

Second, [Kenneth Starr says] the timing of your letter—arriving in the midst of what appears to be an orchestrated plan to deflect and distract this investigation—undermines your expression of outrage.

Certainly I think anyone would have to agree with that, given the fact that it is now an acknowledged fact that the administration has been orchestrating a campaign to discredit Ken Starr. I refer you to the New York Times newspaper today, Headline, "President's Aides Expand Offensive to Counter Starr. Prosecutors Denounced As Corrupt and Accused of Leading a Witch Hunt." Somebody has to defend this process.

The third thing that Mr. Starr said in his letter in response to Mr. Kendall was:

[W]e are aware that as of several days ago, the President's defense attorneys had most if not all of the material information (whether true or not) set forth in [Friday's] New York Times article.

This had to do with the leaks. In other words, what Judge Starr was saying is that the President's own lawyers had talked to the people who had testified in the grand jury, at least those people who were connected in any way with the administration, and knew what had been said in the grand jury. The implication, of course, is that it is the White House and its lawyers themselves who could be just as likely the leakers as anyone in the special prosecutors office. When a witness testifies before the grand jury the witness is not constrained as to what he or she can say thereafter. And you have seen some witnesses go in, testify, and they come out and talk to the press about what they said. So these leaks could be coming from all number of people, from the witnesses themselves to the very people in the White House and the White House lawyers' group who are complaining about the leaks today.

In fact, I would suggest it is most unlikely that the source was Judge Starr's office.

He continues:

In my service as independent counsel, particularly with regard to secrecy of the grand jury, I have insisted on a high commitment to professional conduct. I have expressed this commitment to you repeatedly. From the beginning, I made the prohibition of leaks a principal priority of the office. It is a firing offense, as well as one that leads to criminal prosecution. In the case of each allegation of improper disclosure, we have thoroughly investigated the facts and reminded the staff that leaks are intolerable.

Then Mr. Starr makes clear he has no reason to suspect anyone in his office of leaks after those investigations by saying:

I have no factual basis, as you likewise do not have, even to suspect anyone at this juncture. You do an extreme disservice to these men and women and to the legal profession and the public by your unsupported charges.

Mr. President, I agree with Judge Starr that this does a disservice, both to the people who are doing their best to uphold the laws of the United States and to his effort generally to get at the

truth here. He is supervised by the Attorney General of the United States, and he is supervised by a three-judge court, the members of which have been appointed by Presidents Johnson, Nixon and Reagan. If there is any wrongdoing, they can see to it that it is stopped and the appropriate people punished in whatever way is appropriate. But instead, the White House has chosen to make this a media campaign rather than to focus on how any leaks might be stopped within the judicial process.

As a matter of fact, we know, because recently Lucianne Goldberg, one of the people who had access to the tapes, disclosed the fact that she herself had leaked a lot of this information. She had the tapes from Linda Tripp, which were given then to the special prosecutor. So it does not follow that simply because leaks occurred that it had to come from the special prosecutor's office. Indeed, she herself said, "I told people about this. It wasn't Kenneth Starr."

So why then do we have this concerted effort on the part of the President's own lawyer to discredit Judge Starr and his investigation? The reason ought to be obvious. Do anything you can to undermine the prosecution in order to cast discredit upon its efforts so that if anything ever comes of the independent counsel's investigation and the President actually has evidence presented against him in this matter, it will be previously discredited information.

As I said, I think it is time for those of us who have some respect for the judicial process and for this individual himself, Judge Kenneth Starr, to make it clear to the American people that the judicial process must be respected, must be supported and must be upheld if we are to ensure that justice prevails in this country and that it ought to discredit the people who are attacking that system if the way in which they do it is so clearly designed to affect public opinion, as it appears to have been done in this case, rather than to get at the facts.

As I said, there is a process available, if you have evidence that someone in the prosecutor's office has engaged in conduct, to take that to the appropriate authorities, make your case and have them act in the appropriate, responsive fashion. It is not at all certain that that is what the administration is attempting to do in this case.

Let me conclude with this point, Mr. President. I think all of us in the Senate are impressed with the awesome responsibility that we have under the Constitution to withhold our own independent judgment because of the fact that at least, theoretically, there is a potential for an impeachment proceeding in any case involving accusations of the type that have been made in this case.

As I said, I have withheld my judgment, because I have no idea whether these things are true or not, and I am

not going to indicate whether I think they are true or not. In fact, I am going to wait until, in effect, the information is presented to us, if it ever is. I think that others need to make that same commitment. Let's see how the facts come out here.

The same thing should be done with respect to Judge Starr. When people say he hasn't produced very much, his investigation has run amok, he is leaking, he can't defend himself. We don't know whether any of those things are true, and he is owed the same sense of justice that the President and anyone else accused is owed; namely, the opportunity to present the facts when the process provides that opportunity.

In due time, Judge Starr will be able to present those facts. At that time, we will know precisely what he has. Until then, I think it is incumbent upon all responsible people in this process to treat the independent counsel as they would treat any other person involved in law enforcement or the judicial process, with the respect and the dignity that the office carries.

While I appreciate the fact that defense lawyers will sometimes stoop to any tactic to get their client off, it demeans the Office of the Presidency in this case for his lawyers to use the same kind of tactics that the lowest kind of defense lawyers would use in defending a party who is probably guilty of a heinous crime when there is no other defense than to attack the victim's credibility or to attack the prosecutor.

That demeans the Office of the Presidency. It is time for this administration to treat the prosecutor with the same respect that they are demanding to be treated. I think that those of us who believe in our rule of law and in the system of justice in this country need to stand up and speak out and make that point.

Mr. President, I thank you for the opportunity to speak to this matter this morning.

THE PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized to speak for up to 20 minutes. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair. I may or may not need all of the 20 minutes, Mr. President. I ask unanimous consent that Mr. GRAMM of Texas be recognized for not to exceed 10 minutes following my remarks.

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

ISTEA FUNDING

Mr. BYRD. Mr. President, only 45 session days remain through May 1, the deadline date, beyond which every State will be prohibited by law from obligating new Federal highway or transit funds. This past Thursday, we heard the argument that there is no reason for the Senate to rush to the highway bill, because, it was said, the House does not plan to act on the highway bill until next month or later.

Well, Mr. President, I have served in the Congress now going on 46 years. I was 6 years in the House, and this is my 40th year in the Senate. I have served both as majority leader and minority leader, as well as majority whip and secretary of the Democratic conference. I respectfully suggest that the Senate must never let itself be governed by the scheduling preferences of the other body, especially on legislation as important and as urgent as is the highway bill.

I have served in the other body, and so have several other Senators, including the distinguished Senator, Mr. PAT ROBERTS, who now presides over the Senate with a degree of efficiency and poise and dignity and skill, so rare as a day in June. But all other Senators know, as I do, that the House of Representatives is a very different place with very different rules.

When the House of Representatives takes up the highway bill, the House Rules Committee will report out a rule that will probably limit the number of amendments that will be allowed to be offered and mandate limitations under which those amendments can be debated. The House can well take up a highway bill and pass it within one day or two days or three days. But who here thinks that the Senate will be able to take up and pass the highway bill in two or three days?

When the Senate takes up the highway bill, Senators, as always, will have the right under the Senate rules, to offer amendments and to have those amendments debated. It will probably take 2 or 3 weeks for the Senate to pass an ISTEA bill. Given all of the competing and contentious amendments that the Senate will likely debate on ISTEA, we should recognize the fact that it will probably take two or three weeks for the Senate to pass an ISTEA bill. One does not have to look further back in history than the last time that the Congress authorized our surface transportation programs. Back in 1991, I believe it was, the Senate debated the ISTEA legislation for the better part of 3 weeks—not 3 days, but 3 weeks. The other body, however, was able to call up and dispense with their version of the ISTEA legislation in two days! The Senate took almost 3 weeks; the House took 2 days. What reason do we have to think that, this time, things will be different?

I believe that we have an obligation to try to get a complete, comprehensive, six-year highway authorization bill to the President's desk by or before May 1. We owe that to our Governors, our mayors, our highway engineers, our highway departments throughout the country, and to our constituents who drive on the Nation's highways every day. If we have any hope of getting a highway bill to the President by or before May 1, the Senate needs to begin now.

In November of last year when we took up the short-term highway authorization bill, we were told that it

was the intent for the Senate to take up ISTEA and address it early in this year in order to put pressure on the House and also so that when the House acted, we, in the Senate, would be ready for conference with the House. Now, however, it seems that the pressure is not on the House, but on the Senate. The wind has shifted, and we are now on a course that puts pressure on the Senate—pressure from the Governors of our States, pressure from our transportation departments throughout the country, pressure from our transit providers—all of whom will be forbidden by law from obligating any federal funds after May 1. We are also receiving pressure from our citizens who must endure hazardous driving conditions. Why are we waiting, Mr. President?

As I stated last week, the President's budget proposes an absolute freeze on highway spending for the next five years. The President, the first time he ran for the office, campaigned strongly on a platform of investing in the Nation's infrastructure. We don't hear that anymore. The President is proposing a freeze on spending while the balances in the highway trust fund skyrocket. Meanwhile, the 6-year highway bill, as reported by the Environment and Public Works Committee, will also allow unspent balances of the highway trust fund to pile up year after year after year, while the Nation's highway needs go wanting year after year after year. Where else, then, but on a highway authorization bill, can the Senate come forward to make an affirmative statement that the expectations for spending on highways over the next six years will go well beyond the freeze levels proposed by the President?

I recognize that there will be disagreements among Senators as to how increased authorization levels for highways can and should be financed. Senator GRAMM, one of the principal co-sponsors of my amendment, has stated that he is categorically opposed to moving the caps in order to boost spending for highways. We will have that debate through the regular budget and Appropriations process. Mr. President, one thing I am sure of, if we do not get a 6-year ISTEA bill to the floor, and make a statement by the full Senate that we do not expect to allow the unspent balances of highway trust fund to pile up year after year, as the President proposed and as the Environment and Public Works Committee in its reported bill proposes, highways will be nowhere in the upcoming budget debate. We will be debating direct Federal expenditures for child care and other social welfare programs that are being pushed by the administration, while the needs of our Nation's infrastructure will be left out, just as they were left out of the President's budget.

Well, let me make one thing preeminently clear. The Byrd-Grumm-Baucus should be called up so that those unspent highway balances, at least to the tune of \$31 billion, can be

authorized to be spent. We will not spend them in the amendment. We only authorize them to be spent. We will not be debating the budget bill. It is the highway bill I am talking about.

In last week's remarks on the floor about the highway bill, reference was made to the "Highways First" crowd. Well, Mr. President, I plead guilty as charged. I make no apologies for standing on this floor and saying we have been remiss in our national investment in surface transportation. At a time when the ISTEA authorization has expired, and it did expire on last September 30; at a time when the country is just limping along—limping along—on a stopgap highway authorization bill; at a time when the construction season is looming just—just—a few weeks away; at a time when Governors and mayors and highway departments throughout the country need to know just what Federal resources they can count on for this year's budget as well as for long-term highway construction plans; at a time when we should be discussing a long-term, 6-year highway authorization bill just as the commitment was made to the Senate and to the country that we would be discussing a long-term, 6-year ISTEA bill; yes, yes, I believe that first things should come first and that the 6-year highway bill is the first thing that the Senate should be debating, and last November we were told just that. So, yes, I am one of the "Highways First" crowd. Count me in. Count me in.

When 42,000 people are dying on the highways of this country every year, and when we are told by the U.S. Department of Transportation that 30 percent of those highway deaths are caused by outdated safety features, poor pavement quality, substandard road and bridge designs, and other bad road conditions, yes, I am one of the "Highways First" crowd. Count me in!

What could be more fundamental to our national prosperity, and to the quality of our daily lives, than adequate, safe highways? Major highways carry nearly 80 percent of U.S. interstate commercial traffic, and, roughly, 80 percent of intercity passenger and tourist traffic—80 percent. When it comes to the daily lives and the daily working conditions of our constituents, Americans take more than 90 percent of all their work trips in cars or trucks.

And we hear much from the administration as to how this Nation should better meet our child care needs, and that is quite appropriate. Therefore, I make no apology for taking the floor to point out how the family lives of millions of Americans would be improved if working parents could spend more time at home with their children rather than sit in ever-worsening traffic jams. We hear so much talk about protecting our children; and yet, getting them to school to be educated, and to hospitals and to clinics to receive healthcare can't be done with efficiency without safe, modern highways.

Everyone knows that. Twenty-two million people in Appalachia know it. Twenty-two million people in Appalachia know the difficulties in getting to work, in getting to school, in getting to hospitals, in getting to child care clinics, in getting to church, and in getting back home—22 million people in Appalachia.

Highways first? You bet, I believe in highways first as of now under the circumstances that I have outlined. I believe in highways first. Fixing potholes and pavement may not be glitzy and may not be sexy, but attending to our Nation's transportation system is a basic, fundamental need. It is job one, because so much of life in the United States absolutely depends on our ability to get people and goods from one place to another.

Francis Bacon, who went to the tower because he was found guilty—and he admitted it—of accepting bribes, said, "There be three things that make a nation great and prosperous: A fertile soil, busy workshops, and easy conveyance of men and goods from place to place."

Well, it was said on this floor last week that two of the few places where the Government should be involved in spending money were in the field of national defense and in the field of building infrastructure because people cannot do these things by themselves, it was said. How true. The Government had to do its part, it was said last week on the floor of this Senate. Well, the unfortunate fact is that the Government has not done its part. The record is replete with evidence that we have not done as good a job as we should have done in maintaining our highway infrastructure. We are letting our National Highway System fall more and more into disrepair. And, as a result, the cost of bringing our highways up to an adequate and safe condition grows by billions of dollars every year.

Mr. President, it was President Ronald Reagan, who, in January 1983, said, "Common sense"—"common sense"—perhaps one of the most uncommon things that would be found in this city—"Common sense tells us that it will cost a lot less to keep the [national highway] system we have in good repair, than to let it disintegrate and have to start over from scratch. Clearly"—this is former President Reagan talking; I am quoting him—"Clearly, this program is an investment in tomorrow that we must make today." How true.

Ronald Reagan was right. We must make that investment today. The commitment that the highway bill would be brought up at the beginning of this session should be kept, a 6-year ISTEA bill should be made the pending business of the Senate, and it should be done right today or soon, very soon. The highway needs grow worse day by day; the time grows shorter day by day; and I hope that the Governors and mayors and highway departments throughout this country—and I am

speaking to you out there—I hope that the Governors and mayors and highway departments throughout this country will join in urging the Senate leadership to keep its commitment, so that we can debate this highway bill—it is number one on the Nation's business list.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has approximately 2½ minutes remaining.

Mr. BYRD. I ask unanimous consent that I may reserve that time.

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

Mr. BYRD. I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I want to thank my colleague from West Virginia. In fact, I want to say to him what a great honor it is for me to work with him on this amendment. He made a very strong case just a moment ago about building highways, but I believe the case is stronger yet because there is one factor that I want to make sure that everybody understands, that at least in the portion of Senator BYRD's statement that I heard he did not drive home, in my opinion. And that is, it is not just a debate about highways versus other things; it is a debate about basic honesty in Government because, you see, we collect taxes specifically for the purpose of building roads.

We do not collect taxes for the purpose of providing child care. We do not collect taxes specifically earmarked for welfare. We do not collect taxes that are dedicated by their source to the United Nations or to foreign aid. But we do collect taxes that are dedicated to highway construction, at least in terms of what Americans believe the policy of Government is and should be.

If you go to the filling station this afternoon, and you pull up in your car or truck and you get out and you are pumping gas, while you are standing there, let me urge people to read what it says on the gasoline pump. Basically, what it says on the gasoline pump is, there is good news and bad news. The bad news is that about a third of the cost of a gallon of gasoline in America today is taxes. The good news is, as it says right on the pump, those taxes are dedicated to building the very roads that you are going to burn up this gasoline riding around on. So it is a user fee. It is a fee you pay in buying gasoline to build the roads that you are going to use.

The only problem with that bad news-good news story is the good news is not true. The good news is not true because the Federal Government, beginning in about 1990, started diverting substantial quantities of funds collected on gasoline taxes to other uses. Some of it occurred by just letting surpluses build up in the highway trust fund, which under a unified budget in essence meant you could spend more

money on other things in Government. Some of the problem resulted in 1993, when, for the first time in American history, we adopted a 4.3-cent-a-gallon tax on gasoline that went to general revenue and not to the highway trust fund.

Senator BYRD, I, and others have solved that problem in the tax bill by dedicating that 4.3-cent-a-gallon tax on gasoline to the highway trust fund where it belongs. So let me turn to this chart and really explain how modest the Byrd-Gramm-Warner-Baucus amendment is, how modest it is in terms of what we are asking. In fact, the American people would never believe that we are doing enough.

But if you look at this chart, you see where we are. As of today, we have \$23.7 billion of surpluses in the highway trust fund. This is money that we have collected on gasoline taxes that we put into the highway trust fund to spend on roads, but money that has not been spent on roads. In reality, that money, through our unified budget, in the total level of spending we could have by running this surplus in the trust fund, that let Government spend that money on thousands of other things.

We were successful, as I noted earlier—well, last year; that went into effect on January 1—of being sure that every cent of gasoline taxes, just as the gasoline pump says, goes into the highway trust fund.

Now, under the bill that will be before us when we get an opportunity to consider it, the surplus in the highway trust fund, if my amendment with Senator BYRD was not adopted, would grow from \$23.7 billion to \$90 billion. In other words, over the 6 years that highway bill would be in effect, we would be collecting, in total, looking at all we have already done plus what would occur during that period, \$90 billion that we are telling the American people that we were spending on highways that in reality would not be spent on highways and in reality would be spent on something else.

Here is what Senator BYRD and I are saying: You have already spent this \$23.7 billion, and we are not asking for it back; in fact, we are saying that we are going to let the surplus grow under our amendment from \$23.7 billion that should have been spent on roads to \$39 billion, and that that money will be available, therefore, for general budget uses.

What we are saying is that this 4.3-cent tax on gasoline, a total of \$51 billion in spending authority, we want it spent on roads. I have likened this—and I am sure some of my colleagues don't like the analogy, but I think it fits perfectly—I have likened our opponents to cattle rustlers. What they have been doing, as you can see from this chart, they have been rustling our cattle. They have been taking money that has been collected in taxes on gasoline, put into the highway trust fund to spend on roads, and they have been spending it on other things. In any

other business except government you might actually go to jail for doing something like that.

In fact, Senator BYRD reminded one of our opponents of the story in the Bible of Ananias in the book of Acts. In the young church, Ananias makes a big deal about selling all his property and giving it to the church, but he cheats. The Lord thought so little of that activity that he struck him dead and struck his wife dead.

Obviously, we are not talking about striking anybody dead. All we are talking about is the following: We are saying, keep the \$23.7 billion. In fact, we are going to let it build up to \$39 billion. Just let us spend the 4.3-cent tax on gasoline on highways.

Their response is, "Well, you know, we already got the \$23.7 billion and we were expecting not only \$39 billion but \$90 billion, and if we don't get to spend that money on all these other programs, on everything other than highways, we are going to lose the ability to spend that money."

Well, it reminds me of a cattle rustler who has been stealing Senator BYRD's cattle and my cattle. We call the sheriff out. We confront the guy, and we say, "You stole these cattle, and we are letting you keep on stealing cattle, but you have to limit the number of stealing. You can't steal any cattle out of this pasture." Their response is not, "Thank you for not hanging me, thank you for letting me continue to do what I have been doing"; their response is, "Where are we going to get this extra beef?"

That is not our problem. That is their problem. They shouldn't have been spending this money out of the highway trust fund to begin with.

Now, let me turn to several points I want to make. First of all, if we don't pass this amendment, we are going to be locked into this highway bill for the next 6 years with mounting infrastructure needs all over the country and with tens of billions of dollars collected in gasoline taxes that will be spent on something else.

If the American people had a vote on our amendment of whether to require that gasoline taxes that are collected for the purpose of building roads be spent on roads and only on roads, I can't imagine that many people would oppose this provision. But we are only going to have one chance in the next 6 years to do something about it, and that is on the highway bill.

Now, those who oppose our amendment, those who want to spend that \$90 billion on everything but roads say, "Don't bring up the highway bill now, let us deal with the budget first." Now, they are trying to play on the confusion. Senator BYRD and I have spoken many times, and we will speak many more times until this is settled and until we have prevailed on this issue. But they are trying to play on the confusion. They are trying to act as if the proposal the President has made about expanding child care or the President

has made about building schools or hiring teachers or any of the literally hundreds of programs he has proposed to increase spending, \$130 billion worth of spending, they act as if somehow that is equivalent to what we are talking about. It is in no way equivalent to what we are talking about. The President is talking about increasing the total level of spending. We are talking about debating how to spend the money that is currently collected.

We have a gasoline tax that is dedicated to building highways, and all we are saying is this is not a budget issue. This is an issue of honesty in Government and highway construction. All we are asking is that the money collected in gasoline taxes be spent on highways. In terms of setting spending levels, that is something we ought to do in the budget and decide what the total level of spending next year is going to be. Then any individual Senator—and obviously the majority—will make a determination as to what they want to do. But this is not a budget issue. This is a highway issue and it has to do with spending money for the purpose that money is collected. So, we don't want this to be commingled with the budget. There is no equivalent of what we are asking we do here, which is basically a truth-in-Government provision where you collect money on gasoline taxes, you tell people it is going to highways, but you don't do it. We want to fix that. There is no equivalent between that and a proposal to raise the total level of spending in the Federal budget. We don't believe the two should be commingled.

Let me turn very briefly to two other issues that a big deal has been made out of, and all of our colleagues will hear about it. I want to be sure people understand it. I want to start with the Appalachian program. That program started in 1965. It has been part of every highway bill since 1965. The President's highway bill, like ours, divides money into two parts, the 90 percent that goes directly to the States, the 10 percent that is spent by the Secretary. Under the President's budget, 1.6 percent of the highway bill is dedicated to the 13 States that make up Appalachia as part of a program that was authorized in 1965.

Now, those who oppose our amendment say their amendment provides funds for those 13 States under a program that is now over 30 years old. But what they don't tell you is the rest of the story, and that is we provide a lower percentage of the money going to those 13 States out of the Secretary's discretionary funds than does the President. The President provides 1.6 percent to those 13 States; we provide 1.4 percent to those 13 States.

Finally, on that issue, the President's bill, like the bill before the Senate, has this strange provision that says that if we don't have enough money in the trust fund and we have a shortage of money, that we cut the States first. Senator BYRD and I

changed that in our amendment. We treat the Secretary's funds equivalent to the States' funds. So from the point of view of this issue, the issue of Appalachia, it is always easy, obviously, in these complicated bills to confuse people, but the two points every Member of the Senate should understand is that as a percentage of the highway bill, less money is going to the 13 States of Appalachia in the program, which dates back to 1965, under the President's amendment; and our amendment eliminates a terrible inequity, which says, if there is a shortfall of funds, what the Secretary has discretion over is funded first. We eliminate that.

A final point, and I will be finished, is that one of our critics has said that our bill funds interstate corridors of international trade and border infrastructure. This was called for under NAFTA. Interestingly enough, the bill that is before the Senate, the highway bill—or we wish was before the Senate—provides \$750 million to fulfill the commitments made in NAFTA only by a sleight-of-hand. It provides no real authorization for the money to be spent. So they tell you they are providing \$750 million. You can read it right in their bill. But elsewhere they have a provision which renders that nonexistent. We have provided \$450 million which is real. So in reality they claim to be providing more than we are, but their complaint is we are basically doing it; whereas they were basically misleading people about what they were doing. So I want people to understand this issue.

We need to get on with the highway bill. We have work to do. We are running out of time. The highway bill is going to expire. Road construction is going to stop all over the country. We need to bring this highway bill up and we need to do it now. I want to ask our Governors, our mayors, the people who build highways, the people who use highways, we need to hear from you in this debate because your interests are at stake.

Mr. BYRD. Mr. President, I ask unanimous consent that my reserved 2½ minutes be reduced to 30 seconds, and I wish the Senator would add to the list of cosponsors. I believe he has two additional Senators on this side.

Mr. GRAMM. We have gotten the commitment, I think, in writing from Senator THOMAS; that brings us up to 51. We have one other Member who has said verbally they want to cosponsor, but I want to wait until we get that in writing.

The point in the 30 seconds is that this is the first legitimate bipartisan effort in this Congress. We have 51 cosponsors, Democrats and Republicans, because this is a bipartisan issue. People say they want bipartisanship. This is an issue where we are getting it, and what we need is this bill on the floor of the Senate so that we can provide this bipartisan leadership to do what the country needs.

Mr. BYRD. I thank the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Arizona.

EXTENSION OF MORNING BUSINESS

Mr. MCCAIN. I ask unanimous consent that morning business be extended for 15 minutes and that I be may be allowed to address the Senate as if in morning business.

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

IRAQ

Mr. MCCAIN. Mr. President, a decision to send our military personnel into combat is the most serious policy-makers can make. We do not or should not cavalierly discuss military options without losing sight of the human dimension that people, whether our own uniformed personnel or innocent civilians in the country against which we take action, will die.

We were correct to strike Libya in 1986, although we mourned the loss of lives of innocent people whose sole crime was to live in a dictatorship that provoked us to action. We were correct to liberate Grenada and Panama, despite the loss of life that accompanied those conflicts. And we were correct to conduct overwhelming airstrikes against Iraq in order to evict it from Kuwait, but we regret the deaths of civilians cynically placed in harm's way by that country's regime. And we have been correct in the past to launch punitive missile strikes against Iraq in response to its violation of the U.N. resolutions.

We now stand on the precipice of yet another military confrontation with Saddam Hussein and the military security forces that protect him. Iraq has repeatedly, over the span of 7 years, defied U.N. resolutions and agreements, negotiated in exchange for the termination of the Persian Gulf war. The demands made of Iraq are simple and reasonable and, if complied with in good faith, would not have unduly subjected it to violations of its sovereignty. Iraq was to destroy its existing stockpiles of banned weapons of mass destruction and its capability to reconstitute the scientific and industrial infrastructure for their development. It was to repatriate Kuwaiti prisoners after Iraq's brutal invasion and occupation of its smaller neighbor; and it was to compensate the victims of its aggression.

Mr. President, it has not done any of these things. Instead, it has demonstrated for 7 straight years its contempt for the United Nations, for the agreements it has signed, and for the most simple norms of civilized behavior.

Saddam Hussein has repeatedly pushed the international community to the brink and then pulled back just enough to head off military action. He has eluded the scale of punitive measures warranted by calculating the point at which his actions would result

in serious retaliatory measures by the United States. He has gotten away with this because in those few instances when military action was taken against him, it was ineffectual. Nowhere was this more evident than the September 1996 cruise missile strikes against Iraqi targets following the most egregious violation to date: the large-scale military incursion into Kurdish territory and subsequent execution of anti-Saddam activists working with the United States. At that time, the forces involved in the incursion on what was supposed to be protected territory should have been directly and forcefully attacked.

The United Nations Special Commission tasked with verifying Iraq's compliance with U.N. resolutions has been systematically stymied at every point. Saddam Hussein has clearly placed a higher priority on continuing to develop the means to threaten his neighbors than on the welfare of children the fate of which Baghdad purports to decry. Iraq has received every conceivable opportunity to comply with legitimate and lawful demands and to join the community of nations as a member in good standing, and has spurned those opportunities.

The nature of the regime of Saddam Hussein is impervious to any peaceful effort at resolution of the ongoing conflict. There is every reason to believe that Iraq continues to possess chemical and biological weapons and the means to deliver them. There is no indication that it aspires to live in peace with its neighbors; on the contrary, I have no doubt that if the opportunity arose, it would again attempt to retake Kuwait. It certainly aspires to participate in the destruction of Israel.

The time for talk may be over. The chairman of the U.N. Special Commission has thrown up his hands in dismay. The approaching option is the large-scale and protracted use of military force. Diplomacy, certainly the optimal approach, has failed thus far. Withdrawing our forces and lifting the sanctions would enable Iraq to fully rearm and openly threaten to destabilize the region, brandishing the very banned weapons at issue. Not only should sanctions not be lifted, they should in fact be tightened. Existing no-fly zones should continue to be enforced and expanded, perhaps to include no-drive zones targeted against Republican Guard armored units.

The only viable military option is to inflict serious damage on the Iraqi Republican Guard and destroy the compounds and "palaces" Saddam has sought to protect. Ineffectual cruise missile and air strikes such as characterized past punitive actions, particularly in 1996 when 27 cruise missiles were launched against largely insignificant targets, will once again prove counterproductive. Domestic communications links should be targeted as well as military ones, in order to sever Saddam's ability to communicate to the Iraqi people. The expansion of our

own broadcasting into Iraq aimed at influencing public opinion there should have been a higher priority all along.

And we should be prepared to act alone if necessary. While Britain has stood by us and prepared to act with us, for which we should be grateful, it is disconcerting to witness the paucity of public support for enforcing legitimate U.N. resolutions. While some of us were in Germany this past weekend, it was gratifying to hear the German government come out in support of our efforts, but European support is less important right now than attaining the open support of the Middle Eastern governments that will play a vital role in dealing with the political ramifications within that region of any military actions we take against Iraq. In that respect, Saudi Arabia's decision to permit only the use of support aircraft from its territory is deeply disturbing. I understand Saudi, and all Arab, concern for the welfare of the Iraqi populace. And I am aware of the domestic and regional implications for the Saudi government of openly supporting air strikes against Iraq. The threat posed by Saddam Hussein against Saudi Arabia, as well as every other country in the region, however, argues forcefully for the government in Riyadh to be more openly supportive of our measures and to communicate to their people the simple fact that measures against Iraq occur solely because of that country's belligerent and unlawful stance.

The military option, should it be chosen, must be designed to accomplish meaningful military objectives. Restraints on targeting intended to minimize criticism from other nations, whether friends, allies or potential foes, will have the effect of reducing the likelihood that objectives will be accomplished. It is clear that the United States will be widely criticized by many parties should we launch an attack against Iraq. As stated, it is of little comfort that some of those governments that criticize us publicly applaud us privately, as their populations take their cue from the public posture. Iraq has provided every incentive for us to strike, and we must not squander the opportunity to eliminate its weapons of mass destruction from the region by tailoring military actions to minimize the political outcry that will follow. Leadership and responsibility often entail unpopular actions, and the prosecution of actions that lead to deaths of many is a horrible burden to bear. But bear it we must.

The key to a long-term resolution of the Iraq problem lies largely in one man, or, to be more precise given what is known about his sons, one family. The United States should adopt stronger measures aimed at undermining the ruling regime through greater support of dissident elements both within and outside of Iraq. Saddam's internal security apparatus has proven enormously effective at defeating such elements in the past, and I am under no