illness should be allowed to participate in clinical trials of new therapies that offer the hope of improvement and cure.

The Republican leadership has told the special interests to ''get off their butts and get out their wallets'' to fight any legislation that puts the interests of working families ahead of the interests of unscrupulous insurers. But with the President and the congressional Democrats unified for reform, I am confident that we will prevail and that our Patient's Bill of Rights will be signed into law this year.

A second health issue that is critical to millions of families is access to health insurance for those too young for Medicare but too hold for affordable private coverage.

Our Democratic agenda offers these families immediate health and hope. We propose to allow them to buy into Medicare at a price that is far more affordable than the private market offers, if it offers them any insurance at all.

Three million Americans between the ages of 55 and 65 have no health insurance. The consequences are often tragic. As a group they are in relatively poor health, and their health continues to deteriorate the longer they are uninsured. They have no protection against the cost of serious illness. They are often unable to afford the routine care that can prevent minor illnesses from turning into serious disabilities, or even becoming life threatening. The number of uninsured in this group is growing every day.

Between 1991 and 1995, the proportion of today's workers whose employers promise them benefits if they retire early dropped 12 percent. Barely a third now have such a promise. In recent years too many who have counted on employer commitment have found themselves with only a broken promise and their coverage canceled after they have already retired.

The plight of older workers who lose their jobs through layoffs or downsizing is equally grim. It is difficult to find a new job at 55 or 60, and it is even harder to a find job that comes with health insurance.

For these older Americans who are left out and left behind for no fault of their own after decades of hard work, Democrats are offering a helping hand. By allowing these workers to buy affordable coverage through Medicare, our Democratic proposal is a lifeline for millions of these Americans. It provides a bridge to help them through the years before full Medicare eligibility. It is a constructive step towards the day when every American of any age will finally be guaranteed the fundamental right to health care.

Our proposal places no additional burden on Medicare. It is fully paid for by premiums from the beneficiaries themselves and by savings from fraud and abuse.

Democrats will fight hard for this commonsense approach to helping older workers and their families. And Congress should respond.

In addition, on education, President Clinton and the Democrats in Congress have also made it a top priority to see that America has the best public schools in the world. We intend to do all we can to see that we have reached that goal.

Successful schools need a qualified teacher in every classroom making sure that children get the individual attention they need. That is why another main pillar of the Democratic agenda is to provide 100,000 new teachers for America's public schools. The shortage has forced school districts to hire more than 50,000 uncertified teachers a year, or ask certified teachers to teach outside their area of expertise. One in four new teachers dot not fully meet State certification requirements, and 12 percent of new hires have no teacher training at all.

In Massachusetts, 30 percent of teachers in high-poverty schools do not even have a minor degree in their field.

Our Democratic proposal will also encourage State efforts to reduce class size by providing additional teachers needed to fill the smaller classrooms.

Our proposal will also help schools meet their urgent needs for repair, renovation, modernization, and new construction.

Investing in schools is one of the best investments America could possibly make. For schools across America, help can't come a minute too soon, and our Democratic proposal provides it.

On key issues, such as the minimum wage, health care, and education, the Democratic priorities put working families first.

Our proposals are investments in a better life for all of our families and a better future for the country. Special interests will fight hard to keep these proposals from becoming law. But Democrats in Congress and the President will fight harder because we know that the American people are with us.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

IRAQ

Mr. LOTT. Mr. President, I believe that Senator DASCHLE will join me on the floor shortly because he and I would like to, in effect, have a joint statement with regard to Iraq because we want the message to be unambiguous, very clear to America and to our allies around the world, and to Iraq about our attitude and what our intentions are with regard to this very important matter.

I just had a call from Senator JOHN WARNER, who is in Russia today along with Senator CARL LEVIN. They are escorting Secretary of Defense Bill Cohen. They have already been to six countries since they were in Germany. I believe perhaps even the Senator from Arizona, the Presiding Officer, was there. They have gone throughout the Arab world, and now they are in Russia.

He tells me that he believes that when they return, Secretary Cohen and the two Senators will bring a great deal of helpful information to the Senate and to the American people about what they have heard in the Arab world and what they have heard from our allies in those areas' meetings. They believe that they will be able to answer some of the very important questions that Senators have been asking.

So we will look forward to their return.

I had hoped that we could get to the point where we could pass a resolution this week on Iraq. But we really developed some physical problems, if nothing else. Senator WARNER and Senator LEVIN would like very much to be a part of the discussion about what the situation will be and how we should proceed on Iraq. They would like to be here. And other Senators are necessarily not going to be able to be here beyond this afternoon.

So we have decided that the most important thing is not to move so quickly but to make sure that we have had all the right questions asked and answered and that we have available to us the latest information about what is expected or what is going to be happening with our allies in the world.

I was noting, I say to Senator DASCHLE, that I just talked to Senator WARNER in Russia, and he was telling me that Secretary Cohen and Senator WARNER and Senator LEVIN are looking forward to coming back and giving us a full report on their trip to the Arab world. Now they are in Russia today.

Mr. President, I have no doubt that the entire world is watching the current crisis between Iraq and the international community unfold. This is another showdown caused by Saddam Hussein.

The Iraqi dictator has decided that his weapons-of-mass-destruction program is more important than the welfare of his own people. At a time when we have been getting reports—in fact, we have seen children suffering from malnutrition—this dictator has been building $1.5 billion in additional palaces. He has already endured 7 years of sanctions so that he can develop biological, chemical, and nuclear weapons—and the means to deliver them.

This is a very serious matter. For some time we—and I mean America and our allies—have been working to develop a resolution on Iraq that has broad bipartisan support and also one that would bring the situation under control there by diplomatic efforts hoping to avoid military action. But that has not happened yet.

I believe we are moving toward a consensus in the Senate on a number of the key issues that must be addressed as we look to the future. And here they are.

First of all, Saddam Hussein does pose a real threat to the region and to

the entire world. I believe the Senate recognizes that. I hope that the American people recognize that. This is not a hypothetical danger that has been dreamed up by some armchair strategists. There is a long track record in this area of actions by Saddam Hussein. He poses a clear and present danger without equal in the post-cold-war-world. He is dangerous. He is a threat to his neighbors. He is a destabilizing force in the whole region. And, yes, he is actually a threat all over the world including the United States. This is a man who has already invaded two of his neighbors. Iraq has used chemical weapons inside and outside its borders. It has launched missiles against Saudi Arabia and against Israel. Hussein tried to murder former President George Bush in 1993.

Now, we should not make any mistake and think that a military action, if it comes to that, is going to rehabilitate Saddam Hussein or even eliminate him. He does not have any desire to join the civilized world, apparently, and he has shown that he can survive even when the whole world has concerns with his conduct and has taken unified action to stop his aggression.

Second, I think there is a consensus in the Senate that military force is justified if diplomatic actions fail in responding to the threat that Saddam Hussein poses. The threat is serious and our response must be serious.

Now, any military force that is used does entail risks, to our military, to our allies and even to our country if there is an attempt at retaliation. The American people need to understand that, and we need to think about it carefully. And we need to talk about the risks that are involved. That is one reason why, when we bring up a resolution, if it is necessary—and I assume it will be—we must make sure that every Senator who wants to be heard can be heard.

I remember when we had a similar debate back in the early nineties. I think some 80 Senators spoke. Now, this time we won't have 500,000 troops amassed on the ground ready to go in, but it is still a very serious matter, and I want to make sure that we don't try to restrict Senators. In fact, we could not. Senator DASCHLE knows if we asked unanimous consent to bring this resolution up today and vote on it in 4 hours, we would not get it; the Senate is known for its deliberate actions. And the longer I stay in the Senate, the more I have learned to appreciate it. It does help to give us time to think about the potential problems and the risks and the ramifications and to, frankly, press the administration. I feel better this week than I did last week because of the responses we are getting about how this is being thought out and what would be the military action and what will be the long-term plans to deal with Saddam Hussein. We are beginning to get some answers now. I believe the administration is thinking harder about what those answers should be because the Senate, Republicans and Democrats, has raised these questions, not in a critical way, not in a threatening way, but in an honest way of saying, have you thought about this? What about this approach? Can we do more? I think that has served a very positive purpose.

Some people have said to me, even back in my own State, ''This is not a threat to us. Let them deal with that over there.'' Who? Who is going to deal with it? If America does not lead, who is going to lead? Nobody else.

Now, our allies can, should, and, I believe, will join us if action is necessary. But we are going to have to lead the way. We are going to have to make the tough decisions. And people need to understand that this threat could even apply to us. While it may be a direct threat of a Scud missile in the region with a chemical warhead even, it could very easily be a threat to Paris or some city in the U.S. involving anthrax that's been produced by Saddam Hussein.

These are terrible things to even think about, but you are dealing with a person who has already used terrible actions against his own people. And so he is not so far removed. We are the ones who have to provide the direction. And we have to make sure people understand it is a threat to the whole world.

In my view, the decisive use of force against Iraq coupled with the long-term strategy to eliminate the threat entails less risks in the long run than allowing Saddam Hussein's actions and ambitions to go unchecked. You cannot do it when you are dealing with a situation like this. In the words of former Secretary of State Jim Baker, ''The only thing we shouldn't do is do nothing.'' We cannot allow that to be the result or what we do is nothing.

The administration has agreed with us that funding for the operations in and around Iraq require supplemental appropriations. We had very grave concerns by the Senator from Alaska, Mr. STEVENS, and Senator DOMENICI about how much will this cost? How is it going to be paid for? We cannot continue to say ''just take it out of your hide'' to the Pentagon; it is having an effect on morale, quality of life, on readiness and modernization. We already have a very high tempo for our military men and women in the Navy and Air Force. We are satisfied that they now have made a commitment that they are going to come up and ask for funding for both these purposes, in Bosnia and, if necessary, in Iraq. And these will be emergency requests so it will not come out of necessary improvements in barracks or spare parts for aircraft, which are very important.

There is a consensus on seriously examining now I believe long-term policy options to increase the pressure on Saddam Hussein. The administration and Congress and our allies all look forward to dealing with a post-Saddam regime. But the question is how to get there.

That is intended not to be a threat or say we should violate the law; it is intended to start the discussion, start the thinking about how can we increase these pressures. And we have to have a strategy to deal with whatever comes after the military option. Many things have been suggested. Toughen sanctions—not loosen sanctions, toughen sanctions. What about an embargo, what about expanding no-fly, no-drive zones? What about the support of opposition forces?

There is a long list of suggestions, some that I will not even put in the record here, but they are worth thinking about. Our model should be the Reagan doctrine of rollback, not the Truman doctrine of containment in this instance. And I don't mean that as critically as it sounds. It is just that there are two different doctrines, and the doctrine here should be rollback, not containment.

Despite our areas of agreement that we have clearly reached—Senator DASCHLE and I have been working together making sure every word is sanitized in the potential resolution—it is obvious we cannot get it done this week for physical reasons as much as anything else. And I remind my colleagues and the American people it was 5 months after Saddam Hussein invaded Kuwait, 5 months before Congress passed a resolution authorizing the use of force to expel him. In this case, we have a bipartisan effort, trying to make sure that the right thing is going to be done and that the right language is developed. Unlike what we had in the early 1990's when the Speaker and majority leader were working to defeat the administration's policy, you now have a Speaker and a majority leader and the Democratic leader and the minority leader in the House all working together with the administration to make sure that the language is right and that the actions are right.

Yes, more time may be needed for diplomacy and more time to think about the long-term plans, but a point will come when time will run out and action must go forward. When that comes, when U.S. Armed Forces are sent into harm's way, by the President of the United States, they will have the backing of the Senate and the American people. If the President makes the decision to deploy military force against the threat posed by Iraq, America will be united, united and praying for the safety of our men and women in uniform, united in hoping casualties are kept to a minimum, and united in hoping for and supporting a successful effort.

I just want to make that point clear today. Nobody should interpret the fact that we don't vote on a resolution today as meaning that we are not united in the fundamental principles. We are. But we want to make sure that when we do take military action, we have thought about all the ramifications and the resolution that we come up with will have the involvement of

100 Senators, with 100 Senators being present and voting, and that every word is the appropriate word that reflects the best interests of the American people.

So I am pleased to stand here this afternoon and make this statement and to assure my colleagues that I will continue to work with every Senator on both sides of the aisle to make sure we take the appropriate action, if it is necessary, when we return week after next.

Mr. President, I yield the floor and I am looking forward to hearing Senator DASCHLE's comments on this subject.

Mr. President, I observe the absence of a quorum momentarily.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Democratic leader is recognized.

Mr. DASCHLE. I begin by complimenting the majority leader on his remarks and on the manner in which he has conducted himself and his leadership with regard to this issue. He has noted the strong desire on the part of all four leaders in Congress to demonstrate with absolute clarity the need for bipartisanship when it comes to sending as clear a message as we can. His remarks and his actions have demonstrated that, and I support fully his decision not to bring the resolution to the floor today.

Obviously, there are times when matters of this import need to be fully discussed and must by their nature involve every Senator. Two of the most important Senators to provide contributions to this debate are traveling on one of the most important missions related to this whole exercise and cannot be with us today.

In addition to that, we continue to consult with colleagues on both sides of the aisle in an effort to come up with the clearest and most accurate statement with regard to the position to be expressed by the Senate. So for all of those reasons and many others, Senator LOTT and I will continue to work with our colleagues and schedule a time that will provide for the opportunity for all Senators to be heard and for debate to take place on this very important matter.

But, so that there will be no misunderstanding, we come to the floor today jointly—and we will be joined by several others—to speak with one voice to condemn in the strongest possible terms Iraq's refusal to comply with international law. To condemn Iraq's refusal to fulfill its commitments to the international community. To send a clear message to Saddam Hussein that American resolve to force Iraqi compliance with international law and their own commitments is unwavering; to make clear that U.S. national interests are threatened if Saddam Hussein is allowed to thwart the international community's efforts to shut down his development of weapons of mass destruction programs.

Although Senator LOTT and I come from different political parties and may differ on issues from time to time, there ought to be no mistake about our position today. We stand united in sending the message to Iraq that it has no option other than to comply with the terms of the U.N. Security Council resolutions.

We have chosen to speak together today to send this important message as the President and members of his Administration work diligently to demonstrate to Iraq and the world the strength of our commitment to international security. It is a demonstration of our resolve—which is shared by the American people—that Iraq shall not be permitted to develop and deploy an arsenal of frightening chemical and biological weapons under any circumstances.

U.N. Security Council Resolution 687 requires Iraq to disclose and destroy its weapons of mass destruction capabilities and to commit unconditionally to never reviving those programs. Resolution 687 established the United Nations Special Commission (UNSCOM) to verify Iraqi compliance with these provisions and required that international economic sanctions against Iraq remain in place until those conditions are met.

The Iraqi government has repeatedly and deliberately impeded UNSCOM's attempts to ensure that Iraq's weapons of mass destruction programs are destroyed. The Iraqis have consistently thwarted UNSCOM's efforts to conduct their inspections unhindered—despite clear concerns about Iraq's remaining chemical and biological weapons capabilities. UNSCOM personnel have served admirably under extremely difficult, and often dangerous, conditions. In the face of concerted Iraqi intimidation and deception, UNSCOM has discovered numerous violations of U.N. Security Council resolutions requiring an end to Iraq's weapons of mass destruction programs. In fact, more Iraqi chemical and biological weapons have been destroyed as a result of UNSCOM's inspections than during all of Operation Desert Storm.

Iraq's actions pose a serious and continued threat to international peace and security. It is a threat we must address. Saddam is a proven aggressor who has time and again turned his wrath on his neighbors and on his own people. Iraq is not the only nation in the world to possess weapons of mass destruction, but it is the only nation with a leader who has used them against his own people.

It is essential that a dictator like Saddam not be allowed to evade international strictures and wield frightening weapons of mass destruction. As long as UNSCOM is prevented from carrying out its mission, the effort to monitor Iraqi compliance with Resolution 687 becomes a dangerous shell game. Neither the United States nor the global community can afford to allow Saddam Hussein to continue on this path.

Secretaries Albright and Cohen, in their trips to the Persian Gulf and elsewhere, are sending the important message that, while the United States certainly prefers a diplomatic course, we are willing to use force to block Iraq's ability to develop and use an arsenal of chemical and biological weapons if diplomatic efforts do not achieve this result. While there are clear differences among the leaders they have talked with, they have found unanimity on at least 2 issues.

First, U.N. weapons inspectors must have unfettered access to suspect Iraqi sites. Second, Saddam Hussein is solely responsible for creating this crisis by not adhering to the Security Council resolutions in the first place.

The foreign ministers of the 6-member Gulf Cooperation Council—Saudi Arabia, Kuwait, Bahrain, Oman, United Arab Emirates, and Qatar—stated this most clearly just yesterday:

> The current crisis is a direct result of Baghdad's reluctance to cooperate with United Nations weapons inspectors and its determination to defy the will of the international community with respect to the elimination of its arsenal of weapons of mass destruction . . . The only solution to spare the people of Iraq additional hardship and dangers is the Iraqi regime's implementation of the U.N. resolutions which it had previously accepted.

The United States continues to exhaust all diplomatic efforts to reverse the Iraqi threat. But absent immediate Iraqi compliance with Resolution 687, the security threat doesn't simply persist—it worsens. Saddam Hussein must understand that the United States has the resolve to reverse that threat by force, if force is required And, I must say, it has the will.

Secretary Albright sent the message in its purest form: ''Saddam does not have a menu of choices, he has one: Iraq must comply with the U.N. Security Council resolutions and provide U.N. inspectors with the unfettered access they need to do their job.''

We are here today to affirm that we and the American people stand with the President and the international community in an effort to end Iraq's weapons of mass destruction programs and preserve our vital national and international security interests.

The Senate has been working on a concurrent resolution expressing Congress's concern about Iraq's refusal to cooperate with U.N. weapons inspectors and urging the President to respond to this threat. In doing so, the Senate has grappled with some of the very difficult issues surrounding Congress's role in the decision to use military force. Perhaps too much had been made of the differences among Members of Congress about exactly how to approach this problem. That is understandable. There are always ways

in which to change the wording. But there is no way in which to change the message. The message is fundamentally and unequivocally clear, the most important message of all. Iraq must comply. There is no choice. We stand united in our determination to do whatever is necessary to achieve our goal. Iraq must comply. The United States has the resolve to ensure that compliance and we stand united today in an effort to articulate that very clear message as loudly, as unequivocally, and in as much of a bipartisan way as we can.

Mr. BIDEN. Mr. President, no one should doubt for a moment the resolve of the United States to respond with force, if necessary, to Iraq's continued flagrant violation of United Nations Security Council resolutions.

Vigorous diplomacy has been pursued over the past three months, but, thus far, Saddam Hussein has shown that he has no interest in a peaceful solution on anything other than his own terms. We cannot allow this tyrant to prevail over the will of the international community. Our national security would be seriously compromised by a failure to stand up to the challenge he has confronted us with.

Our strategic objective is to contain Saddam Hussein and curtail his ability to produce the most deadly weapons known to mankind—weapons that he has unleashed with chilling alacrity against his own people. Left unchecked, Saddam Hussein would in short order be in a position to threaten and blackmail our regional allies, our troops, and, indeed, our nation.

Let me take just a moment to recount how we have come to the point where military force may be employed in the near future.

For nearly seven years, Iraq has engaged in a cat and mouse game with the international inspectors that comprise the United Nations Special Commission. It has obstructed UNSCOM from fulfilling its mandate to monitor, investigate, and destroy Iraq's capacity to produce weapons of mass destruction.

In spite of Iraq's tenacious efforts at concealment and obstruction, UNSCOM has uncovered and destroyed more weapons of mass destruction than were destroyed during the entire gulf war. UNSCOM has revealed Iraqi lie after Iraqi lie.

Last October, Iraq threatened to expel all American members of the special commission. Ambassador Richard Butler, the chairman of UNSCOM, responded appropriately by withdrawing all inspectors rather than having his staff of professionals segregated on the basis of their nationality.

The ensuing stand-off led to diplomatic intervention by Russia. Eventually, Iraq relented by allowing UNSCOM back into the country.

But the central issue of unconditional and unfettered access by UNSCOM was left unresolved. Ambassador Butler visited Baghdad in December to try to resolve this issue, but to no avail.

Then, last month, Iraq refused to cooperate with a team of inspectors investigating Iraq's efforts at concealment. It made preposterous charges that the American head of the team, Scott Ritter, was a spy.

During a subsequent visit by Ambassador Butler, Iraq struck a defiant note. It vowed never to open so-called ''presidential and sovereign sites'' to inspection. In a recent speech, Saddam Hussein stated his decision to expel UNSCOM by May 20 if sanctions remain in place.

The United Nations Security Council has repeatedly condemned Iraq's noncompliance. Since October of last year, on seven separate occasions, the Security Council has demanded that Iraq fulfill its obligations.

But Saddam Hussein has made clear that it is more important to him to retain the capacity to produce weapons of mass destruction than it is to comply with the resolutions that would allow sanctions to be lifted. Once again he has proven what little regard he has for the suffering of his people.

The international community has exhibited enormous patience with Iraq. But that patience has reached its limit.

Time has run out. If Iraq does not comply immediately and unconditionally with United Nations Security Council resolutions demanding unfettered access for U.N. weapons inspectors, I believe that President Clinton will have no choice but to order the use of air power.

Unfortunately, we have learned over the past several years that the Iraqi Government, and more specifically its leader, only seem to understand the blunt language of force.

In recent weeks, several questions and criticisms have been raised with respect to President Clinton's policy. I would like to take a moment to respond to some of these comments.

Questions have been asked about our objectives. The objectives have been defined precisely. They are to curtail and delay Saddam Hussein's capacity to produce and deliver weapons of mass destruction and his ability to threaten his neighbors. We have been told by the Joint Chiefs of Staff that a military plan has been developed that would fulfill these objectives.

In a sense, the international coalition now assembling forces in the Persian Gulf will accomplish through the use of force what UNSCOM would be doing were it allowed to do its job. Secretary Cohen has told us that there is no substitute for having UNSCOM on the ground, but we are left with little choice if UNSCOM is prevented from carrying out its duties.

When the objectives have been explained, the next question that arises is what are the next steps. But this question is based upon the flawed premise that the use of force reflects a new policy. In fact, the use of force for the purposes outlined by the President is an integral part of the long-standing policy of containing Iraq.

Containment is a very unsatisfying policy at an emotional level. It lacks finality and it requires patience and staying power. But it meets our strategic objective of preventing Iraq from threatening our national security interests.

Containment is the best of three bad options available to us. The other two options would be to do nothing, or to send in several hundred thousand ground troops to occupy Iraq. Neither of these policies is viable.

Doing nothing would encourage Iraqi defiance and lead to a complete collapse of the constraints that have been placed upon Iraqi behavior since the end of the gulf war. It would be the surest way to rehabilitate Saddam Hussein.

Just as unpalatable is the prospect of sending in several hundred thousand ground troops to change the Iraqi regime. I believe that there is little support for such an operation in the Congress or the public. It would also raise a series of questions:

Would we be prepared to occupy and rebuild Iraq over a period of several years?

Would we be prepared for the real possibility that a march on Baghdad might lead Saddam Hussein to unleash his weapons of mass destruction?

Would any other nation support us for an action that is clearly outside the bounds of security council resolutions? To this point those resolutions have provided the basis for all U.S. military action against Iraq since the gulf war.

In the end, the only policy that stands up to scrutiny is that of containment, which the Clinton administration has followed and the Bush administration before it followed.

Finally, another question that has arisen is whether the President should obtain specific authorization to use force. I believe that the President would be wise to obtain such authorization.

The executive branch contends that it already has sufficient legal authority, under Public Law 102–1—the use of force resolution passed by Congress before the gulf war. The argument, as I understand it, may be summarized as follows:

In Public Law 102–1, Congress authorized the President to use United States Armed Forces:

''Pursuant to United Nations Security Council Resolution 678. Security Council Resolution 678, passed by the Council in November, 1990, authorized members of the United Nations to ''use all necessary means to uphold and implement Resolution 660 (1990) (The resolution which called for Iraqi forces to leave Kuwait) and all subsequent relevant resolutions and to restore international peace and security in the [Persian Gulf] area.''

Following the gulf war, in April, 1991, the Security Council passed Resolution 687, which set the terms of the cease-

fire and required Iraq to accept the destruction or removal, under international supervision, of its weapons of mass destruction. By its terms, it reaffirmed Resolution 678, and all prior council resolutions regarding Iraq.

Because Security Council Resolution 678 provided broad authority for nations to enforce ''all subsequent relevant resolutions'' and ''to restore peace and security in the area,'' and, because peace and security has not been restored to the Persian Gulf—indeed, Iraq is currently in violation of the cease-fire resolution—then the resolutions from 1990 and 1991, both by the Security Council and Congress, the administration contends, would still have legal force.

Moreover, Congress has never modified or repealed Public Law 102–1, so absent further congressional action, and absent the restoration of peace and security to the gulf, the President still has the legal authority to use military action against Iraq. Or so the administration's argument goes.

As a strong advocate of Congress exercising its powers under the Constitution in authorizing the use of force, I must admit to some skepticism about this theory. In my own research of the question, I have consulted several eminent constitutional scholars. My conclusion is that the administration's argument may be legally tenable—if barely so—and would probably be sustained in a court of law.

But merely because the position may be legally sufficient—and the courts are notoriously deferential to the executive in matters of war and peace (if they agree to consider the case at all)—I do not believe it would be wise precedent, or wise policy, of the President to proceed with renewed military action against Iraq without a clear authorization, newly enacted by this Congress. Indeed, because the question is a close one—and because we have a different President than we did in 1991, and a significant change in the membership of Congress since that time—it would be prudent for President Clinton to seek a new expression of legal authorization from Congress.

Mr. President, we should all hope for a genuine diplomatic solution to this stand-off, but no one should doubt our resolve to use force if it becomes necessary.

We have little choice in this matter. Important principles and vital national interests are at stake.

First and foremost, an Iraq left free to develop weapons of mass destruction would pose a grave threat to our national security. The current regime in Iraq has repeatedly demonstrated its aggressive tendencies toward its neighbors. It has also displayed a callous willingness to use chemical weapons to achieve its aims.

Recently, we have heard chilling reports of possible biological weapons experiments on humans. An UNSCOM Inspector has spoken of information that points to a secret biological weapons production facility. And Ambassador Richard Butler has told us that Iraq could well have missile warheads filled with anthrax capable of striking Tel Aviv.

An asymmetric capability of nuclear, chemical, and biological weapons gives an otherwise weak country the power to intimidate and blackmail. We risk sending a dangerous signal to other would-be proliferators if we do not respond decisively to Iraq's transgressions. Conversely, a firm response would enhance deterrence and go a long way toward protecting our citizens from the pernicious threat of proliferation.

Second, a failure to uphold United Nations resolutions would diminish the credibility of the Security Council. As much as we might like to deal with every threat we face on our own, in reality it is impractical and unrealistic. Instinctively, we all know that we are much better off when we have the support of the international community when facing common threats.

But in order for the Security Council to respond effectively to threats to international peace and security that might arise in the future, it is important that those who would violate the will of the international community pay a steep price for their actions. Iraq offers an important test case for the Security Council. Capitulating to Iraqi defiance could spell a dismal future for the Security Council in handling the central matters of international peace and security for which it was created.

I hope that the Russians, French, and Chinese keep in mind that it is not in their interest to see the authority of the Security Council diminished.

It is difficult to overstate the stakes involved.

Fateful decisions will be made in the days and weeks ahead. At issue is nothing less than the fundamental question of whether or not we can keep the most lethal weapons known to mankind out of the hands of an unreconstructed tyrant and aggressor who is in the same league as the most brutal dictators of this century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I, too, want to commend our two leaders for working together on this very important issue. I think all of us believe that it is our responsibility, as the U.S. Senate, to work in a bipartisan way with the President of the United States on an issue as grave as attacking another country and sending our troops into harm's way. I believe the administration will work with this Congress and I believe we will have a comfort level that there is a plan and that our troops will be sent on a mission that is very clear. That is what this is all about.

The message we are sending to Saddam Hussein today is clear: You may either join the community of nations, abide by the resolutions of the United Nations, or there will be serious consequences. I don't know anyone who disagrees with that proposition.

We have often debated the importance of international arms control agreements, such as the Chemical Weapons Convention, the Comprehensive Test Ban Treaty among others. What is clear is that without the resolve of the international community to enforce these standards, they are meaningless. Saddam Hussein has threatened the peace in the Middle East before. His people have suffered mightily for it. But even at that time he did not deploy weapons of mass destruction. We cannot provide him a second chance.

International inspectors have concluded that he is continuing to develop an arsenal of these horrible weapons. He has used them in the past, so why wouldn't we believe that he would use them again, unless he is stopped? Just to put this in perspective, when you talk about chemical weapons or biological weapons, someone may say, ''So, what is that? Does that make that much difference? Is that really something that could harm the neighbors of Iraq, or harm the people of any other country?''

Anthrax is one of these weapons. A few pounds—think of what that is. It's something that is about this big. A few pounds of anthrax could wipe out a city the size of Washington, DC. We know that Saddam Hussein has the capability to produce this type of weapon. We know he has Scud missiles, we have seen them. Put that on top of a Scud missile and what does that do to the security of the neighbors of Iraq?

Chemical or biological agents could be introduced into the water supply of any city and kill thousands of people. That is the kind of weapon we are talking about. So, if you are talking about, is this really an issue? Is this something that we need to stop? I just ask you, if a few pounds of this kind of agent can kill the inhabitants of a city the size of Washington, DC, who in the world is safe, if someone is manufacturing these and has used them on innocent people before?

The United States led in the gulf war. We will lead again. And we will do so with the support of the American people. We are going to stand against nuclear, chemical or biological weapons in the hands of someone so irresponsible as Saddam Hussein, who has a record that is known of killing innocent people. We look for support from the international community as we had it in Desert Storm, and as I hope we can count on for the future.

We must not let there be a doubt of the resolve of the American people. Saddam Hussein must know that we speak with one voice. We need the resumption of inspections, for Saddam Hussein to show that he wants to be a part of the international community. Military force is justified as part of an overall strategy. Our leader has said that. What Congress will be looking

for, what the American people will be looking for from the President and his advisers, is an overall strategy so we know what we are looking at, what our troops are going to be asked to do; so that we can provide our troops with all the means they need to do the job and the protection they need when they are in the field.

I hope that part of an overall strategy will be the beginning of the communication directly with the people of Iraq, with the good and decent people who have fled the country, to say we want to support you and we want you to know that the weapons that are being held could be totally deadly to you, to your children, and to the people that live throughout the country of Iraq. What we want to do is make that a safe area so the people will be free and so they can join the community of nations for a lasting peace in the Middle East. Our forces are prepared. They will be capable of dealing a harsh lesson once again. I hope it will not be necessary.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I want to express my personal gratitude to the Senate majority leader, to the Senate Democratic leader, to my colleague from Texas who has just spoken for their eloquent statements, but really more for the unmistakable message that they send, which is that there are ultimately times of conflict abroad that involve the vital interests of the United States, as the current situation in Iraq does, no Democrats, no Republicans, only Americans standing side by side in support of the Commander in Chief and all those Americans in uniform who serve under him.

That, I hope, is the message that will be heard in Baghdad, most importantly. If the Commander in Chief of the United States decides that military force is necessary to be employed against Iraq, the overwhelming majority of Members of the U.S. Senate will stand strongly behind him and behind those American personnel in uniform who will carry out that policy.

Mr. President, the statements of the majority leader and the Democratic leader are the finest examples of bipartisanship and statesmanship. They remind us, though there may be disagreements in this Chamber on partisan lines, that, again, when challenged, when it comes to America's vital interests abroad, we will stand together above party lines.

The administration has been very accessible, very forthcoming in consulting with both Houses of Congress about the challenge that Saddam Hussein and Iraq represent to us and to the security of our allies in the region and our soldiers in the region and of the world in general. I think we have to express our appreciation to the administration for that dialog that continues.

What is at stake in Iraq today? For one, something that might be considered quaint in some quarters, meaningless in other quarters, international agreements are at stake, agreements to end the gulf war, promises made by Saddam Hussein about allowing inspections which would enable us—the world—to guarantee that he was keeping his promises to disarm, a request justifiably made by the victorious forces in Operation Desert Storm and required of those who were vanquished in that conflict. So it is the integrity of these agreements, in the first instance, that is at stake.

Secondly, there are consequences, which is the threat that Saddam Hussein will use those weapons of mass destruction that we know he has; that he will use the ballistic missile, the delivery system capacity to deliver those weapons of mass destruction that we know he has in rudiment and is developing even further.

We know, as one of my colleagues said a moment ago—I believe it was Senator DASCHLE—unlike other leaders in the world, including dictatorial leaders of rogue nations who possess weapons of mass destruction, this particular leader, Saddam Hussein, has used those weapons against his neighbor, Iran, in the Iran-Iraq war in the eighties, and against the Kurdish population of his own country.

So our anger, our anxiety, our unease, our judgment that we have vital interests at stake is not theoretical. It is based on a course of behavior by this particular leader of this particular nation. We went through the entire cold war with enormous amounts of nuclear power in our hands and in the hands of the Soviet leaders, but there was, in the end, a kind of understanding based on a strange form of civilized premise, which is that those weapons would not ultimately be used, and they were not ultimately used. I don't think we can reach that same conclusion about this leader based on his own course of behavior.

There is a way in which there is a line to be drawn in this case, just as we drew a line in the post-cold-war-world, when Saddam invaded Kuwait and threatened our neighbors and vital economic interests and energy supplies in that region and we acted, reacted and reacted forcefully and rolled him back. Just as in Bosnia, we saw ethnic conflict could divide Europe and create broader conflict there, and we acted and stopped it. So, too, in this case, we are called upon to show that we are willing to draw a line, a preventive line, against those who possess weapons of mass destruction—chemical and biological; some have called them the poor nations' nuclear weapons—that we will draw a line and say we won't tolerate it. We are going to act to impose a regime of promises to disarm and if those promises are not kept, the international community will act to enforce them.

We have vital interests at stake in the region. We have thousands of soldiers there within range of these weapons of Saddam Hussein. We have allies in the region in the moderate Arab nations and in Israel, and we have vital economic interests in the oil supply in that region.

Mr. President, the fact is that all of those interests, all that we have at stake there—international promises made by Saddam as a condition to the end of the cold war, the threat of weapons of mass destruction and delivery systems, the vital interests in the region, the necessity to draw a line against the use of chemical and biological poisons, which all of the military experts tell us will characterize and intensify the security threats to our region and most of the rest of the world in the next century—all of those threats are not just to the United States, they are surely to our allies in the region and are to most of the rest of the world.

That is perhaps why so many nations have come to our side as we face the reality that the United Nations, not the United States, tell us of the refusal of Saddam Hussein to allow the inspections that he promised and, therefore, the fact that we have gone now more than 5 months with those sites uninspected and day by day the threat rises.

That is why our closest and most steadfast ally, Britain, have joined us, are ready to stand and fly side by side with us. But they are not alone. Canada, Australia, the Netherlands, Bahrain, Kuwait, Israel and a growing number of others are prepared to join us.

As much as we are heartened by this support, we don't see the same range of the coalition that we had leading up to the gulf war. Maybe that is understandable because the threat that the current crisis poses is not as immediate and accomplished, it is mostly imminent. In 1990, Saddam Hussein invaded his neighbor Kuwait and threatened Saudi Arabia and the rest of the Persian Gulf states, oil-producing states. In that circumstance, with a danger that was real and experienced, it was easier to assemble the broad-based coalition that we did.

Today, the threat may not be as clear to other nations of the world, but its consequences are even more devastating potentially than the real threat, than the realized pain of the invasion of Kuwait in 1990, because the damage that can be inflicted by Saddam Hussein and Iraq, under his leadership, with weapons of mass destruction is incalculable; it is enormous.

Therefore, I hope, though the circumstance may not be as clear, that other nations that have not yet forcefully expressed their willingness to stand with us and Britain and the other allies I mentioned will come to an understanding of that. It has been my hope all along that if the United States continued to lead, as we have, that the full range of coalition allies would, once again, stand by our side.

I always remember the Biblical evocation which is, if the sound of the

trumpet is not clear, then who will follow in battle? If the sound of the trumpet is clear, then I hope that the widest range of other nations in the world will follow into battle, if that is necessary, not simply to follow our leadership, but because their vital interests are at stake, in the resolution of this problem.

Mr. President, I think the administration has made clear, and that is why I believe there is broad support for the possible attacks that may occur on Iraq, that its goals here are limited. If air attacks occur, these are not acts of revenge, these are not punitive acts which have no meaning. These would be acts and attacks that are aimed at accomplishing what the inspections were supposed to accomplish, that are aimed at accomplishing what the gulf war cease-fire agreement was supposed to accomplish, which is the diminution and ultimately the elimination of Iraq's capacity to wage chemical, biological or nuclear war against its neighbors or ultimately anyone in the world. That limited goal may not satisfy some people, but it is a reasonable goal at this time, and it is a goal that I think ultimately and effectively will enjoy the broadest support in the U.S. Senate.

Mr. President, there are those who say, ''Well, what next? What if this doesn't work?'' I am confident it will work. When I say it will work, I mean I have the confidence the United States military has the capacity to strike at Iraq in a way that will, in fact, incapacitate, debilitate, postpone the ability of that country under Saddam Hussein to inflict damage on its neighbors with weapons of mass destruction. So that goal will be accomplished.

I think the question of what is next is an appropriate topic of discussion. Some people say we should pull back and wait and see what, in that initial time of that military strike, if it occurs, it will gain us, to see whether diplomacy can work again, to see if we can build the fullness of the coalition and again confront Saddam with the opportunity to comply with the promises he previously made.

Others, and I number myself among this group, are very skeptical of that policy. Diplomacy is always preferable to the use of force, and yet, I myself remain profoundly skeptical that an acceptable diplomatic resolution to this conflict is possible.

It is a painful and sad conclusion, but it is based not on animus toward that country, certainly not animus toward the people of Iraq, but it is based on the record. The record I need not cite in detail, but we know about the violent way in which Saddam Hussein seized power in Iraq, eliminating those of his fellow Iraqis who were in his way, about the violent and dictatorial way in which he has ruled. Life doesn't matter when you stand in the way of him; of the means that he used to conduct the war against Iran, including weapons of mass destruction; of his invasion of Kuwait; of his flaunting of the very agreements he made to end the gulf war; of the taunting of the international community that he represents today.

Mr. President, if this were a domestic situation, a political situation, and we were talking about criminal law in this country, we have something in our law called ''three strikes and you are out,'' three crimes and you get locked up for good because we have given up on you. I think Saddam Hussein has had more than three strikes in the international, diplomatic, strategic and military community. So I have grave doubts that a diplomatic solution is possible here.

What I and some of the Members of the Senate hope for is a longer-term policy based on the probability that an acceptable diplomatic solution is not possible, which acknowledges as the central goal the changing of the regime in Iraq to bring to power a regime with which we and the rest of the world can have trustworthy relationships. That is not going to be simple. It is not going to come overnight. It involves an effort to work with Iraqi opposition to Saddam Hussein, to use some of the same methods that were used in the cold war, something as simple and yet as effective as Radio Free Europe which spoke so powerfully to the hopes and dreams of people who lived so long under the tyranny of the Soviets, the Communists, and do the same for the people who live under the tyranny of Saddam Hussein, to work with our allies to build the kind of alternative that will raise our hopes for peace in that region of the world.

Those discussions about what may follow an air attack on Iraq are important. They are not easy. They deserve to be debated.

For now I think what is most important is that people of both parties have come together on the floor of the Senate to speak to this challenge to international law, to America's vital interests, and to say, directly or indirectly, ''Mr. President, if you, as Commander in Chief, act in this circumstance, in this crisis, you and the troops who serve under you will have broad bipartisan support in the U.S. Senate.''

I thank the Chair, and I yield the floor.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

IRAQ'S THREAT TO INTERNATIONAL PEACE AND SECURITY

● Mr. LEVIN. Mr. President, I want to express my support for President Clinton, in consultation with Congress and consistent with the United States Constitution and laws, taking necessary and appropriate actions to respond effectively to the threat posed by Iraq's refusal to end its weapons of mass destruction programs.

I am presently in Moscow accompanying Secretary of Defense William Cohen on a trip that has taken us to Saudi Arabia, Kuwait, Oman, the United Arab Emirates, Qatar and Bahrain.

I believe that it would be useful to briefly review some of the historical record relating to Iraq's compliance with United Nations Security Council resolutions leading up to the present crisis.

United Nations Security Council Resolution 660 of August 2, 1990, condemned the Iraqi invasion of Kuwait and demanded that it withdraw its forces from Kuwait. The Security Council's Resolution 678 of November 29, 1990, affirmed by Resolution 687 of April 3, 1991, authorized the use of all necessary means to restore international peace and security. During this period and up to the actual use of force by the United States-led coalition, there were a series of diplomatic efforts to convince the government of Saddam Hussein to withdraw from Kuwait. But Saddam Hussein didn't get it.

Following the Gulf War, the Security Council continued the economic and weapons sanctions on Iraq that were imposed after it invaded Kuwait. The Security Council conditioned the lifting of the sanctions on Iraq's accepting the destruction, removal or rendering harmless, under international supervision, of its nuclear, chemical, and biological weapons programs and all ballistic missiles with a range greater than 150 kilometers. Despite the crippling international economic sanctions that have been imposed on his country by the international community, Saddam Hussein still didn't get it.

In recognition of the need to reduce the harm to the Iraqi people that were caused by Saddam Hussein's misadventures, the Security Council on August 15, 1991, in Resolution 706, authorized the sale of Iraqi oil for the dual purpose of the payment of claims against Iraq and for the purchase of foodstuffs, medicines, materials and supplies for essential civilian humanitarian needs. That authorization was made subject to the Security Council's approval of a plan for such sales and for international monitoring and supervision to assure their equitable distribution in all regions of Iraq and to all categories of the Iraqi civilian population. But Saddam Hussein rejected the plan. It wasn't until a Memorandum of Understanding on the plan was signed by Iraq and the United Nations on May 20, 1996, and after several additional months of contentious negotiations on implementation details, that Iraq finally began pumping oil on December 10, 1996. That was more than 5 years after the Security Council authorized such action. Saddam Hussein still didn't get it.

There were several major confrontations between Iraq and the international community over access for United Nations Special Commission on Iraq or UNSCOM inspectors between May 1991 and June 1993. That pattern of confrontation was repeated on numerous occasions from March 1996 to October 1997. Since that time, the situation worsened until Iraq agreed that

UNSCOM could return to Iraq unconditionally. Although UNSCOM inspections resumed on November 21, 1997, access was denied to presidential palaces and many other sites, and in mid-January 1998, an inspection team headed by an American was blocked. By the way, there are many dozens of these palaces. Some have grounds as large as Washington D.C. They are suspect weapons of mass destruction sites as long as access is denied.

And so we have reached the present moment in time in which Iraq is blocking the UNSCOM inspectors from performing their mission on behalf of the international community. Saddam Hussein still doesn't get it.

Mr. President, United Nations Secretary General Kofi Annan stated it well at a press conference on February 2 when he said:

I think no one in the Council is pushing for the use of force in the first instance. All those who are talking about it are looking at it as a last resort. We hope that President Saddam Hussein, for the sake of the Iraqi people, who have suffered so much, will listen to the messages that are being taken to him by these senior envoys from Russia, from France, from people in the region, leaders in the region and elsewhere, and really avoid taking his people through another confrontation. They don't need it; the region doesn't need it; and the world certainly can do without it. And so, hopefully, the leadership will have the courage, the wisdom and the concern for its own people to take us back from the brink.

Mr. President, this crisis is due entirely to the actions of Saddam Hussein. He alone is responsible. We all wish that diplomacy will cause him to back down but history does not give me cause for optimism that Saddam Hussein will finally get it.

Mr. President, Saddam Hussein's weapons of mass destruction programs and the means to deliver them are a menace to international peace and security. They pose a threat to Iraq's neighbors, to U.S. forces in the Gulf region, to the world's energy supplies, and to the integrity and credibility of the United Nations Security Council.

Mr. President, as I noted earlier, I have visited a number of countries in the Middle East with Secretary Cohen. In each country, we have met with the head of state. We've had a series of very positive meetings in every country. We're very confident that the support that is needed and has been requested from these countries would be forthcoming if diplomatic efforts fail to get Saddam Hussein to comply and if there is a military strike. They all say, in various ways, basically the same thing—he must comply with U.N. Security Council resolutions and, if he fails to comply and if there is military action, the responsibility is his and his alone since he has the key to a peaceful solution, which is compliance with the U.N. resolutions. And we are assured privately that we will have their support if diplomatic efforts fail and if military action is necessary.

Mr. President, yesterday the Gulf Cooperation Council at the Ministerial level issued a statement concerning the Iraqi crisis. I ask that the text of the statement by printed in the RECORD at the conclusion of my remarks. That statement included the following and I quote:

The Ministerial Council has stressed that the current crisis is created by the Iraqi regime alone as a result of its non-cooperation with the international inspectors and its challenge to the will of the international community. This non-cooperation threatens Iraq with severe dangers. The Council expresses its conviction that responsibility for the result of this crisis falls on the Iraqi regime itself.

Further, General Zinni, the Commander in Chief of the Central Command (CINCENT), has personally advised us that, in his professional opinion, the United States has the support from Saudi Arabia and other Gulf nations needed to meet the requirements of the CINCCENT plan to execute a successful military operation, should it be necessary.

Mr. President, the use of military force is a measure of last resort. The best choice of avoiding it will be if Saddam Hussein understands he has no choice except to open up to UNSCOM inspections and destroy his weapons of mass destruction. The use of military force may not result in that desired result but it will serve to degrade Saddam Hussein's ability to develop weapons of mass destruction and to threaten international peace and security. Although not as useful as inspection and destruction, it is still a worthy goal.

The statement follows:

GULF COOPERATION COUNCIL

The dangerous circumstances and the critical situation the region is witnessing, which has resulted from the crisis which the Iraqi regime has created with the international inspectors belonging to the special committee assigned the task of destroying Iraqi WMD, and by refusing to cooperate with the international inspectors while not allowing them to carry out their duties by imposing conditions and creating obstacles represents a clear violation of the Security Council resolutions related to Iraq's aggression on the state of Kuwait.

The Ministerial Council has discussed these developments and what they involve in terms of actual dangers which threaten the security and stability of the region.

The Ministerial Council notes the international community's consensus and its insistence on Iraq implementing the Security Council resolutions in full; it places the responsibility for the delays in implementing those resolutions on Iraq. These delays will lead to continuation of the sanctions imposed on Iraq under which the Iraqi people suffer. The GCC people are concerned by this suffering and place the responsibility for it on the Iraqi regime alone.

The Ministerial Council has stressed that the current crisis is created by the Iraqi regime alone as a result of its non-cooperation with the international inspectors and its challenge to the will of the international community. This non-cooperation threatens Iraq with sever dangers. The council expresses its conviction that responsibility for the result of this crisis falls on the Iraqi regime itself. The council also stresses that it is not reasonable or acceptable anymore that the Iraqi regime takes unilateral measures to complicate conditions which threaten it with more severe and dangerous consequences while at the same time placing the responsibility for such measures on the Arab nation and the international community.

Bearing in mind that the council has not abandoned and continues to support any peaceful approach, the severe results from what might happen are to be borne by the Iraqi regime alone. In spite of the numerous efforts which a number of Arab and international parties have exerted to convince Iraq to retreat from its position by allowing the international inspectors to carry out their duties without any hindrance or condition, the Iraqi regime has continued with its intransigence. Not caring about the dangerous consequences which could result from this stance.

And in this tense environment, which presages dangers, the council expresses its belief that the only way to save the Iraqi people from the dangers and suffering to which they have been subjected is by the Iraqi regime implementing the resolutions which the international community has reached by consensus and which Iraq has accepted, in accordance with the program of this special commission the implementation of which no one has disputed.

In order to avoid the Iraqi brotherly people being subjected to the dangerous consequences of this crisis, the council asks the Iraqi regime to yield to the efforts made to implement all the commitments asked of it by removing the barriers/obstacles which it has imposed on the tasks of the international inspectors in preparation for reducing the sanctions and lifting the suffering of the Iraqi brotherly people.

The council stresses again its firm stance on the need to preserve the independence and sovereignty of Iraq, its territorial integrity and its regional security. The council has decided to continue communications between the member countries to follow the developments and this session will remain open.●

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, under the previous order, has 30 minutes. The Senator from Maine was here before he was. Will he let her——

Mr. BYRD. I am seeking recognition first.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Now, if the distinguished Senator from Maine would prefer to go ahead, I would be happy to await her.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Does the Senator from West Virginia yield?

Mr. BYRD. I just wanted to establish my right under the rules—which I sought recognition. The fact that another Senator has been here does not mean anything under the rules, but I am happy to yield and have the Senator proceed.

The PRESIDING OFFICER. The Senator from Maine is recognized for not to exceed 10 minutes.

Ms. COLLINS. Thank you, Mr. President. And I thank the Senator from West Virginia for his courtesy.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1648 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. COLLINS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business until the Senator from West Virginia comes to the floor to give his statement. I ask unanimous consent for only 5 minutes or until such time as the Senator arrives.

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

PREVENTING FRAUD AND ABUSE WITHIN THE MEDICARE PROGRAM

Ms. COLLINS. Mr. President, as the Congress grapples with the problem of maintaining the solvency of the Medicare program and with proposals to expand Medicare coverage, we must not overlook a critical problem that threatens the financial integrity of this vital social program, which provides health care services to 38 million older and disabled Americans. I am talking, Mr. President, about the problem of waste, fraud and abuse in this program.

The Permanent Subcommittee on Investigations, which I chair, has undertaken an extensive investigation into Medicare fraud.

At our first hearing last summer, we learned from the inspector general of the Department of Health and Human Services that an astounding $23 billion a year is lost to waste, fraud, abuse and other improper payments.

In more recent hearings, Mr. President, we discovered that career criminals, with absolutely no background in health care, were able to be certified as Medicare providers and enter the system for the sole purpose of ripping it off.

For example, one case that the subcommittee investigated involved a totally fictitious durable medical equipment company that was located in the middle of the runway of the Miami International Airport, if it had in fact existed.

I am not talking here, Mr. President, about legitimate providers or innocent mistakes or honest billing errors. I am talking about outright fraud. We need to do a better job of screening providers and controlling their entry into the Medicare system.

Mr. President, the vast majority of health care professionals are dedicated and caring individuals who deliver vital services to millions of Americans across the country. They are as appalled by this kind of fraud as any of us.

Recently, I met with the members of the Home Care Alliance of Maine concerning the issue of fraud in the health care industry. The Home Care Alliance of Maine has a longstanding commitment to ensuring the highest quality home health care in the State of Maine. It has adopted a policy of zero tolerance on fraud and abuse in the home health industry. Its members recognize that unscrupulous home health providers not only tarnish the reputation of legitimate health care professionals, but that these unscrupulous individuals jeopardize the very availability of Medicare.

I ask unanimous consent the position statement of the Home Care Alliance of Maine be printed in the RECORD so my colleagues and organizations representing home health care agencies across the United States can have the benefit of the very fine work this organization has done.

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

MEDICARE FRAUD AND ABUSE

POSITION STATEMENT

The Home Care Alliance of Maine membership has a long-standing commitment to provide the highest quality of care to the elderly and infirm of our state. Even one unscrupulous home health provider that fails to maintain the values and ethics that are at the core of home care jeopardizes the viability of ongoing access to appropriate home health services.

We recognize that the responsibility for resolving concerns of fraud and abuse lies with the government, the home health industry, and individual providers. We further believe that different strategies are needed to clearly distinguish deliberately fraudulent practice from unintentional errors that can occur in the interpretation of the complex and often vague rules and regulations in the Medicare home health care benefit.

The Home Care Alliance of Maine firmly believes that fraud and abuse can be eliminated and errors corrected when addressed by comprehensive and concerted efforts among the industry, government, individual providers, and consumers. This partnership is critical to achieve the mutually beneficial goal of assuring integrity in administration of the Medicare home health care benefit.

We further believe that education of consumers and advocacy groups is central to ensuring trust in legitimate providers of home health services. It is only through open and public discussion about the basic structure of changes in the Medicare home health care benefit that consumers and others can confidently distinguish blatant fraud and abuse from innocent errors in interpretation and provision of services. Informed consumers and their advocates can then be reassured by their choice of licensed and certified home health agencies.

The Home Care Alliance of Maine supports:

1. Zero tolerance for fraud and abuse of the Medicare home health care benefit.
2. Total cooperation with prompt and responsible investigation and resolution of any errors in interpretation and application of the Medicare home health care benefit.
3. Medicare coverage and reimbursement standards in language that is understandable and readily accessible to providers and consumers through various means, e.g. federal depository libraries, state regulatory agencies, trade associations, fiscal intermediaries, and the Internet.
4. Enhancement of education and training of home health agencies through joint efforts with regulators.
5. Credentialing and competency testing standards for government contractors and federal regulators responsible for issuing Medicare determinations.
6. Mandatory screening and background checks on all applicants for Medicare certification as a home health agency.
7. Development and provision of a summary of program coverage requirements for consumers and prospective consumers of Medicare home health care benefits.
8. Enhancement and increased accessibility of the consumer reporting hotline for suspected fraud and abuse.

The Home Care Alliance of Maine is committed to working with its membership, state and federal regulatory bodies, and consumer advocacy groups to ensure the integrity of the Medicare home health care benefit in Maine.

Ms. COLLINS. I appreciate the opportunity to comment on this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF MEMBERS OF ARMED FORCES HELD AS PRISONERS OF WAR DURING VIETNAM CONFLICT

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 177, submitted earlier today by Senators COVERDELL, CLELAND and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 177) recognizing, and calling on all Americans to recognize, the courage and sacrifice of the members of the Armed Forces held as prisoners of war during the Vietnam conflict and stating that the American people will not forget that more than 2,000 members of the Armed Forces remain unaccounted for from the Vietnam conflict and will continue to press for the fullest possible accounting for all such members whose whereabouts are unknown.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. COVERDELL. Mr. President, colleagues, I rise on this 25th anniversary of the return of the first American POWs from Vietnam to recognize the National League of Families of American Prisoners and Missing in Southeast Asia and the many years and tireless hours Ann Mills Griffiths, the National League of Families' Executive Director, and JoAnne Shirley, Chairwoman of the League's Board and a fellow Georgian, have spent fighting for the return of American POW's and MIA's.

The National League of Families of American Prisoners and Missing in Southeast Asia was incorporated in the District of Columbia on May 28, 1970.