pain of those scarred by September 11 by helping to make treatment available to those who need it. I ask him to urge Republican Congressional leaders to support this legislation. I ask him to endorse S. 543/H.R. 4066.

Within the constraints of the Senate calendar, this bill may move forward independently, or we may again attach it to an appropriations bill, as we did last year. With the tremendous support for this bill on and off the Hill, we have these options. However, when the bill moved forward on LHHS appropriations in 2001, 10 House members voted to kill this bill, and President Bush wrote a letter to Senator DOMENICI promising to help pass it this year. I ask the President to follow through on that promise. I ask him to prevent the insurance lobby from killing this bill again. Our country needs this legislation, and the majority of Americans have made it clear that they want it now.

I look forward to the day when people with mental illness receive decent, humane, and timely mental health care. It will be a good day for our country. I ask the President to make sure that this day comes soon.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, I know there are Senators who wish to travel to their States to accommodate the remembrance ceremonies with which many are involved tomorrow. As a result of that understanding and in appreciation of the need for travel, it is my expectation to withhold scheduling any additional votes today and then to announce that there will be no votes tomorrow.

So Senators who have an interest in traveling are welcome to do so. We have had a number of requests from Senators on both sides of the aisle. To accommodate those requests, that will be the decision.

There will be votes early, at least I should say midmorning, on Thursday. Senators should be prepared to come and participate in debate and be prepared to vote as early as 10 or 10:30 on Thursday.

I yield the floor and 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. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

ASSESSING IRAQ'S MILITARY CAPABILITIES

Mr. DURBIN. Mr. President, as we approach the anniversary of the September 11 tragedy, our Nation is in the midst of a national debate about war with Iraq.

I am sure the presiding Senator recalls, as I do, graphically, that day just a year ago, on September 11, when the Capitol Building was evacuated. During the course of that evacuation, it finally hit me, as I stood on the grass outside the Capitol and was looking at this building, I was looking at the last building ever invaded by a foreign army on the continental United States soil, when the British attacked the Capitol during the War of 1812. That struck me as I stood there and reflected that once again an enemy had struck the United States home.

I never would have imagined, when I came to work that week, that by the end of the week I would be voting unanimously with my colleagues in the Senate, Democrats and Republicans, to give to the President of the United States the authority to go to war and the resources to go to war. It happened so quickly, but it was the right thing to do. We understood that the United States was in peril, was in danger—and still is—from the forces of terrorism around the world. We stood as one, in a bipartisan way, to back the President, to fight this war on terrorism, to go after those who were responsible for the September 11 tragedy which struck the United States.

Now, here we are a year later. The war on terrorism continues. Few, if any, would say that it is resolved or that we have won it. And we are debating the possibility of another war against another enemy. Osama bin Laden has not been captured or accounted for. The major leaders in al-Qaida are still on the loose somewhere. We believe al-Qaida still has a network of sleepers in 60 nations around the world. Afghanistan, the first battleground in the war against terrorism in the 21st century, is still not a stable and safe country. Hamid Karzai, the President of Afghanistan, barely survived an assassination attempt last week. We have thousands of American troops still on the ground there. I had the honor to meet with some of them last January; our hearts and prayers are with them every single day. But that war on terrorism still continues.

Yet the administration comes forward and tells us we still have to think about the possibility of another war, in this case a war against Iraq. Indeed, it is possible that within a few days or maybe a few weeks the people of the United States of America, through their Members of Congress, will be asked to vote on whether to go to war against Iraq. It is hard to believe the events are moving so quickly that we would be declaring a second war within little more than a year of the September 11 attack.

Last Sunday on ''Meet the Press,'' Vice President CHENEY indicated that the administration would like the Congress to vote on Iraq prior to adjourning this October. Do you realize that is a matter of weeks—weeks, before we would be called on to make this momentous decision? Because this is not a matter of high-altitude bombing when it comes to Iraq. We wouldn't have the luxury of that type of warfare. We are talking about, in the President's words, ''regime change.'' We are talking about removing Saddam Hussein from power, not peacefully but with force. That would involve, I am afraid, land forces invading, the type of war we have not seen in many decades in the United States.

We recall the Persian Gulf war. It was a much different situation, a little over 10 years ago, precipitated by Saddam Hussein's invasion and occupation of Kuwait: The formation of a coalition led by the United States but also with the United Nations and allies around the world, including many Arab States who joined us.

We fought to remove Saddam Hussein from Kuwait. We were successful in doing that. We had logistical support. We positioned our troops in Saudi Arabia and nearby. We had a broad coalition. We were forcing Saddam Hussein out of a territory he had occupied.

This is a far different challenge if we invade Iraq—different in that the coalition today consists of England and the United States, and no others. Logistical support is hard to find because the countries surrounding Iraq have basically told us they will not support us in this effort. Frankly, we would be fighting Saddam Hussein on his own territory, which gives him a home field advantage, which most military experts concede. Would we be successful ultimately? Yes—at some cost and at some price over some period of time. I have no doubt the American military—the very best in the world. Hussein would be gone. I can't tell you what it would cost.

In the midst of the Kuwait situation, Saddam Hussein didn't use chemical and biological weapons, which we believe he has, but instead he decided to fire Scud missiles on Israel—kind of a third party to this conversation—hoping, I am sure, that he would destabilize the Middle East and cause such an uproar and consternation that the United States would withdraw. It didn't work. Sadly, Israelis died in the process.

This time, we are not talking about moving Iraqi troops out of Kuwait but actually killing and capturing Saddam Hussein. To what lengths would he go in response? What victims would he seek? He doesn't have missiles to reach the United States, but he has the capacity to train what missiles he does have on nearby neighbors such as Israel.

Vice President CHENEY said that before the October adjournment, Congress would be asked to ''take a position and support whatever the President needs to have done in order to deal with this very critical problem.''

By most definitions, that is article I, section 8, clause 11, of the Constitution

which gives the Congress, and the Congress alone, the power to declare war. The people who wrote that Constitution—the Founding Fathers—had seen a king in action, a king who had dragged his country into wars, and said that the United States would be different. We will never have a President to take us into a war. The American people will make that choice through Members of Congress—Members of the House elected every 2 years, and the Senate every 6 years. They will make the call, and do it very explicitly.

Vice President CHENEY is saying to Congress: It is your turn to make this decision.

The decision to go to war is the most significant decision any government can make, and Congress plays an essential role. We and the executive branch need to have all the relevant facts analyzed as thoroughly and objectively as possible before making the decision to put America's military men and women in harm's way.

Senior administration officials publicly identified Iraq's development of weapons of mass destruction and the potential of Iraq's transfer of these weapons to terrorist groups as the primary threat to our Nation. Ultimately, our Government must rely on the intelligence community to make the most thorough and unbiased analytic assessment of the current and projected status of Iraq's weapons of mass destruction infrastructure, regardless of whether the analytic judgments conform or conflict with stated U.S. policy. In other words, we are saying that the intelligence community should give us the unvarnished truth, tell us what Iraq has and its likely capability.

It is interesting, if you look at the countries that the Bush administration designated as part of the axis of evil—North Korea, Iran, and Iraq—of the three, the military capabilities of North Korea and Iran far surpass the capability of Iraq. We know that in the case with North Korea, and probably Iran as well, they have nuclear weapons today. We also know they are working on developing long-range missiles. We believe North Korea is the closest to developing missiles which could make it to the shores of the United States. But we think Iran is trying to do the same thing.

All that I am telling you is a matter of public information. We know this. We know what their capability is. When you look at the status of the three countries which the President said are the axis of evil, Iraq clearly ranks third. If all three are threats and enemies to the United States, why is it that the administration has focused in on Iraq, which to our knowledge does not have nuclear weapons today nor the ability to deliver any type of long-range weaponry against the United States?

As a member of the Senate Select Committee on Intelligence, I am deeply concerned that the intelligence community has not completed the most basic document which is asked of them before the United States makes such a critical life-or-death decision.

It is within the power of the Director of the CIA, George Tenet, to order a national intelligence estimate, known as an NIE. National intelligence estimates bring together all the agencies of the Federal Government involved in intelligence, sits them down, and collects and coordinate all of their information to reach the best possible conclusion he can come up with.

I was stunned to learn last week that we have not produced a national intelligence estimate showing the current state of weapons of mass destruction in Iraq. What is incredible, with all of the statements made by members of this administration about those weapons, is the fact that the intelligence community has not been brought together.

If we learned anything from September 11 of last year, we learned, when it came to the intelligence out there at the FBI and the CIA and other agencies, that no one ever brought it together. Had we been able to bring it together by September 10, could we have avoided September 11? I am not sure. I wouldn't say that. But we certainly would have appreciated the threat a lot better, and perhaps we would have been prepared a lot better. Maybe—just maybe—we might have avoided some or all of the tragedy. But we didn't do it.

Time and again since then as we looked back on last year, we have said we have to be better prepared, with better communications and better coordination of information from outside the country and inside, and bring it all together so we can make the best decision.

When we are talking about a possible invasion of Iraq and a war against Iraq, why haven't we really created the most basic document that we have the power to create in this Government—the national intelligence estimate—so we know exactly what we may be up against in Iraq? It has not been done.

This morning, I handed a letter to the deputy to Director Tenet asking that he give it to the Director personally, asking that they move as quickly as possible to establish and create this national intelligence estimate. Once it is established, I think we should meet on Capitol Hill—the Senate and the House Intelligence Committees. We should have classified hearing on things that can't be discussed publicly about this NIE, and then a public hearing as well to share with the American people, without compromising in any way the safety and security of the United States, as much information as we possibly can about the current state of affairs in Iraq.

National intelligence estimates are the Director of Central Intelligence's most authoritative written judgments concerning national security issues. They contain the coordinated judgments of the entire intelligence community regarding the likely course of future events. They provide not just a snapshot of a particular national security problem today but a coordinated assessment of how that problem might evolve over the next several years. This is the vital policy planning tool for our Nation's policymakers.

Let me tell you the many components of the U.S. intelligence community are worthy agencies. Each and every one of them does a good job of intelligence collection—the Central Intelligence Agency, the Defense Intelligence Agency, the Department of State Intelligence and Research Bureau, and the Department of Energy's Intelligence Office which is critical to doing an assessment of nuclear capability, and the National Security Agency, just to name a few. They provide analytic assessments on an hour-to-hour, day-to-day basis. They can tell us better than any other group the current situation in Iraq. We need to know what their consensus opinion is before we decide in advance whether or not this war should be undertaken. I firmly believe that policymakers in both the executive branch and the Congress—the President, the White House, the Department of Defense, the Department of State, and the Congress—would benefit from the production of a coordinated consensus document produced by all relevant components of the intelligence community on the current and projected status of Iraq's weapons of mass destruction.

The letter I sent to Director Tenet asked him to initiate this process as quickly as possible and to produce the NIE within several weeks. I requested that an unclassified summary of it be produced, as has been done in the past, so the American public can better understand this vitally important national security issue.

Let me tell you that during the time I served in the Congress—the House and the Senate—there is no moment I recall with more pain in my heart than the debate a little over 10 years ago about the Persian Gulf war. After we persuaded President Bush's father to follow the Constitution, to come to Congress and to seek the authority of the American people and the permission and approval of Congress before initiating that war, we then engaged in a debate—a long debate. I think virtually every Member of the House of Representatives took the floor over a 2- or 3-day period of time. The House met continuously. In that period of time, each of us stood in the well of the House of Representatives—as we did in the Senate Chamber here—and spoke our hearts about the challenge we faced and the vote we faced. We knew that if a vote were cast to go to war, innocent people would die and that American soldiers and American sailors and marines and airmen would have their lives on the line.

It meant a lot to me personally because of a friend of mine, who was a Marine at the time—I knew his parents well. They were from Springfield, IL. I

had known his mother and father for many years. They came to me early on when the debate got started and said: We are worried to death about our son. Really, our hope for the future of our family is in the Marines. He is there in the Persian Gulf, and we sure don't want to see anything happen to him.

I assured them that I would think about him constantly as I made my decision on the Persian Gulf war. Of course, we all recall what happened. Finally, after the approval was given, the war was initiated. The land war did not take but 2 or 3 days and it was over. And I thought, at the time, what a great relief it was to be able to call his parents and tell them that it had ended so quickly and so well.

Little did I know that Christian Porter of the U.S. Marine Corps from Springfield, IL, was one of the several hundred American casualties in that war. This young man, whom we all worried about so much, was the victim of friendly fire.

I went to his funeral service in Springfield and to the veterans cemetery afterwards. My heart was broken for that family. But it was a good reminder for this Member of Congress—now a Member of the Senate—to remember what war is all about. It is about the potential loss of life of many innocent people. It is about being in harm's way for many Americans in uniform.

We have to take this responsibility very seriously. And if we are going to take it seriously, we must insist, in Congress, that the administration produce the clear and convincing evidence that an invasion of Iraq is the only option available to us to bring this potential threat under control.

If this administration cannot produce a National Intelligence Estimate which comes to that same conclusion, then, frankly, those of us who have listened to the heavy rhetoric over the last several weeks will understand that, when it comes to the evidence, there is something lacking.

It is time for the administration to rise to the occasion, to produce this evidence, as has been asked for and been produced so many times in the past when America's national security was at risk. We cannot accept anything less than that before any Member of the House or the Senate is asked to vote on this critical question of going to war.

We have to say to the administration: Bring forward your best evidence and your best arguments so that, ultimately, when we make this momentous and historic decision, we can go back to the States and people who we represent and say that we have dispatched our responsibility in a credible, good-faith manner, that we have done everything possible to understand the nature of the threat, and the best response of the United States.

War is the last option. We have to know every element before we make that decision. We have to exhaust every other opportunity before we reach it.

On Thursday, the President will be at the United Nations in New York. I am certain he is going to remind them that Saddam Hussein is a thug, that he has been a threat to his own people, to the region, and to people around the world with his weapons of mass destruction. He will, undoubtedly, remind them of his cruel invasion of Kuwait, which mobilized the United Nations to defeat him and to displace his troops from Kuwait. He will, undoubtedly, remind them of what has happened since: when the United Nations resolution, which condemns and prohibits Iraq from ever having weapons of mass destruction, has been ignored by Saddam Hussein; how the inspectors, some 4 years ago, were pushed out of his country; and how this man has literally, as a thug, ruled this nation in a manner and form that most civilized countries in the world find reprehensible.

All of those things, I will concede, are true. But the next question facing the United Nations and facing the United States and its people, through its elected representatives in Congress, is: Is it the right thing for us to do?

We cannot make the right decision without the best information. And the production of the National Intelligence Estimate will give us that information.

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

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

STAYING IN TOUCH WITH THE AMERICAN PEOPLE

Mr. BYRD. Madam President, the President talks a lot about the coffee shop in Crawford, TX, which brings to mind Uncle Josh and Aunt Nancy's Smokehouse in West Virginia where I have been talking with people for a long time. You ought to come down to that shop sometime—Uncle Josh and Aunt Nancy's Smokehouse. I talk with those people quite often. We have one of those in every State, I suppose. I suppose each of the Senators here has a coffee shop such as the one in Crawford, TX, or like Uncle Josh and Aunt Nancy's Smokehouse in their State. So I have one of those.

It is good to get back home and kind of get the feel of the people and ''press the flesh'' a little, as Lyndon Johnson used to say, and know what they are saying back there in that coffee shop.

But, Madam President, despite all of his talk about staying in touch with the people at the coffee shop in Crawford, TX, the President seems to have lost touch with the needs of the American people. I worry that the extra caffeine must have affected the President's ability to take the pulse of America. After looking at some of the administration's actions over the past few weeks, I am almost certain of it.

At almost every turn, the President seems to be a day late and a dollar short. Let me just give a few examples. On July 16, the House added $700 million of supplemental funding to the Interior bill to fight fires that are raging across this Nation. The administration, through the Office of Management and Budget, wrote to the Congress and strongly objected to that funding. Yet on August 28—just 6 weeks later—the President requested $825 million for emergency firefighting funding. It is a complete about-face.

In mid-July, the White House, through the Office of Management and Budget, again pressed Congress to reduce the size of the supplemental that was then in conference. The OMB Director, Mitch Daniels, recommended that conferees on the bill reduce funding for the Transportation Security Administration by $219 million. The conferees acceded to the administration's request. Yet on September 3—just 6 weeks later—the President requested that $219 million and an additional $327 million for the Transportation Security Administration. That is $546 million that, 6 weeks earlier, the administration did not think was necessary.

In late July, Congress approved $200 million for economic assistance to Israel and $50 million of disaster assistance for Palestinians, which was not requested by the President. The President had until September 1 to designate the funds as emergency and, thus, make the funds available to spend. The President rejected the funding on September 1. He could have had it then. All he needed to do was sign his name. No, he rejected it on September 1. But 2 days later, on September 3, the President requested—you guessed it—$250 million for the very same purpose. Are we seeing a pattern here? It is as plain as the noonday Sun on a cloudless sky. On September 4, the administration wrote Congress to stress its desire for Congress to restrain spending by keeping spending for the fiscal year that begins October 1 to a level of $759 billion, and yet on August 2 and September 3 the President requested $1.3 billion of additional funding and proposed no offsets for that spending.

The Congressional Budget Office now estimates that the President has requested $760.5 billion for the fiscal year that begins October 1, and yet the President insists we spend only $759 billion—that far and no farther, $759 billion. This President seems to rely on the same types of accounting techniques with regard to homeland security that are causing such problems in corporate America.

The President and his administration love to tell Americans that we are constantly at risk of new terrorist attacks. The President's Cabinet members have been out in great force time