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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Charles V. Antonicelli of Saint Joseph's Church on Capitol Hill.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

We give You thanks and praise this day, Lord God of justice and peace. You are the source of all that is good in our world.

Psalm 37 reminds us that ''if you trust in the Lord and do good, then you will live in the land and be secure. If you find your delight in the Lord, He will grant your heart's desire. Commit your life to the Lord, trust in Him and He will act, so that your justice breaks forth like the light, your cause like the noon-day sun.''

Almighty Father, bless Your sons and daughters who seek to do Your will this day. May we find our delight in You so that You may grant our hearts' desires. Help us to commit our lives to You and let Your justice shine bright in our world.

We ask this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume consideration of the budget resolution. There are now 42 hours remaining under the statutory limit. In order to process amendments, it will be necessary to have lengthy sessions throughout this week in order to complete action on the budget resolution. Members who intend to offer amendments are encouraged to notify the managers of the bill so there can be an orderly consideration of those amendments.

As a reminder, there will be a cloture vote, beginning at 12 noon today, on the nomination of Miguel Estrada. In addition, the Senate may recess for the weekly party caucuses to meet during today's session.

The PRESIDING OFFICER. The minority whip.

Mr. REID. Mr. President, the manager of the bill, Senator CONRAD, is with Senator DASCHLE now. He has an amendment that he is ready to offer. We have discussed that with Senator NICKLES.

What we need to work out is to see if we can charge the time during the time set aside for the weekly party conferences. We have not worked that out yet. We are in the process of trying to do that.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2004

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. Con. Res. 23, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 23) setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 264

Mr. CONRAD. Mr. President, I rise today to offer the first amendment to the budget resolution pending before us. I believe this is a critically important amendment as our Nation is on the brink of war.

After the President's speech of last night, I don't know what could be more clear than we are on the eve of conflict. The budget before us, submitted by the President, the budget that came out of the Budget Committee, contains no provision for that conflict. There is no money for conflict. There is no money for reconstruction. There is no money for occupation. There is no money.

Some have said, well, they have looked at the history and found that in the past wars were not budgeted for until operations have begun. I suggest operations have begun. We have nearly a quarter of a million troops poised on the border with Iraq. We have hundreds of thousands of reservists who have been called up. We have five carrier battle groups in the area. Operations have begun. We have special forces in Iraq at this moment. We are conducting air operations over Iraq at this moment. Who can assert that operations have not begun?

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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In the past, the Second World War, the First World War, Uncle Sam delivered a message to the American people: It takes taxes and bonds. And the message was that it takes common sacrifice to defend this Nation. But that is not what this budget says. This budget says, let's have a $1.5 trillion tax cut that goes primarily to the wealthiest among us before there has been any assessment of war cost or occupation cost or reconstruction cost or humanitarian aid cost. That strikes many of us as unwise. Many of us believe we ought to take a moment and do a calculation of what this war is likely to cost before we engage in new spending initiatives or before we launch a whole other round of significant tax cuts, given the fact we are already in deep and record deficit.

The deficit under the chairman's mark for this year, excluding Social Security, will be over $500 billion in a $2.2 trillion budget. That is a massive budget deficit by any calculation. As I have indicated, it includes no money for potential war cost, none.

The amendment I am offering says this: The Senate may not consider legislation that would increase the deficit until the President submits to Congress a detailed report on the overall estimated costs of the war. This measure would be enforced with a 60-vote point of order. In other words, if there were more than 60 votes in the Senate to add to the deficit, we would be able to do that.

There are two exceptions. We could add the spending for legislation relating to national or homeland security. That just represents common sense. We certainly don't want to limit our ability to respond to any threat. So we would have an exception from the 60-vote point of order in adding to the deficit for expenditures for national defense or homeland security.

The second exception would be an economic recovery and job creation package which does not increase the deficit over the time period 2005 to 2013.

In other words, we would be saying the following: We are going to have a 60-vote point of order against any measure that increases the deficit with the exception of additional spending for national defense or homeland security and with the additional exception of a stimulus package for this economy that does not add to the deficit in the years 2005 to 2013. The stimulus package could add to the deficit in 2003 and 2004 but not beyond.

I hope my colleagues will think carefully about what this amendment will do and what is in the budget before us.

In the Senate Republican plan, there is no money for any part of the conflict. We learn from news reports that there will be a supplemental sent up to us by the White House for between $60 and $95 billion. That means the deficit in 2003 will approach $600 billion when we exclude Social Security, truly a massive deficit.

It has been asserted that we don't know the cost of conflict. That is true. That is understandable. The one thing we know, though, is that the cost of conflict is not zero. That is the number that is in this budget. That is what the President has sent us as a budget, that there is no cost. That defies common sense. We know there is cost.

We know there are substantial costs. Here are some of them. We are reading in the press that the defense supplemental, the war supplemental the President may send us will be in the range of $60 to $95 billion. I read in the paper this morning that it may be $80 billion.

Humanitarian aid, we know we are going to be responsible for refugees, perhaps millions of people requiring feeding, requiring shelter, dispossessed by the conflict. Those estimates, on a conservative side, are $1 billion.

Reconstruction of Iraq, not included in the budget, there is a various range of estimates; $30 billion over 10 years, a conservative estimate.

The occupation of Iraq, there is no provision in the budget. Estimates run from $17 to $46 billion a year.

Aid to allies—Israel, Jordan, Egypt—not provided for in the budget, estimates of the cost run from $6 to $17 billion. We have not listed Turkey here. We negotiated an agreement with Turkey for some $6 billion. There are discussions with Russia, multiple billions of dollars in terms of a package for them.

And the war on terrorism in 2004, no additional provision—estimates that that could cost $19 billion. None of it is included in this budget.

Does that make any sense when we all know that the conflict is about to start and that we have already experienced substantial costs just moving our forces into position to launch this attack? Many of us don't think so.

Congress Daily reported on March 14 the following:

> Vice President Cheney met with Senate Majority Leader Frist Thursday to discuss, among other things, the timing of a spending request on military action in Iraq. It is not expected that such a request would come until after the House and Senate complete floor action on the budget resolution, a key aide said.

That report went on to say:

> Having a supplemental that could total somewhere between $65 billion and $95 billion come up while the tax cuts in the budget resolution are being debated could threaten the Republicans' economic agenda. House leaders have also said they want the supplemental war request delayed as long as possible to provide breathing room between the tax cuts and war spending.

I hope this is not true. I hope very much that we are not engaged in a cynical attempt to hide costs from people so that we make the tax cuts more palatable. If that is true, that is very disturbing. We ought to have all the cards on the table. We ought to be telling the American people the truth as completely and as fully as we can know it. And the truth is, this war is going to cost a lot of money. It ought to be included in our calculations to the best of our information.

We know from previous conflicts that initial war cost estimates are often low. Go back to the Civil War. The estimates were it was going to cost $200 million. The actual cost was $3.2 billion, a 1,500-percent increase over initial estimates.

World War II: Initial estimates were that it would cost about $112 billion. It wound up costing over $195 billion, a 75-percent increase. Vietnam: Initial estimates were $12.3 billion. It wound up costing $111 billion, an 800-percent increase over the initial estimates.

We can all hope that will not be the case here, and I do not in any way suggest we ought to budget for those kinds of dramatic increases over what the initial estimates are. But at the very least we ought to be budgeting for what the estimates are.

The President spoke last night. He spoke clearly. He spoke directly. He gave Saddam Hussein and his cadre 48 hours to get out of Iraq. The reports are this morning that Saddam Hussein and his group are not going to leave Iraq. There are already indications the President may address the Nation tomorrow. We are discussing and debating the budget resolution now. We ought to include our best estimates for this conflict in what we are doing now.

I go back to the amendment I am offering. It says we should have a 60-vote point of order against anything that adds to the deficit with two exceptions: one, additional costs associated with national defense and homeland security, and, two, additional tax cuts as part of a stimulus package that would be effective this year and next. Those would be the two exceptions—common-sense exceptions. Other than that, we should create a hurdle to additional new spending or additional tax cuts when we do not know the cost of this conflict.

When we look back at previous conflicts, this is what we see. This has been the response of Congress and the administration in every conflict America has experienced. The Revolutionary War: Excise and property taxes were enacted to pay for it; War of 1812: Excise and sales taxes were enacted to pay for it; Mexican-American War: There were no Federal taxes during this period; the Civil War: Excise, inheritance and income taxes were enacted to pay for it; the Spanish-American War: Excise and inheritance taxes were raised and war bonds were sold to pay for it; World War I: Income, estate, and corporate taxes were raised to pay for it; World War II: A major expansion of corporate, excise, and income taxes, and war bonds were sold to pay for it; Korea: Income taxes were raised to pay for the war; Vietnam: Business and income taxes were cut in the early stages, and in the midstages they were increased to pay for the war; in the Persian Gulf, the 1990 income tax increase was passed; and in this war, instead of paying for it, the President is saying: Let's have a $1.9 trillion tax cut. That is the cost of the tax cut and

the associated interest costs, even though we are already in deep deficit—in fact, in record deficit.

We are asking our troops to perhaps make the ultimate sacrifice. We are asking them to be prepared to risk their lives. It seems to me we ought to be asking the rest of the American people to sacrifice as well for this conflict. We certainly at the least should not be having a massive tax cut when we are already in deep deficit and have no idea what the war costs are. We may need every dollar to do what is needed to prevail in this conflict and respond to the terrorist threat that is expanded by it.

This morning we awoke to a recommendation from Mr. Ridge, the head of the Department of Homeland Security, to move up the threat level as a result of potential war with Iraq. Intelligence services are telling us it is a virtual certainty that there will be a terrorist attack against the United States in this timeframe. We ought not to be adding to the deficit except for national defense, homeland security, and a stimulus package. Anything beyond that is risky at a time when we are on the brink of war.

I hope my colleagues will think about this amendment. It requires a 60-vote point of order. That means if there is some other contingency other than national defense, other than homeland security, other than a need for a stimulus package, we could do it, but it would take a supermajority to add to the deficit when we do not know the cost of the war.

I hope colleagues will think very carefully about this amendment before we vote on it. My amendment is at the desk, and I call it up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself and Mr. KENNEDY, proposes an amendment numbered 264.

Mr. CONRAD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prevent further deficit increases, except for national and homeland security and short-term effects of measures providing for economic recovery, until the President submits to Congress a detailed estimate of the full cost of the conflict with Iraq)

At the end of subtitle A of title II, insert the following:

"SEC. _____. PROTECTING RESOURCES REQUIRED FOR NATIONAL SECURITY AND ECONOMIC RECOVERY.

''(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the deficit in any fiscal year, other than one economic growth and jobs creation measure providing significant economic stimulus in 2003 and 2004 which does not increase the deficit over the time period of fiscal years 2005 through 2013 and spending measures related to national or homeland security, until the President submits to the Congress a detailed report on:

''(1) the costs of the initial phase of the conflict, maintaining troops in the region, and reconstruction and rebuilding of Iraq; and

''(2) how all of these costs fit within the budget plan as a whole.

''(b) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the members, duly chosen and sworn. An affirmative vote of three-fifths of the Members or the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.''

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am a cosponsor of the amendment. I commend the Senator for bringing this matter to the attention of the Senate and I hope the country because I think the vote on this amendment is going to say a great deal about what this country is about.

I was listening very carefully to the Senator's comments that we should not provide, outside of meeting our responsibilities at home and our defense responsibilities and a temporary stimulus, a tax cut until we are going to pay for the war in Iraq, pay for the occupation in Iraq, and also pay for the return of the troops from Iraq.

I was with the Senator over these past weeks when we had a series of briefings. We were told in those briefings that we could not make an estimate to the Budget Committee because we did not know exactly how many other countries were going to be joining with us, what the extent of their armed forces would be, who those countries might be, and what the size of their military would be.

So because it was going to be difficult to make assumptions, on the basis of that fact, they were not going to make a submission to the Budget Committee. I think the Senator from North Dakota has reminded us, and the President certainly reminded us last night, that we are in effect going it alone. It is going to be the United States that is going to be assuming most of the costs. As I understand the Senator, it is not only a question of the finances, but it is also the message that we are sending to these American servicemen and women, who over the period of the next 36 to 48 hours will be risking their lives for their country, all at the same time that the Senate of the United States is going to be acting to give a tax break for wealthy individuals in this country.

If we think that is a message of fairness, if we think that is backing up our troops in Iraq, I miss it completely. On the one hand, Americans are losing their lives and at the very same moment this Senate is giving a tax break to wealthy individuals. What is it about this Senate that they would consider this?

I commend the Senator from North Dakota for reminding us of the history of this Nation. Never in the history of the Nation, have we had a tax cut for wealthy individuals, or for any individuals during wartime. As the Senator pointed out, we have a shared responsibility to come together as a Nation and engage in some form of sacrifice. I still remember the selling of bonds that took place during World War II. We were trying to get all Americans to contribute by buying the bonds for America, with everyone doing their bit. But, oh, no, not in this budget. We are, on the one hand, sending our servicemen and women overseas to risk their lives, and at the same time we are prepared to give one of the largest tax breaks in the history of this country.

We should not commit the country to large new permanent tax breaks until the full cost of the Iraq conflict is known.

We all know that the long term costs of the war in Iraq and its aftermath will be substantial. Independent estimates show the cost of the war between $50 and $150 billion. The Senator has outlined some of the areas of concern in terms of cost already. As I understand it, it costs about $9 to $13 billion to send the military over there. I hope the Senator will correct me with these figures if I am wrong. We know it is going to cost about $5 or $7 billion to bring them back. The best estimate is about $17 billion for every 75,000 troops. We had General Shinseki say our presence in the region might have to be several hundred thousand troops. Most of the military leaders, including General Nash who served in the gulf during the previous war, thought the same number of troops were needed to pacify a country as they go in at the same time of the invasion, at least for the first several months. If we are talking about $17 billion for 70,000, and we have General Shinseki talking about several hundred thousand, say 200,000, that is three times that amount. We are already up to almost $60 billion.

We have seen the estimates of rebuilding the oil industry at $5 to $7 billion, if it is not destroyed. We have seen that bringing communications infrastructure up to 100 percent, would be another $15 billion. We have seen the cost of bringing the electricity to 100 percent estimated at $15 billion. We are talking about tens of billions of dollars, and this is not even getting into the payments to the various civil servants we are going to have to make once the current Iraqi Government is gone, to get them to continue performing their functions after the war.

We assume all of these responsibilities under the Geneva Convention the day troops go across the border. Yet we do not have any kind of effort by this administration to work with the Budget Committee to try to work out a process of paying for these matters. I say to the chairman of the committee, we now have 175,000 guardsman and reservists who are serving. In many of these situations, the private insurance that they have for their families is not retained when they are activated. We

ought to be making sure that at the very least, we are going to meet the health insurance costs for families of the 175,000 reservists and National Guard who are being called up and are serving.

Yet do we have that kind of coverage included in this budget? Has the administration said we ought to care for our service men and women in this budget who are facing this threat? They have not. I do not understand, and the American people don't understand why we are in this rush to pass this budget that is constructed to give major kinds of tax reductions for wealthy individuals without allocating the necessary resources to go to war. It makes absolutely no sense whatsoever. We are talking about tens of billions of dollars. Not one dollar has been set aside in the budget which Senate Republicans have brought to the floor for what everyone knows will be an expense in the tens or hundreds of billions of dollars.

The American people ought to be informed about this. We have had a great many hearings around this body about the war, but those are classified and those are secret. Why can we not come out in the open and let the American people know exactly what this is going to mean in terms of the costs of the conflict? Why not include them in on this? Why exclude them from any of the information in terms of the costs of this conflict? We know the President has refused to submit a cost estimate to Congress because the overall cost will be so enormous and he is obviously afraid of ''sticker shock'' when he discloses the facts to the American people. The President does not want to tell Congress what this war will cost until his proposal for $1.3 trillion in new tax cuts for the very wealthy is locked in. He is afraid that if Congress knew the real costs of a war in Iraq, that Congress might do something sensible—such as reducing the size of the tax cut to help pay for the war.

The way to have it done would have been to have worked with the Budget Committee and outlined what would be responsible recommendations and what would have been a responsible position to balance the costs we are going to face in the future, and defer any kind of tax reductions or breaks until we were able to get the job done.

Finally, as we are sending our servicemen and women overseas to engage in battle, I share the belief that we should be building a better America here at home for when they return. They deserve, when they come home, to have a nation that has a sound economy. Our economy is flat now. We have a responsibility to take the steps now to make sure that when these service men and women come home, after they have been risking their lives, they are going to have a sound economy for their future. They ought to be able to come home and know that their younger brothers and sisters are going to go to good schools, get a good education, have an opportunity to continue their education in college, and not face an education system that has been virtually abandoned in this country.

When they come home, they ought to know there is going to be the chance of being able to have affordable health insurance policies and not see that their parents are increasingly being put at financial risk because of the increasing costs of health insurance or the increasing costs of prescription drugs.

We need a budget that will strengthen America. This is not that budget.

The idea that we are not going to use our resources to educate future generations, we are not going to help families out with spiraling health insurance premiums, we are not going to help them out with prescription drugs; no, no, we are not going to do that. Instead, we are going to give a tax break for the wealthiest individuals at a time when our brave men and women in uniform are risking their lives in Iraq. This budget is not the right budget during a time of such high national purpose for America.

The American people understand fairness. In the face of all the anxieties they have been facing here at home, they understand fairness. They understand, that when the sons and daughters of working families are going to risk their lives that it is absolutely unfair at that very moment to provide tax breaks for the most wealthy individuals in this country and fail to invest in America.

While Senator CONRAD is here, we will introduce a little later in the day, legislation regarding health insurance coverage for our Reservists and National Guardsmen and women, but I would like to have a chance to review with the Senator and other Members what the particular challenge is for these servicemen and servicewomen. If you think it is worthy of your support I ask that you support the legislation.

I thank the Senator from North Dakota for his strong leadership on this budget resolution and for presenting this amendment before the Senate.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I join the distinguished Senator from Massachusetts in congratulating our leader on the Budget Committee, the Senator from North Dakota, for his ongoing leadership and the priorities he set forth. They are so important. He made them so clear on behalf of the American people. I cannot think of a more important amendment than the amendment of Senator CONRAD at this time and on this day. I hope we will unanimously support this amendment. I hope we would not have to have a vote, that we could do this by voice vote today.

This amendment says exactly what we ought to be doing at this moment in time in our history. The amendment says, other than funding defense and homeland security and stimulating jobs and the economy, we are going to stop; we are going to wait on the rest of the budget; we are going to wait on additional spending. Certainly there are critical areas we care about. We are going to wait on any kind of a tax cut until we can pay for this war, until we know what the bill is. We know, if we do not do that, exactly how we are going to pay for it. We are going to pay for it by continuing to go into massive debt, depleting the Social Security and Medicare trust funds. That is how we are going to pay for it if we do not agree to this amendment.

This is absolutely critical. I think certainly the people in Michigan look at us in wonderment that we would be bringing up the budget resolution for the coming year, in which are the values and priorities of the American people, and we would not have any money set aside for a war in which we are about to engage.

How would an American family do that? If you were putting together your budget and you had a huge expense coming up in a couple of days, you wouldn't just ignore it. You wouldn't ignore it unless you just planned on putting it on a credit card, maybe. That is essentially what we are doing, is paying for the war through a taxpayers' credit card. That is not good enough and it is also not necessary. It is not necessary to do this outside the budget. This should be brought forward. We should at least put aside a reserve fund. We know at this point we cannot say exactly what it will cost. We certainly do not know what the reconstruction will cost. We do not know how long after the war we will be involved with Iraq, rebuilding Iraq. But we do know it is more than zero. We know that. We know it is more than zero.

We have a pretty good idea you could start somewhere in the $80 billion to $100 billion range and not be too high. So this says: Let's wait on other things. Let's wait and let's make sure we are covering the costs of a war that our President last night indicated most likely we are about to begin.

We also believe part of that is making sure we have dollars for those who are fighting on the front lines here at home. We all care deeply and stand united supporting our troops overseas. We know in this resolution we clearly indicate defense should be our top priority at this time, to make sure both our reservists and National Guard and their families are receiving what they need in terms of health care, and certainly recognizing their sacrifice, leaving their fulltime jobs and going to serve all of us at this time of conflict.

We have another group and that is the group that is serving us on the front lines at home. That is the group that answers the 9–1–1 call, the emergency medical personnel, the sheriff, the fire department. These are the people who have to respond. We, in fact, know the likelihood. Certainly there is increased risk right now they will have to respond.

So part of what we are saying is defense abroad but also defense in our hometowns needs to be the top priority. We need to pay for that, too. We are not yet doing that. We are seeing promises to other countries for their help in this effort, yet no willingness to provide assistance for those who are helping us on the front lines in our own hometowns.

Again, it just doesn't make any common sense. What we are saying through this amendment is we need to stop until we make it clear what the costs are for the war. We will focus on defense, homeland defense, and making sure we are stimulating jobs in the economy so in fact we are having a strong economy for our families and those fighting for us who will be coming home, so they will have that strong economy and jobs. But it is not the priority now to say that, among all the things we could be doing, we are going to give another round of tax cuts to those who make millions of dollars a year.

We look at shared sacrifice and we are being told we all have to sacrifice. I read an article not long ago about our Senate Republican leader going in front of a group of veterans. But while he certainly indicated supporting the veterans, he said: Veterans are going to have to sacrifice.

I would suggest veterans have already sacrificed and, in fact, we are creating war veterans whom we will be asking to sacrifice. But where is the sacrifice? Where is the sacrifice for those here at home who make millions of dollars a year, who already have one home, two homes, three homes, several cars, and are doing well? We welcome that. We would like that for every American. We certainly want an economy where every American can work hard and do well and move up the income scale.

But what happens when we say to people, those making $13,000 a year, serving us in the Army versus somebody at home whose life is not on the line or someone who is not a police officer or a firefighter or EMT worker, what do we say when we are saying we cannot fund homeland security, we cannot make sure you have health care that you need to protect your families if you are in the National Guard or Reserves? We are not going to budget for this war, but we are going to say that if you are blessed and doing well and are at the very top of the income earnings of America, earning millions of dollars a year, then we are going to put you ahead of everybody else; and we are going to say that you ought to be able to get a tax cut, even though it means we cannot pay for the war, that we have to go back into debt, even though it means we have massive debt that is eventually going to raise interest rates and make it harder for people to buy houses and cars and send their kids to college; even though it puts us in a situation where we cannot provide prescription drug help for our seniors, we cannot fully pay our share of the public school bill through the Leave No Child Behind; even though we have to leave veterans standing in line for months to see a doctor at the VA; even though there are all kinds of other issues where we are saying to people that you have to sacrifice right now. Children have to sacrifice, seniors have to sacrifice, veterans have to sacrifice, our families and small businesses that are not getting help with their health care bills have to sacrifice; but a few folks at the top do not. And they are not asking for that, either.

When I talk to folks who are doing very well at home, they say, we can wait. It is alright. We are not asking for this. We want to make sure our kids are safe at home, that hometown security is taken care of, the school systems are strong, and our troops have what they need overseas. They want to make sure that, in fact, those things are in place, which relate to our safety and security, and the economy, and the other issues that are very important for Americans, very important to keep us strong.

This amendment is incredibly important. It basically says stop. Our President says in less than 48 hours we are going to be at war, assuming Saddam Hussein does not leave the country. We believe we have an obligation and a responsibility to pay for that war, to make sure our troops have what they need, to make sure people on the front lines in our communities at home have what they need so we are safe first. We need to do that first. Then we can talk about tax cuts and how to structure it so the majority of Americans benefit.

We can talk about the important issues of health care and education and the environment and other critical needs in the country; but we need to stop now and focus first on the safety and security issues of our country and making sure our economy is strong with a stimulus so there are jobs. We need to start there, as any other family when you have to set priorities. Let's start with the bottom line priorities, given where we are now. Let's make sure we can pay for it, not be adding to the debt, and then we can debate other important issues that we all care about.

Again, I commend Senator CONRAD for his leadership and for this very important amendment. I hope all of us can come together and show unity on this floor and send a message across the country that at this time we are going to put our safety and security first, and we are going to make sure we are not putting it on a credit card—we are paying for it—and that we are going to make sure our troops and front line people at home have what they need before other decisions are made about this budget.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator from Michigan for her remarks and for her leadership on the Budget Committee. She has been somebody who is dedicated to fiscal responsibility, and also addressing the priorities of the American people. Whether it is improved education for our children, or expanded health care, she has been a champion of all of that.

I say to my colleagues, last night we had a discussion about a number of the issues facing us in this budget. As we discuss our current fiscal circumstance, I wish to remind people where we are, compared to where we thought we were going to be. This is critically important to understanding the choices before us.

Two years ago we were told by the administration that we would have $5.6 trillion in surpluses over the next decade. The Congressional Budget Office produced this chart that showed the possible range of outcomes from a worst-case scenario to the best-case scenario with respect to budget deficits and possible budget surpluses. The center point of that range was the $5.6 trillion of surpluses over the next decade. In other words, they said you can have a wide variance of outcomes. You could actually have deficits, or you could have even larger surpluses than the $5.6 trillion that was the most likely outcome that they projected, as did the administration.

At the time, the President was proposing a very large tax cut and he said we can have it all. He said we can have a large tax cut, major defense buildup, more money for education, more money for health care. He said we could have a maximum paydown of the debt and protect Social Security—the Social Security trust fund surpluses. We could stop the raid.

Well, after the Congressional Budget Office showed us this range of possible outcomes, I tried to alert our colleagues that betting that we could have it all was probably a risky bet, and it would perhaps be a wiser course not to count on any 10-year forecast coming true, and that we had to take account of the possible downside risk as well as the upside potential.

The will of this body was to charge ahead and bet that all those surpluses would come true. Now we know that was a bad bet; it was a risky bet. When we go back and actually do a line that shows where we actually are compared to the projections, we see we are below the bottom. Not only are we not at the midpoint of the possible range of outcomes with respect to the surplus, we are below the bottom. The result of that, of course, is deficits are exploding.

Under the chairman's mark, we are going to have a deficit this year—not counting Social Security. If we treat Social Security like a trust fund, as the law requires, we will have a deficit this year of $503 billion. That is before any war costs. There are no war costs in that calculation. If the war cost is $100 billion, as many estimate in the first year, the deficit this year will be $600 billion.

We have never had a deficit of more than $290 billion in our entire national history; $600 billion in 1 year would be staggering.

It is a fundamental reason I am offering the amendment before us. The amendment says you cannot add to the deficit unless you can get a supermajority vote in the Senate. You have to get 60 votes or more to add to the deficit, with two exceptions. We would not have that requirement for additional expenditures for national defense or homeland security. We would not have that supermajority requirement for a stimulus package to give lift to the economy this year and next when we are forecasting economic weakness.

If this does not concern our colleagues about the direction of the fiscal condition of our country, I don't know what it will take to make them concerned. Not only do we see enormous deficits now, but we see it throughout the rest of the entire decade. Again, that is without any war costs. That is without any fix to the alternative minimum tax which now affects 2 million Americans and will affect 35 million Americans by the end of this decade.

On top of that, under the chairman's mark, under his budget proposal, we see they will be taking $2.7 trillion of Social Security surpluses over the next decade and using those to pay for the tax cut and other expenditures. This is incredibly unwise. The baby boom generation is about to retire. The leading end starts to retire in 2008. When that happens, the cost to the Federal Government of Medicare and Social Security will increase dramatically because the number of people who are eligible increases dramatically.

Instead of using this money for tax cuts and other expenditures, we should be using it to pay down the debt or to prepay the liability we all know is to come. Instead, the money is being spent. It is being used to fund tax cuts. It is being used to fund other expenditures. These taking of Social Security surplus funds and using it for other purposes will create an extraordinarily difficult set of choices for a future Congress and a future President.

In many ways what I have already said understates the problem. In talking about deficits, we do not talk about the debt. Yesterday, I talked about the publicly held debt. That is the debt held by the public in this country. The President told us 2 years ago we would be virtually debt free by 2008 if his plan were adopted. We now know instead of being debt free, we will have over $5 trillion of debt by 2008. That is the tip of the iceberg because that is the publicly held debt. That does not count the debt to the trust funds because we are taking the Social Security surpluses, using them for other purposes. That is also debt. That is also debt that has to be paid back.

If we look at that debt under the chairman's mark, we can see it will equal $12 trillion by the end of this budget period by 2013. In 2002, the gross debt was just over $6 trillion. In that period of time, we will be doubling the debt, doubling the debt right on the brink of the retirement of the baby boom generation.

That is why in the President's own review of his budget, he provided this chart. It is the long-term outlook for the country. What it shows is we are in the sweet spot now. Even though we are running record deficits, a deficit that may approach $600 billion this year, these are the good times, according to the President. This is what happens, he says, if we adopt his spending and tax cut proposals. It is just like falling off a cliff into an ocean of red ink. That is what will happen.

Right at the time the costs of Government explodes with the cost of the baby boom generation, the cost of the President's tax cut explodes. What it does is create deficits that are totally unsustainable. It will mean massive debt, massive tax increases, massive benefit cuts. That will be the only way out of this ocean of red ink.

This chart should alert everyone as to where we are headed. It shows the size of the Medicare trust fund surpluses in blue that ultimately become deficits, the size of the Social Security trust fund surpluses are in green, and it shows the size of the President's tax cuts in red. Right now there is a fairly rough balance between the surpluses of Social Security and Medicare and the size of the President's tax cuts, both those enacted and those proposed.

But look what happens when the trust funds go cash negative in 2016 and 2017. At the very time they go cash negative, the cost of the President's tax cuts explode, driving us into deep deficits, deep debt, deficits that will reach over $1 trillion a year. No one is going to loan us that kind of money. That is not going to work. These are deficits that are absolutely unsustainable.

The head of the Congressional Budget Office, who was put in place by our friends on the other side of the aisle, told us last year if we go in this direction, it will mean massive debt; it will mean unprecedented tax increases, tax increases of 50 percent; and it will mean massive benefit cuts. I hope someone is listening. It is as though deficits are not a concern anymore. They better be because it is going to have real effects on real people, and they are going to be dramatic effects. They are going to be harshly negative. We are not paying attention to what we all know is coming. This is not a projection. Those baby boomers have been born. They are alive today. They are eligible for Social Security and Medicare. Those costs are going to explode as they retire.

Unlike the 1980s, some of my colleagues say: Gee, in the 1980s we had big deficits and it all worked out—we had time to get well, then. We had time between those massive deficits and the retirement of the baby boom generation. This time, there is no time to get well. The baby boomers are going to retire.

That is why the amendment I am offering is important. It says you have to have at least 60 votes to increase the deficit, except for expenditures for national defense and homeland security and except for tax cuts that are part of a package to stimulate the economy to get it growing again in 2003 and 2004. Other than that, you have to have a supermajority to add to the deficit.

This is a consequential debate. At some time, the history of the fiscal affairs of our country will be written and looked back at this time and people will be held accountable for the choices they made. I hope they are wise choices.

I see my colleague from Iowa is present, and I understand he has remarks. I yield the floor.

The PRESIDING OFFICER. Does the Senator from North Dakota yield time to the Senator from Iowa?

Mr. CONRAD. Mr. President, I yield 10 minutes to the Senator from Iowa.

IRAQ

Mr. HARKIN. Mr. President, I thank the Senator from North Dakota for yielding. I will speak on the situation in Iraq. I find it almost surreal that we are here debating the budget—it is important, obviously, for what will happen to the future of our country—but I note that at least the British House of Commons just today committed a whole day of debate on Iraq. Then they will vote on a resolution. It looks as though Prime Minister Blair will win the resolution in the House of Commons, but at least they are having a debate. We would think that would be happening here in the Senate, that we would have at least 1 day of debate about whether or not our President is doing the right thing.

I watched the President last night, and it looks as if his mind is made up. In fact, I think it has been made up for a long time. I was disheartened to learn that the United Nations is withdrawing its inspectors. They have been making some progress, but they are now being pulled out.

Last October, I was one of 77 Senators who supported the congressional resolution on Iraq. The resolution, in the version that we passed, supported diplomatic efforts to enforce the Security Council resolutions. And if all peaceful means failed, it authorized the use of force so we could defend the national security of the U.S. and enforce Security Council resolutions.

At the time, I said that going to war should be the last resort. It was clear then—and it is clear now—that Saddam Hussein is a brutal dictator, and that weapons of mass destruction in his hands are a grave danger to the international community. But I said then—and say now—there is a right way and a wrong way to confront him and disarm him.

In voting for the resolution, I say to my fellow Iowans and to my fellow

Senators, I was clear I was not voting for immediate war with Iraq. I wanted to provide maximum leverage for the President to persuade the Security Council to approve a tough, new resolution for inspections and disarmament.

Since October, this approach has had some success. The Security Council passed a strong resolution, and inspectors went back into Iraq for the first time since 1998. Faced with a united world, Iraq has generally let the inspections take place. After some resistance, Iraq has begun to allow some overflights and interviews with scientists. And they are destroying their al-Samoud missiles, as the U.N. demanded.

Now clearly, there are huge gaps in Iraq's cooperation. They have stonewalled in providing required information on their former chemical and biological weapons. And, as Secretary Powell described to the Security Council, they appear to have tried to deceive U.N. inspectors. But as far as we know, the disarmament of Iraq had begun. It certainly has not been completed and verified. But the process was underway and should have been allowed adequate time to bear fruit. Yet now war is going to start.

Back in October, the President, perhaps reluctantly, agreed to work through the United Nations in seeking disarmament of Iraq through peaceful means. I now have to wonder if President Bush really meant it. Almost from the day inspections began, the administration has been proclaiming their end.

Back in January, the President gave ''a matter of weeks, not months.'' But from the start, the inspectors themselves have said it would take months or years for them to complete their work.

And I regret to say that we have not been helping the inspectors adequately. As I said after Secretary Powell's presentation to the U.N., rather than complaining about truck convoys weeks after the fact, we should help the U.N. stop and inspect them with real-time intelligence. But according to a CBS News report from February 21, U.N. inspectors said our intelligence—U.S. intelligence—has just led them ''to one dead end after another.'' These U.N. inspectors called the intelligence we gave them ''garbage after garbage after garbage.''

The administration has not even been clear on what we want from Iraq. The resolution I voted for referred to enforcing Security Council resolutions. Now, while there are a lot of those, the key one demanded disarmament of Iraq's nuclear, biological, and chemical weapons programs, and of their long-range missiles.

After hundreds of inspections, the U.N. has found no evidence of ongoing programs for weapons of mass destruction. They did find that some missiles go a few miles over the limit. Iraq declared those, and is now destroying them. Nobody is saying that Saddam Hussein's obsessive pursuit of these weapons is suddenly over, but we sure do not have much evidence there to justify an invasion and full scale war.

So the administration tries to bring in September 11 and the fear that Hussein will give his weapons of mass destruction—assuming he has some—to terrorist groups. But no one has ever shown that Iraq had any involvement in the September 11 attacks. And even U.S. and British intelligence officials describe evidence of Hussein's links to al-Qaida as weak.

A recent Washington Post graphic showed 20 key terrorist organizers. They were from Saudi Arabia and Egypt and several other countries, but not one was from Iraq.

So now the administration talks about fostering democracy throughout the Middle East. That is a noble goal. But it is hard to grow democracy out of the barrel of a gun. It seems more likely that a U.S. invasion and occupation of Iraq will lead to more extremism and terrorism in that region.

In any case, our goal was supposed to be enforcing U.N. Security Council resolutions and defending U.S. national security. The resolutions are about disarmament in Iraq, not about rebuilding governments in that region.

Further, the administration has been throwing out allegations about Iraq without bothering to back them up. First, they claimed Iraq has been trying to buy uranium, based on documents that turned out to be forgeries. They pointed to a British intelligence dossier that turned out to be copied from academic papers several years old. They talked about close ties to al-Qaida based on an alleged facility in an area of Iraq that Hussein does not control and on one visit to an Iraqi hospital.

The Vice President, on Sunday, claimed that Iraq has ''reconstituted nuclear weapons,'' a bizarre claim, but the U.N. has found no evidence that Iraq ever had nuclear weapons to reconstitute or that they now have an active program to make them. But after the Vice President said that, he turned around and then said something else. I am reading here from the Washington Post of this morning, Tuesday: ''Bush Clings To Dubious Allegations About Iraq.''

> In his appearance Sunday, on NBC's ''Meet The Press,'' the vice president argued that ''we believe he has, in fact, reconstituted nuclear weapons.'' But Cheney contradicted that assertion moments later, saying it was ''only a matter of time before he acquires nuclear weapons.'' Both assertions were contradicted earlier by Mohamed ElBaradei, director general of the International Atomic Energy Agency, who reported that ''there is no indication of resumed nuclear activities.''
>
> Earlier this month, ElBaradei said information about Iraqi efforts to buy uranium were based on fabricated documents. Further investigation has found that top CIA officials had significant doubts about the veracity of the evidence, linking Iraq to efforts to purchase uranium for nuclear weapons from Niger, but the information ended up as fact in Bush's State of the Union address.

Well, on and on and on it goes.

After I listened to the President last night, and after going through all the false assertions that they have made—what the Vice President said on national television on Sunday, without a shred of evidence—reminds me of two ships called the *Maddox* and the *Turner Joy*, that supposedly in the late summer of 1964 were attacked in the Gulf of Tonkin.

I ask Senators, go back and read the Senate debate on the Gulf of Tonkin resolution in August 1964—our two ships attacked in the open ocean, attacked by vessels from North Vietnam. That led to a drumbeat to pass the Tonkin Gulf resolution, which gave the President the authority to engage in full scale war in Vietnam.

What did we learn later? We learned later that there never was such an incident. Neither the *Maddox* nor the *Turner Joy* was ever attacked. This was all fabrication, all total fabrication.

But I ask, what elected official, what appointed official in the Johnson administration or later in the Nixon administration was ever held to account for that? Yet 50,000 lives later, we recognize what led us into Vietnam.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. HARKIN. Can I ask for another 5 or 7 minutes.

Mr. CONRAD. Another 5, if that is OK. We have another speaker who is scheduled in that slot.

Mr. HARKIN. I appreciate that.

Mr. CONRAD. Mr. President, if I could interrupt the Senator and ask the time be charged to the resolution, and the other time that has been allotted to the Senator from Iowa be charged to the resolution rather than the amendment.

The PRESIDING OFFICER. The Senator has that option.

Mr. HARKIN. So, Mr. President, we almost have before us another *Maddox* and *Turner Joy:* a claim that Iraq has reconstituted nuclear weapons, but the evidence is not there.

The President himself said, last October:

> Iraq possesses ballistic missiles with a likely range of hundreds of miles—far enough to strike Saudi Arabia, Israel, Turkey and other nations—in a region where more than 135,000 American civilians and service members live and work.

Those are the President's words.

But:

> Inspectors have found that the al-Samoud 2 missiles can travel much less than 200 miles—not far enough to hit the targets Bush named.

The constant beating on the drums of war, along with the shifting goals—last night for the first time I heard that it is not just Hussein who has to leave but also his sons; the goal was regime change, then it was disarmament, and now it is regime change and a family thing, to get the family out—the dubious allegations, the lack of support for inspections, make it look as though

this administration has been set on war from the beginning and has just been casting about looking for support for their war all along.

Is war justified? I have absolute confidence in the men and women of our Armed Forces. Faced with war, they will win, and will do so with courage, discipline, and skill. But even with our overwhelming strength, even assured of victory, war is a terrible prospect. Thousands of innocent people will die. Iraq will be left in chaos. We will be left to occupy a country most likely for years, left with the responsibility on our taxpayers of rebuilding it.

America has always been reluctant to engage in war. And this will be the first war ever in which we have invaded where there has not been an imminent threat.

I believe there are at least four tests that must be met before we go to war. First, we must face an imminent threat. That has not been shown. Could Saddam be a threat down the line sometime? Perhaps. But we could contain him with inspections, and not just a handful but 500 or 1,000 inspectors—there is no limit on how many inspectors we could have; we could put in 1,000 inspectors. Would that cost more money? Sure. A lot less than a war.

So we must face an imminent threat, and that has not been shown.

Secondly, war should be the last resort, not the first. Even if a threat is demonstrated, we should launch a war only after we have exhausted all reasonable alternatives, as we required in the resolution last fall. In this case, we clearly have not.

Third, we must have substantial support among our allies and work with the United Nations. The agreements Saddam Hussein has violated are with the U.N. He didn't make those agreements with the United States, he made them with the United Nations. So since it is not a bilateral problem, it is a multilateral problem, we should be working through the United Nations. There is no doubt we can win a war against Iraq on our own—no doubt about that—but we are going to need the other nations to help rebuild Iraq after the war.

Finally, before we go to war, the fourth thing we need is a full debate in the Congress. Thus, I applaud Senator BYRD and Senator KENNEDY for their resolutions to move the debate forward. But now the clock has run out. I can't for the life of me understand, why the British House of Commons can have a full day of debate today on whether or not to pass a resolution to go to war, but the U.S. Congress can't.

I think back to our own Revolution which gave us the power. It is in the Constitution of the United States that only Congress has the power to declare war. And there can be no mistake about it. This is not an intervention. This is not military police activity. This is not defending ourselves against an imminent threat. This is an invasion and a full-scale war against a country.

I believe the Congress, and only the Congress, has the right to do that, and we have not even had the debate. It is time we have the debate.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. CONRAD. Does the Senator from New York seek time?

Mr. SCHUMER. Yes, I ask for 5 minutes.

Mr. CONRAD. I yield 5 minutes off the resolution to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. I thank my colleague from North Dakota for offering this amendment which is timely and important.

What is this budget? Why do we have a Budget Act? Why do we have a budget resolution? It is to set priorities. If we didn't have to set priorities, we could have as many tax cuts as we wanted and as much spending as we wanted and as big a deficit as we wanted, and the country would be in chaos.

The Budget Act is a disciplining process that says: Everyone wants a whole lot of good things in America, but we have to set priorities. And we say this as we are in the shadow of war.

I have spoken on this and issued a statement last night, and I will be speaking more later. I pray for our soldiers and hope and pray that Saddam sees the light and abdicates. But if he doesn't, we will back our soldiers and do everything we can. That is a priority that we have to set and will set. But we have other priorities.

The Senator from North Dakota has wisely said, before we set those other priorities, we ought to figure out what the war and the ensuing peace will cost. I, for one, believe tax cuts are appropriate to stimulate the economy. The amendment wisely allows that. But it says before we go into a long train of large tax cuts—it doesn't say don't do them—let's figure out as best we can what the costs of the war are. Are the costs of the war going to crowd out funding for Medicare and Social Security? Are the costs of the war going to crowd out money for education or money for transportation? They may. We just ought to know it before we do it. Then, if we do have a crowding out, do people prefer, say, Medicare or tax cuts? Do they prefer education or tax cuts? Do they prefer transportation money or tax cuts? That is what a budget resolution is all about.

To proceed with a budget resolution that is going to offer massive tax cuts without knowing the cost of the war would drive any accountant crazy. Last year we were all saying, accountants have to get a whole lot better. Any accountant in his first year of taking an accounting course in college would say: If you have a huge cost coming up—a cost we all support, the cost of the war—don't do other types of things, whether it be spending or cuts, before you know what that cost is.

My colleague has put together a great amendment. In fact, if you are a fiscal conservative, above all you should support the amendment. I don't care what your ideology is, this is a fiscally conservative amendment. It says, get your ducks in order; figure out what your costs are before you engage in a massive program of tax expenditure.

It leaves room for a stimulus which we all need and will support. But it simply says, figure out your priorities because if we don't and we do a budget resolution and we don't know what the costs of the war are going to be, one of two things will happen: We will have a deficit that goes way beyond what anyone imagined and it will wreck our economy, or other kinds of spending needs will be crowded out—spending for education, spending for transportation, spending for Medicare and Social Security. All we are saying is: Figure out the priorities.

It is virtually reckless to do a budget resolution until we know what the costs are. I say this as somebody who is not opposed to spending money on a war. But at the same time we have war, to have massive tax cuts and not know what the other consequences will be for our deficit and spending, as I said before, would drive any student in the first year of Accounting 101 absolutely crazy.

I thank my colleague from North Dakota for putting together a fiscally conservative and responsible amendment, for restoring some order to make sure that the Budget Act, which says, let's not be kids in a candy store and just pick everything without knowing the consequences—that is what the Budget Act says—to make sure it has some real teeth and real meaning.

I thank my colleague from North Dakota for offering the amendment. I hope we will have bipartisan support for it because it is only fair and right.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ENZI). The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time.

The PRESIDING OFFICER. The Senator has that right.

Mr. DASCHLE. Mr. President, I commend the Senator from New York for his eloquence and his comments. Also, I commend the distinguished ranking member on the Budget Committee for the leadership he has shown in offering this amendment today. I am very grateful to him for the work he has invested into this amendment. I am very hopeful our colleagues on both sides of the aisle will see its wisdom.

Our Nation is living through some grave and difficult days. We face the continuing threat of terror and the developing danger of nuclear proliferation from both North Korea and Iran. At the same time, the American economy is stagnating, the Federal deficit is exploding. More and more Americans

are losing hope that they will ever find a job.

Overshadowing all of this, we stand on the cusp of war with Iraq. We need to be awake to this moment in history. In generations past, our country stared straight into the eyes of every threat and did what it took to overcome danger. The hallmark of American history has been the willingness of our leaders and our citizens to sacrifice today for the liberty, security, and prosperity of our children and our children's children tomorrow.

President Bush said in his State of the Union Address:

> We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other Presidents, to other generations.

We could not agree more.

Now is not a time to pass reckless tax breaks that will saddle our Nation with debilitating debt for generations to come, while doing nothing to energize our economy today. Our Nation needs to be united in the face of the many threats before us. But I fear the President's tax break plan not only divides us against one another today, it pits the political whims of the moment against the economic security and prosperity of the future.

Therefore, I am asking Democrats and Republicans to come together to support this amendment, which has been called the ''patriotic pause,'' because it states clearly that, except for national security, except for defense, except for a genuine and very small fiscally responsible economic stimulus plan, this Congress will approve no new tax breaks or new spending until the cost of war in Iraq and the rebuilding effort that will follow are determined.

Under this amendment, we will provide every necessary resource to support our troops and protect our homeland. We will also do what it takes to re-ignite our economy. But this amendment acknowledges that we have an obligation to keep our commitments to America's children, families, and seniors. If we enact the Republican budget plan with the $1.5 trillion in new tax breaks, primarily for those at the very top, we would see deficits and debt for as far as the eye can see. And the cost of these new tax breaks explodes in the future, sucking up resources needed to keep our commitments to Social Security and Medicare.

This past weekend, I met with a group of seniors to discuss the issues most important to them. Concerned about the uncertain future of Social Security and Medicare, one gentlemen said to me:

> Five years ago, I was part of the ''greatest generation.'' Now someone is trying to declare war on me.

This Congress must honor the patriotism of our parents and grandparents by living up to our obligations to them. We must demonstrate our own love of country by living up to the highest traditions of our history.

The ''patriotic pause'' gives us that chance. It will demonstrate to our citizens and to history itself that we are awake to the demands of this moment, and it will preserve the resources and trust necessary to meet whatever challenges our shared future holds.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. I see my colleague from North Dakota is seeking time. How much time does the Senator wish?

Mr. DORGAN. Fifteen minutes.

Mr. CONRAD. I yield 15 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. On this amendment, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. DORGAN. Senator CONRAD has offered an amendment that is simple, devastatingly simple, and right.

I talk often about going to a very small school, probably not the smallest school that anyone in the Senate attended, but it must be close. My entire high school, four grades, was 40 kids, and the senior class in my high school was 9. I kid that I was in the top 5 somewhere in a high school class of 9. We did not have Ph.D.s teaching math. I didn't need a Ph.D. to tell me how to add 1 and 1; 1 and 1 always equals 2—except in Washington, DC, during a budget debate.

Let me talk about what is happening with respect to fiscal policy in this country. This is a chart that shows what is happening with respect to Federal surpluses and deficits. We were in the go-go 1990s, turbocharged 1990s; our economy was building, creating new jobs and producing tax revenues, and we began to have surpluses.

We had people say: We have surpluses as far as the eye can see; let's provide very large tax cuts. President Bush was the leader of that $1.7 trillion effort. Some said we ought to be a little more conservative, if something happens. But the President got his way, we had a very large tax cut, and guess what. We then had a recession.

The attacks of September 11, the war on terrorism, the largest corporate scandals in history, the bursting of the tech bubble, pancaking of the stock market, and guess what happened. We went from black ink to red ink quickly, with a devastating decline into huge, crippling Federal budget deficits. That is where we are. That is where we are headed.

What is the answer? The President says, let's have more tax cuts. In my hometown, as they say, when you were in the hole, you did not order more shovels, you just stopped digging. This is a circumstance where we have to sober up as a country and evaluate how do we deal with these hemorrhaging Federal budget deficits in the long term. We do it, as the Senator from my home State says with this amendment, by deciding to wait for additional tax cuts and additional spending: Let's have a pause at the moment, put a lid on it all; no big tax cuts, no big spending increases. He allows in his amendment the opportunity and the need to deal with defense and homeland security, he allows the need in the first 2 years to deal with a stimulus plan, if necessary, but he says, beyond that, let's have a pause.

On the eve of potential military action in Iraq, we hope and pray it is quick and decisive with minimum loss of lives, but we know as it happens, it will cost a great deal of money, and we are going to be prepared to respond to that. We will provide the resources necessary to support the brave men and women who fight for this country. But we ought to ask the question on the eve of military action, should we pass a budget resolution that says, by the way, what we propose at the moment, as is the case with President Bush's budget and the budget that came out of the Budget Committee, let's have very large tax cuts, let's have the huge costs of war and reconstruction and the consequence of that, and let's attach to that additional tax cuts?

Maybe it is only in this town that there is some sort of escape from reality, but in my little hometown if you talk about budgets and responsibility and, yes, patriotism, it seems to me we have to add up what our needs are, what we have to do as a country, how much revenue we have to do it with, and try to come to some reconciliation of that. But that is not the case in Washington, DC.

Let me say this about tax cuts. Tax cuts represent the easiest political lifting in American politics; no question about it. If you want the easiest lift in the Senate, boast about all the tax cuts you support. I would love to say I support all the tax cuts and I believe we all ought to have a zero tax rate, but that is not the fact. The fact is we build roads, we educate our kids, we provide for our common defense, we do all of these things together, and someone has to pay for that. I would love to say let's have giant tax cuts that go on forever. But it is not the responsible thing to do, especially on the eve of a war.

The amendment offered by my colleague, Senator CONRAD, is simple. He says let's take a pause for a moment. The budget resolution that comes to the floor out of the Budget Committee says: Let's decide to have very large tax cuts, make the previous tax cuts permanent, and on top of that, have additional large tax cuts. And, oh, by the way, we will increase defense, increase homeland security, and shrink domestic discretionary spending, including education, health care, and all the other issues.

It seems to me things that go around come around, and we already have a construct of this. David Stockman wrote a book about it. That was in 1981. They said, we can double defense spending and have very large tax cuts and it will add up. It didn't. Someone

asked President Reagan about his plan, and there was a parody about that. He said: Well, what this new economic plan is, you take an apple, and you cut it in half, and then you have three glasses, put half an apple in one glass, half an apple in the second glass, and half an apple in the third glass. They said: How do you get three halves from one apple? And he said: See, you don't understand our theory.

I think I do understand the theory. There are only two halves of the apple, but this budget resolution provides the kind of theory and gimmickry that will head us down a road to hemorrhaging deficits that will cripple this country. It will devastate our ability to restart this economic engine of ours.

The people who watch us here in the Congress, watch what we do, they need to see we are serious about trying to put this fiscal house in order.

I ask unanimous consent for 3 additional minutes.

Mr. CONRAD. I am happy to yield 3 additional minutes to the Senator from North Dakota.

Mr. DORGAN. Those who watch this process need to understand we are serious about what we are doing here, that what we do will lead to some kind of economic stability in the future. They count on it, that we are not going to spend money we don't have. We are not going to burden our kids with debt. We are going to try to have some means to pay for that which we do and, yes, that includes paying for the costs of military action and supporting our troops.

I support this Conrad amendment because I think it puts national security and economic security first. I support this amendment because I support the troops, and I support this amendment because I support efforts to increase homeland security in this country. I support this amendment because I believe our economy needs a boost. All of those, in my judgment, will be the fruits of this amendment.

I regret that we have the budget resolution on the floor that came from the Budget Committee. It has completely taken a vacation from reality. There is no way it adds up. You can explain it until you are blue in the face, it doesn't add up, and it is not going to lead to a better and brighter economic future.

I want a fiscal policy, as does my colleague, I believe, a fiscal policy that expands this country's economy. First, we need to jump-start it and then we need to try to find ways to give people confidence to expand it.

Our economy is all about confidence. When people are confident in the future, they do things that manifest that confidence: buy a house, buy a car, take a trip. They do the things that expand the economy. When they are not confident about the future, they do exactly the opposite and the economy contracts. They defer the purchase, don't take the trip. The economy contracts.

I want people to take a look at what the Senate does, what my colleague has done with this amendment, and say this gives us some confidence about the future. There are people who are serious about making sure this adds up, about making the right investments, establishing the right priorities for this country. That is what this amendment does.

In my judgment, if you decide you are with the Budget Committee resolution that came to the floor of the Senate, what you are saying is we believe we should have long-term, growing, inescapable Federal deficits and we don't care much about it.

I will tell you what, if you don't care much about it in the Senate, there are many who will. They will pay for it with their jobs. They will pay for it with lost opportunity. They will pay for it with weaker schools. They will pay for it with less homeland security. That is a guarantee.

On the positive side, let me say this amendment is a giant step in the right direction and I hope my colleagues will support it. I commend Senator CONRAD for the amendment that he calls The Patriotic Pause amendment. It says: Let's stop. Let's take a look. Let's listen to what is happening around here and let's make a sound judgment about where this country ought to head and what its priorities are.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. I ask that I be yielded time under consideration of the amendment.

The PRESIDING OFFICER. Without objection, the Senator from Arizona.

Mr. MCCAIN. Mr. President, as Senators begin debate on the budget, I want to briefly discuss why, at this time, I cannot in good conscience vote in favor of tax cuts, irrespective of their size or to which segment of the population they are targeted, nor can I support any substantial spending increases that are not related to improving our Nation's defense from the obvious and serious threats facing us today.

Let me stress, however, that I am, like my colleagues, concerned with the weakened state of our economy, and I do not dismiss lightly arguments in support of stimulating our economy with tax cuts. I know the negligible growth in our economy today has left many Americans without work, their investments and saving diminished, with lower standards of living, and that their elected representatives are expected to do something to help alleviate their suffering. I may have concerns that some parts of the administration's proposed tax cuts would not provide the near term stimulus necessary to strengthen our obviously anemic economic recovery. However, I am certainly willing—even inclined—to consider tax cuts that would provide a more immediate stimulus, such as, for instance, a reduction in payroll taxes. But not at this time.

The United States is currently engaged in a global war against terrorism, and will, in all likelihood, soon commence a necessary war to disarm Iraq by destroying the regime of Saddam Hussein. The costs of these enterprises are not known with any degree of certainty at this time. Nor are the costs we will incur after what I believe, what I fervently hope, will be a brief, successful war in Iraq, as we week to establish the foundations for a peaceful, stable and democratizing Iraq. The administration has not provided the Congress with a realistic estimate of how much this worthwhile endeavor will cost the U.S. Treasury. I don't fault them for that. The costs are simply not knowable at this time.

I believe the war in Iraq can be concluded successfully in a relatively brief time. But it is surely possible that the conflict won't meet our best estimates for its probable duration. It might take longer than we hope or it may exceed our hopes. As any responsible war planner will tell you, it is always wise to expect the unexpected in war. Few battle plans have realized in their execution the planners' every assumption.

Moreover, we do not know at this time how great will be the costs of meeting our responsibilities in a post war Iraq or with how many other countries that burden will be shared. The answer to those questions will depend, more than anything else, on how quickly and how thoroughly this military action succeeds.

Also, if terrorist organizations use our action in Iraq as the occasion and the excuse to initiate new attacks against Americans, at home and abroad, that too will put new pressures on our treasury. What is already clear to me is that we will need to spend substantially more on our national defense—in the long term—that is currently envisioned, according to recent reports, in the budgets being marked up by the House and Senate budget committees. How much more will depend, of course, on the war's costs. But it will also depend on challenges from the continued threat from al-Qaida and other associated terrorist groups, and from the aggressive actions by states hostile to the United States and our allies, which are intent on acquiring weapons of mass destruction, such as North Korea.

In addition, the costs of our security at home are great, and certain to increase over the next few years. Our war against al-Qaida has been significantly successful. The President and his administration deserve great credit for that. But the enemy in our global war against terrorism is not yet vanquished. Speaking as a border state senator, with the challenges to better protect our borders so evident to Arizonans, I am acutely aware of how much more needs to be done to secure our homeland.

Even without assuming the costs of these various contingencies, particularly the war in Iraq and the responsibilities we will have in that country following the cessation of hostilities,

the increase in the Federal budget deficit envisioned over the next 10 years ought to concern greatly every member of Congress. In the first 5 months of fiscal year 2003, the United States Government has already run up a $195 billion deficit. The Congressional Budget Office estimates that even without the President's tax cuts and without further increases in spending for the remainder of the fiscal year, the total budget deficit for 2003 will reach $246 billion. If we add the projected costs this year of the President's tax cuts the deficit would reach $287 billion. Most alarming, are the deficit projections for the next 10 years, incorporating the President's proposed tax cuts, released by CBO last week: $1.8 trillion. That's a pretty staggering sum, and it does not include any of the costs of our imminent actions in Iraq.

We should be concerned about deficits. They limit economic expansion by reducing the amount of national savings available for investment. This raises both interest rates and interest payments on the national debt. Deficits constrain our ability to respond effectively to unanticipated fiscal events. If we do not reduce them, projected long term deficits will reach dangerous levels, lowering the national income and standards of living for future American generations.

That said, I would still be open, at some point, to proposals to stimulate the economy with tax cuts. But not now. We should take a pause in our efforts to increase spending on nondefense needs and to reduce taxes.

However, I will not support the amendment by me friend from North Dakota to create a 60-vote budget point of order against any legislation that contains tax cuts or spending increases that would increase the deficit until the President submits to Congress a detailed report on the costs of our operations in Iraq. The way to address legitimate concerns with this budget resolution is not by creating new, complicated points of order, containing numerous exceptions and subject to very discretionary judgments about what is significant economic stimulus, and what is an adequately detailed report on the costs of war and reconstruction in Iraq. The Senate should speak directly to these concerns now, and vote for or against tax cuts and nondefense spending increases in this budget resolution. Should continued negligible economic growth require the stimulus offered by tax cuts later in this Congress, after, for lack of a better metaphor, the dust has settled somewhat in our operations in Iraq, and Congress and the administration have a better understanding of the costs of war and peace incurred by the United States, Senators can consider changes to fiscal policy at that time.

However, while I don't foreclose future consideration of a tax cut to stimulate the economy, no one can be expected to make an informed decision on fiscal policy at this time with so many uncertain contingencies possibly on the horizon, and with the near, mid- and long-term costs of defending this country unknown and presently unknowable. Let us wait until we have succeeded in Iraq, and until we have some idea of what percentage of the costs of the aftermath of those hostilities we will have to bear. The best thing that can be done for the economy today is to win the war in Iraq quickly, completely, and to attract the coalition of partners necessary to help us meet our postwar objectives in that country. That is a far more necessary, and responsible stimulus to our economy at this time. And it is far sounder statesmanship than cutting taxes in the dark, or running up spending, without due regard to our primary responsibility to the American people: their physical security.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am wondering——

Mr. CONRAD. How much time does the Senator seek?

Mr. KENNEDY. Five minutes.

Mr. CONRAD. Mr. President, I yield 5 minutes off the resolution to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

NOMINATION OF MIGUEL ESTRADA

Mr. KENNEDY. Mr. President, in just a few moments we will be voting on Mr. Estrada's nomination for the district court. I wish to take a few moments of the Senate's time to talk about a very important matter, and a matter which is really the basis of the dispute in the Senate. That is about the materials that have been requested by members of the Judiciary Committee which have been denied to the members of the Judiciary Committee.

Thanks in large part to the majority leader's suggestion of a serious constitutional debate, we have all learned some important history lessons.

We have learned in detail about the deliberate decision of the Founders to give the Senate a major and independent role in the selection of Federal judges at the Constitutional Convention in 1787, and to prevent the judiciary from becoming a pawn of the President.

We have been reminded that the founders made a very specific decision to create the Senate as a constraining force on the President, to resist sudden or drastic changes in the direction of the Nation and to prevent Presidential overreaching.

We have all reread the key provision of the Constitution in which the Founders instructed that the Senate exercise its specific powers in accordance with rules of its own making. We have learned that until 1949, the first 162 years of our country, those rules provided no way at all to end Senate debate on a nomination by the President. In 1949, our rules established the possibility of a cutoff of our prized freedom of speech on the Senate floor—but only when a two-thirds majority consensus supported imposing that restraint on the minority.

Despite the hypocritical cries of ''majority rule governs'' from those who would have us abdicate our central constitutional role, we all recognize that the President who has caused this controversy over judicial nominations would not be our President today if majority rule applied to the Presidential elections.

It is clear that the administration has not met its burden of demonstrating the suitability of this nominee. The nomination process is not a game of hide and seek, in which the White House selects only the positive information about a nominee to give the Senate and withholds the rest, in the hope that the Senate will not find it. The process is not complete until the administration shares with the Senate all of the available information, so that the Senate can exercise its advice and consent power deciding for itself, under its own rules, what is relevant and what is not, what is dispositive and what is not.

The members of the President's party do not serve him well, nor do they serve their own interests well, nor do they fulfill their obligations to the Senate, if they allow the White House to short-circuit the process by selectively withholding information. And the fact that some of that information may be confidential, or sensitive, or classified, or embarrassing does not end the matter. It merely starts a process within the administration of deciding whether the nomination of a particular person for a particular position at a particular time is important enough to the President to justify the release of that information.

In some cases it may be possible to block out particular items in documents without destroying their utility. In some cases it may be appropriate to allow receipt and discussion of particular documents in closed committee session without immediate release to the public. In some cases, it may be necessary to provide classified documents to committees with the facilities to handle it properly and with staff who are cleared to review it. Once the Senate has the information on any of these grounds, we can decide whether the information is relevant, what weight to place on it, and whether further investigation or questioning is required.

The argument for withholding documents in close cases is not a very strong one—it does not rise to the level of proprietary business information or intelligence methods, for example. And as many of us on the committee have pointed out to the White House, there are many instances in recent history where the Justice Department has provided such materials to us.

One of the best examples of such a case was the Richard Kleindienst confirmation proceeding. In that case, as

here, members of the Committee requested extensive litigation materials from the Justice Department. Unlike the present case, the Chairman, although he disagreed with those Senators on the merits of the nomination, agreed that they were entitled to make their requests, and certified the requests as Committee requests to which the Department would have to respond. The Department in fact provided the Judiciary Committee with extremely sensitive deliberative litigation documents from various offices at Justice. They revealed the Department's strategies and thought processes on the appeal and settlement of a major set of antitrust cases.

Moreover, the Solicitor General himself, the eminent former Dean of Harvard Law School, Erwin Griswold, appeared before the committee and answered questions of Senators on both sides of the aisle on the content of the recommendations made to him by attorneys in the Department and by him to the Acting Attorney General and Antitrust division, including his own and others' opinions on the strengths and weaknesses of various litigating positions. Like every Solicitor General, he asserted the right of the Department to withhold deliberative documents. But at the same time he and the Department in fact disclosed and discussed those deliberations in the Senate, sometimes in unrestricted form and sometimes under restrictions.

Why did they do so? In the Department's own words, they could release any such information whenever they determined that there was a ''compelling public interest'' in doing so. And for some reason they concluded that there was such a public interest in getting Mr. Kleindienst—already confirmed as the Deputy Attorney General—confirmed to fill the vacancy in the position of Attorney General for the one year left in Richard Nixon's first term. I note that Justice did refuse to provide certain materials which the nominee offered to avow under oath would have no relevance to the facts at issue. After extensive additional hearings, the nominee was confirmed, but later resigned when documents eventually released in the Watergate and other proceedings showed that he had not been truthful in his testimony to the committee. He pleaded guilty to a subsequent criminal charge of ''failing to testify fully and accurately'' to the Senate.

That case demonstrates that the Department could and did as a matter of discretion release extremely sensitive litigation documents and information from the Solicitor General's office, including the testimony of the Solicitor General himself, merely to accomplish the confirmation of a cabinet member for a short-term appointment to a post which did not really need to be filled. Clearly then the Department has full power to release sensitive documents when they are requested in the context of a nomination for a lifetime appointment to the nation's ''second highest court.''

In this case a substantial portion of the committee have concluded that the White House has not met its burden of going forward. The nominee's record does not contain the usual body of judicial decisions or legal publications which demonstrate the way he addresses important legal questions. On the contrary, as the hearing record demonstrates, members had serious questions about the nominee's suitability, questions for which the nominee's answers ranged from evasive to inconsistent. But the committee did not have the full record. It did not have what may be the best evidence of the nominee's approach to current legal issues of great import, the writings of the nominee himself, writings composed by the nominee in the Solicitor General's office in circumstances which even his supporters concede were likely to show him at his most candid.

It is perfectly reasonable and logical for Senators to conclude that the Executive's refusal to provide that complete record is based on either or both of two rationales: Either the White House fears that Senate access to the documents—even without automatic public access—would confirm the unsuitability of the nominee, or the White House does not think there is a ''compelling public interest'' in completing Mr. Estrada's nomination process.

In either event, the ball is in the executive branch's court: If they think there is a compelling public interest in moving ahead with this nomination, they can and should turn over the materials. If they do not think there is a compelling public interest in proceeding with this nomination, they can continue to refuse to provide the materials. But if that is their decision, then they should cease their imposition on our time and especially our Republican colleagues' patience, forgo the Rovian hopes of short-term political gain from ''Groundhog Day'' repetitions of useless cloture votes, and just pull the nomination.

Mr. President, this nominee has been sent to the Senate of the United States. We had a very good debate the other day about the shared responsibility between the President and the Senate in naming individuals to the courts with lifetime appointments.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. KENNEDY. Mr. President, could I have 1 minute more?

I yield myself 1 more minute.

We had a very good debate on that issue. The fact is, this administration has seen all of those papers. On that basis, they have nominated him. But they have refused to let us see them and expect us to be a rubberstamp. It is wrong. I hope we will continue to reserve our judgment on this nominee until we get that information.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, it is my understanding we have a vote at noon; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. Mr. President, the floor leader, the chairman of our committee, is not in the Chamber at the moment, so I will not propound a unanimous consent request. But I would ask for his staff to consider that we permit another amendment.

I see the Senator is in the Chamber now.

I say to the chairman, I was just saying that we have this vote. Then it would be my hope that, at some point soon thereafter, we could have a vote on my amendment. I am told we need a window until 3 o'clock for votes. Maybe we could have an opportunity to offer additional amendments in that interim period and stack votes at 3 o'clock, if we are limited in our ability to vote until then.

Mr. NICKLES. Mr. President, I will be happy to work with my colleague. Because I have been running back and forth to a lot of meetings, I have not had a chance yet to even address the Senator's amendment that is pending, so I wish to do that.

Are we still working through the lunch break?

Mr. CONRAD. Yes. The intention was to do that. We would have the vote at noon. If the vote is done at around 12:30, that is why I am raising the question now of being able to offer another amendment, so we could use that time productively.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT COURT

The PRESIDING OFFICER. The hour of noon having arrived, the Senate will go into executive session and resume consideration of Executive Calendar No. 21.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, as you all know, we are going to vote on the Estrada nomination one more time with regard to cloture. The fact of the matter is, I am very concerned about this because I think the Senate is placing itself into a serious procedural set of problems that literally could come back to haunt the Senate for many years to come. You see, this is the first filibuster in history of a circuit court of appeals nomination.

It is a shame that there has to be a filibuster against one of the leading Hispanic legal thinkers in America—especially since I don't believe there has been a glove laid on Miguel Estrada from the beginning of this debate right up until today.