have dealt with terrorism and have established a counterterrorism center at the Central Intelligence Agency, counterterrorism programs in the FBI, counterterrorism activities in the Department of Defense and the Department of State, all of them funded by Congress.

Implicit in that is not that the money was funded just to study or investigate but that there is a presumption that if all of those programs produce evidence that any one of those groups is seeking to do damage to any one of the American people or group of Americans, then the President is authorized implicitly, inherently, in his authority as Commander in Chief to take action against them. In fact, as has been testified to publicly, the Special Operations Forces of our military, an extraordinary group we are fortunate to have in our service, has been working on programs together with the intelligence community and various nations around the world to watch—using the term ''watch'' in the broadest sense of the term—and be prepared to take specific action, not just court action.

After September 11, we have made a transition to understanding that terrorists are at war with the United States so there are times when the best defense we can give is not to build a case in court but to take military action to stop the terrorists from striking before they ever do.

So while I appreciate and support the concerns of the Senator from Florida, my own conclusion is that they would do some damage to the broad support that otherwise will come together for the resolution that we have introduced that deals with the immediate problem of Saddam Hussein, and that in the end it is not necessary because the President, as Commander in Chief, has the inherent authority, under the Constitution and the laws of the United States, to take exactly the action that the Senator's amendment would specifically authorize him to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I associate myself with the remarks of our distinguished colleague from Connecticut and therefore I will not elaborate given the shortage of time.

I say to my colleague from Florida, I am very impressed by his statement today. I think there is merit to be found. I draw the Senator's attention to Public Law 107–40. As the Senator recalls, that is the amendment that the Congress adopted on September 14, 2001, and that dealt with the authorization for use of military force against those responsible for the recent attacks against the United States.

It seems to me that particular statute and that body of law is the place where an amendment like that of the Senator from Florida should be placed, and I say that with all due respect.

My further added observation is that our Secretary of State is now busily engaged at the United Nations with regard to the possible framework of a possible 17th resolution. The draft amendments before the Senate and the House of Representatives are indeed the subject of those discussions.

At this time, to broaden that base could well in some respects jeopardize the efforts on behalf of the United States and others to craft a tough resolution directed clearly at the weapons of mass destruction, Saddam Hussein, and those surrounding his regime.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I will reserve a few moments to close when others who wish to speak on this motion to table have completed their remarks.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I inform my friend from Florida, under the normal procedures, as soon as I made a motion to table, the vote would begin. But if the Senator from Florida would like for me to ask unanimous consent for him to speak up to how many minutes he would like to before the vote, I would be pleased to propound that.

Does the Senator from Connecticut want to speak again?

Mr. LIEBERMAN. I ask for an additional 2 minutes.

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator from Connecticut be permitted to speak for 2 minutes without my losing my right to the floor.

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

The Senator from Connecticut.

Mr. LIEBERMAN. From the text of the resolution we have submitted in section 4(b) after our authorization, we require, as soon as feasible, but not later than 48 hours after exercising such authority—that is, directly deploying forces of the United States—that the President has to make available to the Congress his determination that—and there are two sections he has to report. The material section is this: The President has to declare to Congress that pursuant to this resolution—which is to say deploying forces for the purpose of enforcing U.N. resolutions against Iraq in protecting the national security of the American people against Iraq—is consistent with the United States and other countries continuing to take the necessary actions against international terrorist and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided terrorists in the attacks that occurred on September 11, 2001.

I stress that this is not limited to those terrorists who acted against us on September 11.

I see in this further support for the end goal, which the Senator from Florida has, which is to make sure the war against Iraq does not deter our war against terrorism and not just against al-Qaida but against any terrorist group that threatens the people of the United States, including the five the Senator from Florida enumerated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that following my remarks and making the motion to table the Graham amendment, Senator GRAHAM be recognized for up to 10 minutes, and immediately following that, the vote occur on my motion to table.

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

Mr. McCAIN. Mr. President, I commend the Senator from Florida for his thoughtful statement about the threat of terrorist organizations of global reach posed to American national security. The Senator from Florida has devoted much of his time and professional energies to investigating the terrorist threat in great detail as chairman of the Senate Intelligence Committee.

Again, I thank the Senator for the superb job he has done as chairman of the Intelligence Committee in probably the most trying times this country has experienced since World War II—from an intelligence standpoint, perhaps the most difficult times. And I am grateful we have a man of his caliber in a leadership role. He is an eloquent and thoughtful spokesman on these issues.

I agree that ultimately the war on terrorism will not be won until we have ended these groups' murderous activities and held them accountable for killing American citizens.

However, I must oppose the amendment because it provides our Commander in Chief with authority he has not requested. It is highly unusual for Congress to provide the President the authority to use military force to defend American security against a particular threat when the President himself has not requested such authority.

For the President to determine that the terrorist organizations listed in the Senator's amendment posed an imminent danger to the United States, and if the President requested congressional authorization to use military force to deal with that danger, I don't doubt Congress would have full consideration or debate to provide that authority.

It does seem unusual in a time of war, and in response to the President's request for congressional authorization to confront a threat he has identified as imminent, for Congress to identify and grant the President the authority to use military force to confront a different enemy.

The Graham amendment would increase beyond what was requested by the administration the scope of authority provided to the President. Including these groups in the resolution, unfortunately, muddies the strong message the United States must send to the United Nations Security Council and the world that we are intent on dealing with the threat posed by Iraq.

The President wants a strong statement authorizing the use of force against Iraq. He understands the value of an overwhelming congressional vote to American diplomacy and to demonstrating American seriousness to the world.

The pending resolution represents a carefully crafted, bipartisan, bicameral agreement on providing the President with the authority to use force against Iraq. This amendment is the product of negotiations between the Speaker of the House, Congressman GEPHARDT, the Democrat leader, and the White House. It was carefully crafted. We intentionally introduced the exact same language so that when the other body passes it and we pass it, it will be the exact same message. Modifying that agreement could reopen issues that otherwise have been resolved and would unnecessarily slow down consideration of a resolution that the President has requested and made clear is an urgent priority for his administration.

Yesterday, when asked about the amendment, Secretary Powell stated that Congress should focus in on the threat posed by Iraq. The Secretary also made clear the administration's desire that both Houses of Congress pass identical resolutions to send a message to the world that we are united in our resolve to confront Saddam Hussein and to send a message to Iraq that we are serious about doing so.

The administration opposes the Graham amendment on procedural grounds. The President has requested congressional authorization to use all means necessary to protect American national security against the threat posed by Iraq. For this body to supercede the President's request by identifying other threats to American national security—I could come up with a long list of such threats myself—would send a confused message to the American people and the world as we come together to end the threat posed by Saddam Hussein's regime.

Some have argued that the President's determination to hold Iraq to account would undermine the global war against al Qaeda. I believe this is a false argument, for as the president has said, Iraq and al Qaeda are two faces of the same evil. The Graham amendment would expand our global campaign to target not just al Qaeda but several of the most sophisticated terrorist organizations on earth. I would assume that anyone who worries about diversions from the war on terrorism would vote against expanding that war at this time.

I want to stress, however, that ultimately the war on terrorism will not be won until we have dealt with the threat posed by terrorist groups with global reach such as Hezbollah. Hezbollah and other organizations listed in the Graham amendment have killed Americans and deserve no quarter. They ultimately represent a grave threat to America—a threat that will not diminish until we have dismantled these organizations and held them accountable for murdering Americans.

The pending resolution is not the proper vehicle for this debate. I look forward to working with the Senator from Florida to address the threat posed by Hezbollah and the other terrorist organizations he has listed.

I urge my colleagues to support the request of our Commander in Chief by tabling the Graham amendment.

I ask unanimous consent to have printed in the RECORD a letter from the White House.

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

THE WHITE HOUSE,
Washington, October 9, 2002.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for asking the Administration's position on the Graham amendment to the Iraq Resolution. The Administration opposes it.

The Lieberman-Warner-Bayh-McCain amendment represents a carefully crafted bipartisan, bicameral agreement on providing the President with use-of-force authority against Iraq. The Graham amendment would

increase—beyond what was requested by the Administration—the scope of authority provided to the President, and introduce additional elements to the resolution. Modifying the agreement now, as the Graham amendment would, could reopen issues otherwise resolved and unnecessarily slow consideration of this important resolution.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President for Legislative Affairs.

Mr. MCCAIN. I say to my friend from Florida that the administration's message is very clear that they do not disagree with his assessment of the threat. He is held in the highest regard by all who have observed his distinguished work as chairman of the Intelligence Committee.

I thank my friend from Florida for his contributions. I know that in the days ahead he and I will be joining together with other Members of this body in addressing the serious threats to American national security which he has so eloquently described in his statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate the thoughtful remarks of the Senator from Connecticut and the Senator from Arizona. The Senator from Arizona concluded with the hope that we may soon be working together on expanding our efforts to reach those who threaten us here at home. I only hope we will not have another 3,025 Americans unnecessarily exposed to the risks that I see if we do not supplement this resolution with the immediate authority of the President to use force against those organizations which have access to weapons of mass destruction, which have killed Americans, and which have substantial numbers of operatives inside the United States of America at this hour. I invite anybody to say Iraq doesn't meet those standards.

We are not talking about a threat 90 days from now. We are not talking about a threat that may come a year from now if nuclear material is made available. I am talking about a threat that can happen this afternoon.

Let us trace the history of what Congress did. The President asked for this authority on September 12, 2001. We denied it.

When I was in law school, one read the legislative history to try to arrive at legislative intent. It seems to me, just as a first-year-law legislative interpretation, that probably doesn't mean giving the President authority beyond that which is specifically provided. Therefore, the President of the United States, in my judgment, does not have the authority today to use force against Hezbollah or these other groups.

But even beyond the legal limits, let us talk about the pragmatics. The President of the United States in his State of the Union Address on January 29 said our first priority was terrorists—our first priority. And do you know what the first priority of the first priority was? The training camps. Why did he say that? Because those who were responsible said if there was one major mistake we made in the 1990s, it was allowing al-Qaida training camps to be a sanctuary where every year thousands and thousands of young people were converted into hardened assassins.

If that is the criticism we are going to have, because in the 1990s we allowed that to go on month after month and year after year, what is going to be our excuse today when similar training camps are in operation in Iran, Syria, and Syrian-controlled areas of Lebanon? And we are not going to give the President of the United States the authority to use force against those camps? It is inconceivable to me. The very fact that the President, recognizing this, has not acted against those camps is, in my judgment, the strongest verification that he doesn't think he has the authority to do so.

I believe it is not in our national interest to leave this question ambiguous. We want to deter groups such as Hezbollah from continuing to aid, or to provide aid, comfort, and support to their operatives who are placed in the United States. Until we reach the point that we can domestically, through law enforcement means and domestic intelligence, locate and eradicate those operatives who are in this country, we must pursue as aggressively as possible to cut off their support system.

I cannot believe we are saying we are not prepared today to make an unambiguous decision. We don't want to have the Hezbollah going to their lawyers and asking the question, What is the legislative interpretation of what Congress did on September 18, 2001? Does it put us under the gun? I don't want them to have that in their mind. I want them to know, with the clearest method we can write in English and that can be interpreted in all the languages these people speak, that we mean they are under the gun, and they are under the gun now.

There has been a lot of discussion about urgency. Why do we need to do things now? Why can't we wait for 60 days?

Let me tell you why we cannot afford to wait. We are taking an action by authorizing the President to take action against Saddam Hussein. I will stand first in line to say he is an evil person. But we, by taking that action, according to our own intelligence reports—and, friends, I encourage you to read the classified intelligence reports which are much sharper than what is available in declassified form—we are going to be increasing the threat level against the people of the United States. I think we have a moral and legal obligation to at the same time be taking what reasonable steps we can to confront that increased vulnerability.

If you do not like what I am suggesting, if you do not think we ought to give the President authority to use force against groups such as Hezbollah, what do you think we ought to do? Or do you disagree with the premise that we are going to be increasing the threat level inside the United States?

If you disagree with that premise, what is the basis upon which your disagreement is predicated? If you reject that, and believe that the American people are not going to be at additional threat, then, frankly, my friends—to use the term—blood is going to be on your hands. I think we are going to be at substantially greater threat.

I think there are some things we ought to be doing now. We certainly should be escalating the FBI intelligence and other efforts to root out the terrorists who are among us. But we also ought to be attacking the terrorists where they live because it is on the offensive—not the defensive—in my judgment, that we are going to eventually win this war on terror.

My friends, as I said, I am not optimistic about the adoption of this. I recognize there are backroom deals made. This is what people have come together on and locked down on, and say: We are locking down on the principle that we have one evil, Saddam Hussein. He is an enormous, gargantuan force, and that is whom we are going to go after.

That, frankly, is an erroneous reading of the world. There are many evils out there, a number of which are substantially more competent, particularly in their ability to attack Americans here at home, than Iraq is likely to be in the foreseeable future.

But we are going to say we are going to ignore those and we are going to allow them to continue to fester among us. I do not wish to be part of that decision. I am concerned by those who see only one evil, who believe we must all commit ourselves to the arrangement that has been made by a few who have that view of the world. I urge my colleagues to open there eyes to the much larger array of lethal, more violent foes who are prepared today to assault us here at home.

I said in my closing remarks that I was concerned and saddened. I am saddened because I know my colleagues would not knowingly place U.S. lives in unnecessary peril. I am as sure as I have ever been of anything in my life, the peril here in America caused by the action we are about to take could be substantially reduced by giving to the President of the United States the additional powers to send the strongest possible message, and, if necessary, the force to eradicate those who are evil and who have placed evildoers among us, and who are prepared to awaken those evildoers to attack. The responsibility is ours.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I move to table the——

Mr. REID. Will the Senator yield for a question, first?

Mr. MCCAIN. I am glad to yield to the Senator from Nevada.

Mr. REID. Mr. President, I have the greatest respect for the Senator from Florida, but the Senator from Arizona and I came to the Congress together. And I hope that my friend from Florida was not implying the Senator from Arizona was involved in any backroom deals because I have never known the Senator from Arizona to be involved in any backroom deals.

Mr. MCCAIN. I have been singularly unsuccessful in orchestrating any backroom deals in the years I have served here, I say to my friend from Nevada. And I thank him.

Mr. President, I move to table the pending Graham amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question occurs on agreeing to the motion to table Graham amendment No. 4857.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN) is necessarily absent.

The result was announced—yeas 88, nays 10, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—88

Akaka	Edwards	McConnell
Allard	Enzi	Mikulski
Allen	Feingold	Miller
Bayh	Feinstein	Murkowski
Bennett	Fitzgerald	Murray
Biden	Frist	Nelson (NE)
Bingaman	Gramm	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Brownback	Hagel	Roberts
Bunning	Harkin	Santorum
Burns	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lott	Wyden
Dorgan	Lugar	
Durbin	McCain	

NAYS—10

Baucus	Dayton	Rockefeller
Breaux	Graham	Torricelli
Byrd	Lincoln	
Corzine	Nelson (FL)	

NOT VOTING—2

Ensign	Landrieu

The motion was agreed to.

The PRESIDING OFFICER (Mr. JOHNSON). The majority leader is recognized.

Mr. DASCHLE. Mr. President, I wanted to inform my colleagues, after consultation with the distinguished Republican leader, that it is our intention, assuming we get cloture tomorrow—the cloture vote will be cast on the resolution tomorrow—it would be my intent to stay in for the full 30 hours, or whatever period of time would be required to complete our work on the resolution.

I said at the beginning of the week, it would be my determination to finish our debate on this resolution before the end of the week and that is still my determination. So if cloture is achieved, we would go for whatever length of time to accommodate Senators who wish to be heard under the rules of cloture.

We would expect, therefore, a vote on final passage on the resolution prior to the time we leave this week. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, shortly I will yield to my distinguished senior colleague, Mr. THURMOND, for not to exceed—what time does he want?

Mr. NICKLES. Five minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to my senior colleague, Mr. THURMOND, for not to exceed 5 minutes, without losing my right to the floor.

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

NOMINATION OF JUDGE DENNIS SHEDD

Mr. THURMOND. Mr. President, I rise today to express my outrage at yesterday's proceedings in the Judiciary Committee. In an unprecedented move, Chairman LEAHY violated committee rules and removed the nomination of Judge Dennis Shedd from the agenda. On a procedural vote, the committee refused to consider Judge Shedd's nomination.

I am hurt and disappointed by this egregious act of destructive politics. Chairman LEAHY assured me on numerous occasions that Judge Shedd would be given a vote. I took him at his word.

Dennis Shedd is a fine judge who has received a rating of well qualified by the American Bar Association. President Bush nominated him to the Fourth Circuit Court of Appeals on May 9, 2001, but his hearing did not take place until June 27 of this year. Since that time, he has answered all questions asked of him.

For over 17 months, I have waited patiently. On July 31, Chairman LEAHY stated publicly before the Judiciary Committee that we had reached a solution regarding Judge Shedd that would be satisfactory. The chairman's recent actions are not only unsatisfactory, but they are unacceptable. In my 48 years in the Senate, I have never been treated in such a manner.

Mr. President, I hope this situation will be corrected and that Judge Shedd will soon be confirmed as a judge on the Fourth Circuit Court of Appeals.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. REID. Mr. President, may I ask the Senator from West Virginia if he will be kind enough to allow me to respond to the distinguished Senator from South Carolina, as the name of my friend, Senator LEAHY, was mentioned on several occasions.

Mr. BYRD. How much time does the Senator need?

Mr. REID. A few minutes; 6 or 7 minutes at most.

Mr. BYRD. Not to exceed 7 minutes. I make that request.

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

Mr. REID. Mr. President, we understand that Senator THURMOND is disappointed that the Judiciary Committee was not able to proceed on Judge Dennis Shedd's nomination at its meeting this week. We all have great respect for Senator THURMOND and I know that the committee is working toward a committee vote on the Shedd nomination.

The Judiciary Committee has continued to receive opposition from South Carolina and from African American and other civil rights organizations and leaders from around the country to the Shedd nomination. Senators are taking those concerns seriously and being thoughtful and deliberate in reaching their own conclusions.

Over the past weeks, the committee—led by Chairman LEAHY who has done such an outstanding job—has received hundreds of letters from individuals and organizations, both in and out of South Carolina, expressing concerns about elevating Judge Shedd, and these letters raise serious issues. Many of these letters have arrived in just the last week or so. The committee has just received a letter from the Mexican American Legal Defense and Educational Fund, citing the interests of the many Latinos living in the Fourth Circuit, and expressing opposition to Judge Shedd. A letter arrived recently from the Black Leadership Forum asking for more time to consider the nomination. It was signed by a number of well respected African American leaders, including the forum's chairman, Dr. Joseph Lowery, and over a dozen other nationally recognized figures. In recent weeks, State legislators from Delaware, North Carolina, South Carolina, and Maryland, have written with their misgivings about the elevation of Judge Shedd. And hundreds, probably thousands, of letters from South Carolina citizens have been arriving that urge a closer look at Judge Shedd's fitness for this job.

Senator LEAHY was correct in his judgment that beginning the debate on the nomination of Judge Shedd on Tuesday morning would not have resulted in a final vote, but might well have prevented committee action on 17