Senate will vote to waive the point of order.

The PRESIDING OFFICER. Is there further debate on the motion to waive?

If not, the question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. LEAHY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. LEAHY) would each vote ''yea.''

The PRESIDING OFFICER (Mr. TALENT). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 50, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—43

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kohl	Stabenow
Corzine	Landrieu	Wyden
Daschle	Lautenberg	
Dayton	Levin	

NAYS—50

Alexander	Dole	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Lott	Thomas
Cornyn	Lugar	Voinovich
Craig	McCain	Warner
DeWine	McConnell	

NOT VOTING—7

Crapo	Graham (FL)	Lieberman
Domenici	Kerry	
Edwards	Leahy	

The PRESIDING OFFICER. On this question, the yeas are 43 and the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

NATIONAL HAZARDOUS MATERIALS TRANSPORTATION MONITORING AND RESPONSE CENTER

Mr. REID. Mr. President, I thank the Senator from West Virginia, Mr. BYRD, for his work on this important Homeland Security appropriations bill. As the Senator knows, I am pleased that the bill we are discussing today includes within the Transportation Security Administration ''$13 million for the hazardous materials permit program and truck tracking system to provide for nationwide coverage.'' As you are aware, the Federal Government has issued warnings that terrorists may exploit the 800,000 daily hazardous waste and dangerous goods shipments in new attacks on the U.S.—either as weapons of mass destruction or in the manufacture of such weapons. So the funding you and Chairman COCHRAN have included in this bill is very timely and important.

Mr. BYRD. I agree this is important and timely funding for one of the many needs facing our Nation as we deal with terrorist threats.

Mr. REID. I want to ask the Senator if he is aware that the University of Nevada Las Vegas is working to initiate development of a National Hazardous Materials Transportation Monitoring and Response Center that would build upon existing commercially available satellite based nationwide truck monitoring and communications technology. The center would ensure a secure location for nationwide hazardous material truck monitoring. It would also link, for the first time, the ability to remotely identify an incident anywhere in the country with the ability to immediately alert the appropriate emergency responders and law enforcement officials.

Mr. BYRD. Yes, I understand this project is in development in Nevada. I encourage the Department to consider using a portion of the $13 million appropriated for hazardous materials tracking to help initiate the development of this project.

Mr. REID. I thank my colleague from West Virginia and the Chairman COCHRAN for their support of those efforts and look forward to working with the committee on this important issue.

Mr. NICKLES. Mr. President, I rise in support of H.R. 2555, the Homeland Security Appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations.

I want to commend the distinguished chairman and the ranking member for bringing the Senate a spending bill within the Subcommittees' 302(b) allocation. Moreover, they and their staffs need to be congratulated on reporting the very first Homeland Security Appropriations bill.

The pending bill provides $29.4 billion in total budget authority and $30.6 billion in total outlays for fiscal year 2004. For discretionary spending the Senate bill is at the subcommittee's 302(b) allocation for budget authority and outlays. The Senate bill is $1.4 billion in BA and outlays above the President's budget request.

The pending bill funds the programs of the Department of Homeland Security, including the Bureau of Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, the U.S. Coast Guard, the Transportation Security Administration, the U.S. Secret Service, the Office for Domestic Preparedness, and several other offices and activities.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be in the RECORD.

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

H.R. 2555, DEPT. OF HOMELAND SECURITY APPROPRIATIONS, 2004; SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal year 2004, in millions of dollars)

	General purpose	Mandatory	Total
Senate-Reported Bill:			
Budget authority	28,521	831	29,352
Outlays	29,737	847	30,584
Senate Committee allocation:			
Budget authority	28,521	831	29,352
Outlays	29,737	847	30,584
2003 level:			
Budget authority	28,269	889	29,158
Outlays	27,558	818	28,376
President's request:			
Budget authority	27,114	831	27,945
Outlays	28,323	847	29,170
House-passed bill:			
Budget authority	29,411	831	30,242
Outlays	30,500	847	31,347
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	.....	.....	.....
Outlays	.....	.....	.....
2003 level:			
Budget authority	252	(58)	194
Outlays	2,179	29	2,208
President's request:			
Budget authority	1,407	.....	1,407
Outlays	1,414	.....	1,414
House-passed bill:			
Budget authority	(890)	.....	(890)
Outlays	(763)	.....	(763)

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

MORNING BUSINESS

Mr. CORNYN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business.

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

THE JUSTIFICATION FOR WAR

Mr. CORNYN. Mr. President, I rise to say a few words about the war in Iraq.

My recent visit to the Middle East confirmed that the largest obstacle to a free and prosperous Iraq is the significant number of people who still live in fear of Saddam Hussein and his sons. That is an understandable fear, considering the years of torture so many endured under the iron fist of the Hussein regime.

With today's news from Central Command of the deaths of Uday and Qusay Hussein, we are two steps closer to removing that fear, two steps closer to rebuilding a once-great nation, and two steps closer to ensuring lasting security and freedom for the Iraqi people. I thank all the dedicated men and women in our Armed Forces who helped make these two steps possible.

Throughout the past few weeks, we have heard some on this floor raise questions about the justification for the war in Iraq.

Last week on this floor, the senior Senator from North Dakota had this to say, and I quote:

This administration told the world Iraq had weapons of mass destruction, that they are trying to develop nuclear capability, there is a connection to al-Qaida, and each and every one of those claims is now in question, every one of them. It is not just 16 words in the State of the Union. It is far more serious than that.

I find this charge to be simply indefensible. It is an accusation that flies in the face of everything that we have seen about Saddam Hussein's regime. It offends the reasoning mind. It maligns all good Members of this body who weighed the intelligence about Iraq in the balance and decided that this war was just and right—and voted for it. I might add, months before the President's State of the Union speech.

We have heard similar statements echoed from others on this floor and in the press in recent weeks. I have the utmost respect for my fellow Senators. Yet I must confess I am dumbfounded at how soon they forget the truth about the vile regime of Saddam Hussein.

I believe their line of reasoning goes something like this: They charge that the President was looking for excuses to go to war with Iraq, and that his claims concerning weapons-of-mass-destruction were just a pretense for this war.

I find this line of reasoning nonsensical at best—and downright offensive at worst.

First, if one buys the idea that Saddam Hussein did not possess the weapons or the capabilities the administration assigned to him, the dictator did not fool us alone as to his guilt. Every significant intelligence service in the world, including the vast majority of those in nations who opposed this war, were convinced that Iraq possessed these weapons. That is why the U.N. Security Council unanimously passed Resolution 1441, which declared Iraq in material breach of its obligations under numerous previous resolutions, including failing to account for weapons of mass destruction that Iraq had previously admitted to building and stockpiling.

As Richard Butler, the former head of the U.N. arms inspection team in Iraq, wrote in 2001:

It would be foolish in the extreme not to assume that [Saddam] is developing long-range missile capabilities; at work again on building nuclear weapons; and adding to the chemical and biological warfare weapons he concealed during the UNSCOM inspection period.

Yet it is that same logical position that some in this body are arguing against today. Those who make accusations based on their political desires, not the facts, lump the international political community, the media, the intelligence community, and the President of the United States into some fantastic form of shadowy conspiracy. This is hardly responsible, and I believe it does a great disservice to the American people.

Second, if one honestly argues that because of one offending sentence every other claim made by the administration concerning Iraq is now under question, you run into a very hard brick wall of solid fact. Perhaps my colleagues will explain what form of gas Saddam used to kill more than 100,000 Kurds, including 5,000 in just one day. Perhaps they will explain why, prior to kicking out the U.N. inspection team in 1998, Iraqi officials admitted that they had produced biological weapons agents—including 4 tons of VX, 8,500 liters of anthrax and 19,000 liters of botulinum toxin—and biological weapons delivery munitions, including aerial bombs, aerial dispensers, and Scud missile warheads. Perhaps they will explain why, for more than a decade, Saddam Hussein stymied inspectors, buried research facilities, built mobile biological weapons labs, intimidated scientists, and even removed the tongues of those who questioned his regime.

I would ask my colleagues who have made these arguments to answer a question for me, then. Under their line of reasoning, why did our President seek the authority to pursue this war? If, as they claim, there was no overarching consensus that Saddam Hussein represented a danger to American security and peace in the Middle East and around the world, why did the President undertake this war? Why did so many vote to support the President, here in the Senate and in the United Nations?

War is a serious enterprise, one that is not undertaken without risk. The fact that Baghdad fell in 3 weeks, with so few casualties among coalition forces, fulfilled our greatest hopes for this conflict. I know I am thankful for that fact, and I know the President is as well. I also know that the case for this war remains solid.

This was a case built not on one piece of evidence provided by British intelligence, but on a much deeper long-term purpose. It was built on the noble goal of ending the decades of brutal and violent works by Saddam Hussein, and on our clear duty to ensure America's security in the post-9/11 world by removing state-sponsors of terrorism and opposing regimes that threaten other nations with weapons of mass destruction.

Three-hundred thousand people, maybe more, are buried in mass graves spread throughout Iraq, in nearly a hundred reported sites. They stretch from Basrah to Baghdad, from Najaf to Kirkuk. They are silent monuments to Saddam's legacy of ruthlessness and evil.

The suggestion in the face of these silent witnesses that Iraq, the Middle East, and America are not better off today than we were before this war is simply ludicrous.

We have finished the fighting. Now we must finish the job. We seek to make Iraq secure, to make it a place where the rule of law can be established, so that civilian leaders and the Iraqi Governing Council can establish a new government for a new nation.

This is not an easy task—and it is not without cost. But it must be done, so that Iraq can flourish as a free nation, and so that the victories won, the lives risked and lost, will not be in vain.

Those we spend their time playing political games with our mission in Iraq, even while our brave men and women labor to secure and stabilize this fledging nation, dishonor our soldiers in the field and the memories of all of those who sacrificed their lives opposing the bloodthirsty regime of Saddam Hussein.

President Clinton argued in 1998 that if America did not act, Saddam Hussein would:

. . . go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you, he's use the arsenal.

President Bush agreed with that argument, and he dediced to do something about it. Many of us agreed with that argument, and we voted to support the President. And I am confident history will record it as the right decision—a decision based strongly on the principles of human freedom that inspired America's foundation.

Last week, Prime Minister Blair reminded us that we have a duty as a powerful nation to take great care regarding what kind of world we leave for our children. I believe that the task that falls to us at this moment in history is spreading the blessings of liberty, bringin the light of freedom to a nation imprisoned in the darkness.

Let those who are more comfortable playing political games—play on. Those of us who wish to accomplish something greater will labor on, undeterred, always confident in our ultimate goal: We seek a just, free, and peaceful world—for ourselves, for the Iraqi people, and for future generations.

IN REMEMBRANCE OF STROM THURMOND

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD my remarks of December 9, 2002, before the U.S. Capitol Historical Society.

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

''Who well lives, long lives; for this age of ours should not be numbered by years, days and hours.''

We are gathered here today to salute a friend and colleague who has lived long and spent his days well.

Strom Thurmond has been a teacher, an athletic coach, an educational administrator, a lawyer, a State legislator, a circuit court judge, a county superintendent, a soldier, a Presidential nominee, and a Governor—and all of that was packed into just his first 52 years.

In 1954, Strom won his first election to the Senate as a write-in candidate—beginning