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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT F. BENNETT, a Senator from the State of Utah.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who holds the wind in Your fist and wraps the ocean in Your cloak, we thank You for defending all who come to You for protection. We ask You to protect our military in its defense of our freedoms. Give our military people Your presence and peace. Lord, fill the God-shaped void that is in each of us that we may live abundantly. Remind us often that before honor is humility. Today, give our Senators the wisdom to meet the challenges of our time. May they not grow weary in their efforts to find common ground. Give them the strengthening joy of Your spirit, that they may have courage for hard times and determination for challenging tasks. We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT F. BENNETT 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 1, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable ROBERT F. BENNETT, a Senator from the State of Utah, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BENNETT thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning the Senate will be in a period for morning business until 10:30. Under the agreement reached last night, at 10:30 the Senate will begin consideration of the supplemental appropriation for Iraq and Afghanistan security. The order provides for debate only until 12:30. We expect amendments to be offered during today's session and therefore rollcall votes will occur throughout the day.

Yesterday, after the Appropriations Committee finished its work on the legislation and reported the bill to the full Senate, the two leaders came to the floor to reach the agreement to begin consideration of the bill today. As stated last night in the colloquy, the Senate will consider amendments to the legislation this week. Following the recess, we will resume the bill with the expectation of completing all action by the end of that week.

As we begin the process, the leader is asking for the cooperation of all Members in advance and thanks everyone for their willingness to cooperate to try to push this bill through to completion the week after we return from the recess.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I simply ask that when the Chair announces morning business, the full hour be allocated to both sides evenly divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will be a period for the transaction of morning business until the hour of 10:30 with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

Who yields time?

The Senator from Nevada.

FAIR LABOR STANDARDS ACT OVERTIME RULES

Mr. REID. Mr. President, this is a land of opportunity. Americans know if they are willing to work hard, they can realize their dreams. Hard work built this country and hard work is what has enabled generations of Americans to own a home, make a stronger community, and give their children a good education.

Americans have always been willing to work hard to reach their goals, and we are working longer hours today than ever before. Almost one-third of the labor force regularly works longer than a 40-hour week and 20 percent work longer than 50 hours. Fifty years

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



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ago, as part of the Fair Labor Standards Act, we established the principle of overtime pay for those who work more than 40 hours a week. This recognized the value of hard work and rewarded those who worked the hardest. Families who work hard depend upon overtime pay. For the families who do earn overtime, it makes up one-fourth of their total salary.

Having said all this, I cannot understand why the President is proposing to change the rules on overtime pay. His proposal would eliminate overtime wages for 8 million workers—nurses, firefighters, police officers, flight attendants, preschool teachers, cooks, secretaries, and fast-food shift managers. This proposal would amount to a pay cut for these hard-working families. It would also mean fewer jobs because companies would simply force their employees to work longer hours without paying overtime instead of hiring new workers.

In the current economic situation, when millions of Americans are out of work, it does not make sense to do something that will stifle the creation of new jobs. Even for the workers who would still qualify for overtime, this is a bad rule. Why? Because big companies will force the overtime-exempt workers to put in longer hours and cut the hours of those who qualify for overtime.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. REID. I am happy to yield to my friend from Massachusetts.

Mr. KENNEDY. I noticed an editorial in the Washington Post yesterday which pointed out:

Despite a veto threat from President Bush, the House should vote to block the rules. While the overtime regulations need updating, the administration proposal tilts too far in the direction of employers. It ought to be redrawn in a more balanced way. . . . The new rules would give employers far more freedom to disqualify employees.

I think that is what the Senator from Nevada is saying, as I understand it, that those rules that have been drafted by the administration are one-sided. They are going to work to the disadvantage of employees just at a time when we know American workers are working longer and harder than any other industrial nation in the world, as this chart shows, particularly with regard to women who are out there, who have joined the workforce.

This is in 1979. Middle-income mothers worked 55 percent more than they did 20 years ago, 895 hours compared to 1,388 hours. American workers are working longer hours. They are working harder. The mothers of small children are working longer and harder to make ends meet in a difficult economy. Then the administration promotes these regulations, which any fair-minded person would believe are skewed to the disadvantage and unfairness to employees—particularly to nurses, particularly to firefighters, particularly to police, who are the

front-line defense in homeland security.

I am wondering how the Senator from Nevada views this proposal by the administration, in terms of fairness to workers in his own State.

Mr. REID. With the Senator from Massachusetts on the floor, I will respond this way. The Senator from Massachusetts has led the fight for decades on raising the minimum wage. I say to my friend, it seems so unusual, so absurd to me that this administration on the one hand will not let us even have a vote on raising the minimum wage, yet at the same time they are trying to cut overtime from people.

I received a call from a 58-year-old man in Las Vegas, my friend, Sunday night. He said, You know, my diabetes is getting worse. I think I am going to have to go on injections. I have been taking a pill, but I am 58 years old and it is getting worse. He said, The reason I am concerned is I have no health insurance. My wife has health insurance but I have no health insurance.

This man works 60, 70 hours a week. He has two jobs. But both jobs are such that he doesn't qualify for the fringe benefits. The fringe benefits, among other things, are health insurance. So he works two jobs, hard work, he is 58 years old, and he has no health insurance.

I say to my friend, I cannot imagine the mental gyrations this administration has to go through to, on the one hand, prevent people from getting a basic fair minimum wage and, on the other hand, wanting people to work more than 40 hours a week, reversing what has been in effect since the mid-1930s.

I repeat, on the one hand, no raising of the minimum wage, and on the other hand let's have you work longer hours.

I ask my friend from Massachusetts, Can you in any way correlate in your mind how an administration could go forward on this plan? I guess it is a plan.

Mr. KENNEDY. We have been joined by the Senator from Iowa, who has been a leader in the Senate on this issue. Let me just mention one other item in response to the question of the Senator. Not only is it the opposition of the administration to the increase of the minimum wage, which now at the end of this year will have lost all of the gains since the last increase—so the administration is against that—the administration is against the long-term unemployment compensation. These are workers who have been trying to gain work. They have been out looking for jobs. Historically, as we have reviewed this issue with the Senator from Iowa and the Senator from Nevada, when we get the unemployment compensation, we have been responsive to this, for years, in a bipartisan way—except for this administration.

So we are shortchanging the minimum wage worker. We are shortchanging the unemployed. And now the administration comes on top of that, at

a time when we have a disastrous economic policy, we have lost more than 3 million jobs, and it says we are going to take it out on the overtime workers, which in this instance affects the front-line workers, the home guard, so to speak, the ones we are relying on to defend this country—the nurses, the firefighters, and the police.

What in the world is it about hard-working Americans who are working hard to provide for their families that this administration just can't stand?

I see our friend and leader here from Iowa, who has been so involved in this issue. I know he has some important observations as well.

Mr. REID. I yield the floor.

Mr. HARKIN. Will the Senator yield?

Mr. KENNEDY. I am glad to yield the floor.

Mr. HARKIN. I thank the Senator from Massachusetts and our assistant minority leader, the Senator from Nevada, Senator REID, for bringing up this issue today.

Again, more disturbing news has come out this week, I say to the Senator from Massachusetts. He has covered the increase in poverty in this country. More and more people are being left behind and unemployment continues to go up. At that very time, this administration wants to pull the rug out from underneath people who work hard, to take away their overtime protection. That is coming to a head this week, I say to the Senator from Massachusetts, because the House of Representatives, the other body, is going to be appointing conferees to go to conference with us. I understand the motion will be made to instruct the conferees to yield to the Senate position which, as you know, is to deny the administration the funds necessary to carry out these proposed changes in overtime. So I am hopeful the House will again vote right on this and make sure we keep the Senate provisions and deny the administration the ability to go ahead and just yank away the overtime protections for millions of Americans.

Again, I ask the Senator from Massachusetts why is it—I don't know if there is any real answer. Why is it this administration is so intent on keeping the minimum wage as low as it is? Why are they so intent on that? What do they gain by doing that, by denying hard-working Americans an increase in the minimum wage? What does the administration gain for themselves or for this country by taking away the overtime protections for our workers which have been there since 1938? Why would the administration be doing this if we are facing at this time higher rates of unemployment, poverty going up?

I don't know what the Senator's response to that will be, but in my view, this is so ideologically driven. This administration, I think, if it had its way, would take away all overtime protections, take away the minimum wage. They don't even believe in a minimum wage. They wouldn't even have a minimum wage. They would have our

workers compete at the lowest possible level with workers from the Third World countries. It is not enough they are shipping our manufacturing jobs out of this country, they are now shipping into this country labor standards from Third World countries.

Again, I don't know. I thank the Senator from Massachusetts for pointing this out this morning. I think we need to discuss this more.

We are going to be discussing a supplemental appropriations bill on the floor today and for the next few days of \$87 billion. That is for rebuilding Iraq. Some of that is for the military, but with \$21 billion we are going to build sewer and water systems, we are going to build new schools, we are going to rebuild some swampland—there is everything in there to rebuild the economy of Iraq. At the same time this administration wants to keep minimum wages low. They will not help us get the minimum wage up. And they want to take away overtime protection. What kind of fairness is there in that?

Mr. KENNEDY. The Senator has answered his own question. I think it is a pretty clear indication that the administration listens to K Street, which is another way of saying the principal powerful special interests, rather than Main Street, Main Street, where it is happening—whether it is in the rural or urban areas of Iowa, or my own State of Massachusetts.

These are hard-working people at the minimum wage. This issue, the minimum wage, is a women's issue because the majority of people who receive the minimum wage are women. It is a children's issue because more than one-third of the women who receive the minimum wage have children, so it is a family issue. It is a civil rights issue because so many of these men and women are men and women of color. And it is a fairness issue. America and Americans understand fairness. If you work 40 hours a week you should not have to live in poverty. Yet this administration is strongly opposed to this and is using every different parliamentary trick to deny us a vote.

The majority Members of this body favor an increase in the minimum wage, but the administration is strongly against it and we are basically unable to get it. I think the majority favors also extending a hand to those millions of Americans who are unemployed, who have worked hard all their lives and, because of the economic policies, have been put into the lists of the unemployed. They have been out there looking. Increasing numbers of those have been leaving the job market.

We have historically recognized that we would offer a helping hand to those who want to work, who can work and who will work to provide for their families during the slump in the economy, and the administration says no. Beyond all of that, it says we are going to exclude 8 million hard working Americans from possible coverage for overtime.

I speak for all of our people in Massachusetts when I thank the Senator from Iowa for his leadership in the Senate and for the strong vote we got in the Senate. We had a bipartisan vote on that. It is enormously instructive and important for the administration to hear.

I certainly know the administration is working very hard against the position of the Senator from Iowa and in the House of Representatives. But I hope the kind of expression we saw here in the Senate will be followed by the House.

I thank the Senator for all of his good work.

Mr. HARKIN. Mr. President, I thank the Senator from Massachusetts for his kind remarks, but he has been the leader in terms of workers' rights for all of his time in the Senate. I am honored to be able to work with him to make sure we continue to support our working families.

I say to my friend from Massachusetts that the Secretary of Labor just wrote a recent editorial which ran in the Omaha World Herald, which is across the river from Iowa. It is interesting that she wrote my amendment "if enacted, would be a huge setback for U.S. workers from getting overtime pay for the first time."

What she is talking about there is part of this proposal would increase the threshold for guaranteed overtime pay from \$8,060 a year to \$22,100 a year. My amendment does not affect that. What we passed here in the Senate protecting overtime pay does not even remotely affect it. If the Secretary of Labor wants to increase the threshold from \$8,060 a year to \$22,100 a year, what is she waiting for? She can do that tomorrow. She could have done that this spring in the rules and regulations. It is because certain friends of this administration and industries say they wouldn't support it unless we made other changes to take away overtime protection from other workers.

It is true the proposed regulation does increase the threshold. That is fine. Our amendment doesn't touch that. With the other hand they take away overtime pay protection for over 8 million Americans. Then they say they want to simplify the rules. The proposal is far from simple. It is as complex as ever.

The Society for Human Resource Management was quoted in the Chicago Tribune:

It looks like they're just moving from one ambiguity to the next.

These rules and regulations can be simplified and updated without taking away workers' overtime pay protection. Again, don't take my word for it. Here is what industry says from a May 2003 analysis by Hewitt Associates, a global human resources outsourcing and consulting firm, to its clients on their Web site.

They said:

These proposed changes—
by the Secretary of Labor—

—likely will open the door for employers to reclassify a large number of previously non-exempt employees as exempt.

Exempt from overtime pay protection.

The resulting effect on compensation and morale could be detrimental, as employees previously accustomed to earning, in some cases, significant amounts of overtime would suddenly lose that opportunity.

That is not me saying that. That is a May 2003 analysis by Hewitt Associates, a global human resources outsourcing and consulting firm, to their clients which include more than half of the Fortune 500 companies.

There you have it. This is industry driven to take away the overtime pay protection so they can work people longer and not pay them any more.

As I pointed out on the floor previously, and as the Senator from Massachusetts did, this is antiworker and it is antifamily. Many of these people are women. They are already paying for child care. Now they are going to have to work longer and pay more for child care, and they don't get a nickel more for overtime. It is not fair. It is not right.

I hope the House of Representatives will vote strongly to instruct their conferees to adopt the Senate provision. Let us have the administration go back and let us have a fair and reasonable updating of overtime regulations.

Yesterday, on Tuesday, September 30, there was a lead editorial in the Washington Post entitled "Fighting Over Overtime."

It said:

Despite a veto threat from President Bush, the House should vote to block the rules. While the overtime regulations need updating—

We all agree with that.

—the administration proposal tilts too far in the direction of employers. It ought to be redrawn in a more balanced way.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington Post, Sept. 30, 2003]

FIGHTING OVER OVERTIME

For 65 years employees have been entitled to an hour-and-a-half's pay for every extra hour they have worked beyond the standard 40-hour work week. But those protections don't extend to certain white-collar workers—people in executive, administrative and professional positions—and figuring out which employees are covered has become a particularly byzantine area of labor law. The Bush administration has proposed a sweeping rewrite that it says will better protect the most vulnerable workers while giving employers clearer guidance. Labor groups argue that the improved coverage is so limited, and the exceptions so broadly written, that millions of workers would be deprived of eligibility for overtime. The Senate voted this month to prevent the new rules from taking effect, and while the House voted narrowly the other way, it is set for another vote this week. Despite a veto threat from President Bush, the House should vote to block the rules. While the overtime regulations need updating, the administration proposal tilts too far in the direction of employers. It ought to be redrawn in a more balanced way.

Employees who earn less than \$8,060 per year are automatically entitled to overtime. The Department of Labor wants to raise that floor to \$22,100. The increase would provide automatic coverage to 1.3 million workers, the administration says, while labor groups say the number is much smaller. An increase in the minimum level is overdue (it was last raised in 1975), but the amount proposed by Labor—\$5,000 less than would result simply from adjusting for inflation—is too low. The proposed rules would also make it more difficult for employees who earn more than \$65,000 to qualify for overtime pay.

The biggest problem with the changes would be in the middle range of workers who earn between \$22,100 and \$65,000. In this area, the new rules would give employers far more freedom to disqualify employees. For example, employees would be considered exempt "executives" if they managed a department, directed the work of two or more other employees and had their recommendations about hiring, firing or promotion "given particular weight." Thus, a \$23,000-a-year supermarket produce manager could be refused overtime pay. The Labor Department says the changes are merely intended to make the rules easier to apply, not to deprive anyone of overtime. Yet it's hard to see how some of its gauzy new tests are going to promote any less misunderstanding. Administrative workers, for example, are defined as those who hold "a position of responsibility" with the employer, something that is in turn defined as doing "work of substantial importance" or "requiring a high level of skill or training."

Labor Secretary Elaine L. Chao, dismissing the arguments of those who "think employers are out to exploit workers," says that businesses are lobbying for the changes "not because they're getting any particular benefit but because they just want clarity." But employers and their advisers see it differently. Hewitt Associates, a leading human resources consultant, noted that "employees previously accustomed to earning, in some cases, significant amounts of overtime pay would suddenly lose that opportunity." Assessing the rules in a memo to clients, Proskauer Rose, a law firm that represents employers, noted, "Thankfully, virtually all of these changes should ultimately be beneficial to employers." Workers who earn overtime derive a quarter of their income, on average, from overtime pay. They might not be quite so thankful.

Mr. HARKIN. Mr. President, I ask to be recognized on my own time.

The PRESIDING OFFICER (Mr. TALENT). Under the previous order, there are 9 minutes 40 seconds left on the Democratic side.

Mr. HARKIN. I appreciate that. I will not take that much time.

THE CIA LEAK

Mr. HARKIN. Mr. President, I also wanted to again comment on the stories appearing in the media about the leaked information regarding an undercover CIA agent. As we all know by now, a law was broken. It is a Federal crime under the Intelligence Identity Protection Act of 1982 to intentionally disclose information identifying a covert agent by anyone not authorized to receive classified information. Conviction under this crime is punishable by up to 10 years in prison and a fine of \$50,000.

What do we know so far? We know a columnist, Mr. Robert Novak, received

this information. He printed it in his column in the newspaper.

It is interesting that we now find there were other journalists given that information, but they did not write this. They did not print it. That raises questions in itself as to why Mr. Novak went ahead and wrote this.

We know this was put out into the public. We know—at least it has been alleged—that Mr. Novak said he got the information from a "high administration official." The other journalists, I guess, who got this information said the same thing. We don't know whether it is in the White House or where it is. But there are all kinds of rumors and allegations floating around.

Now I see the Justice Department is starting to investigate. Isn't that a sweetheart deal? Attorney General John Ashcroft, appointed by this President, investigating the President. If a situation ever cried out for a special counsel, this is it.

Yet yesterday when the Senator from New York, Senator SCHUMER, wanted to just have a sense-of-the-Senate resolution that a special counsel should be appointed, the other side raised a non-germane objection to this. We will continue to bring up this sense-of-the-Senate resolution. In fact, when we have the opportunity, we will ask to have a vote on whether a special counsel ought to be appointed, someone more independent than Mr. Ashcroft.

There is a piece missing from the puzzle. We know a law was broken. We know Mr. Novak, a journalist, printed in his column that it came from somewhere in the administration. But here is the missing part of the puzzle that no one is writing about. Whoever gave that information to Mr. Novak got that information somewhere. This is classified information. The question is, Did someone in the CIA voluntarily give that information to this individual? If that is the case, we have a real problem in the CIA. If, however, someone in the administration is saying the National Security Council, which has access to this kind of classified information, then gave this information to another individual in the administration, then we have a real problem in the National Security Council of someone deliberately leaking this classified information.

It is not enough just to find out who gave the information to Mr. Novak. We have to find out how that individual got the information in the first place.

Mr. DURBIN. Will the Senator yield? Mr. HARKIN. Let me finish this.

Did that individual have that information given by the CIA? Was it given to him by the National Security Council? How did that individual come by this classified information? That is the missing part of this puzzle.

I yield to my friend.

Mr. DURBIN. I ask the Senator from Iowa, does it not show the depths which have been reached if someone in the White House is prepared to not only discredit but to disclose the iden-

tity of an intelligence agent, perhaps compromising their professional career, maybe endangering their life, in order to settle a political debt?

I ask the Senator from Iowa, who has a memory of this—as I do, as well—this is an echo of an enemies list of Richard Nixon's era where they have decided at any cost they will go after their enemies, even in the commission of a Federal felony, to disclose the identity of Ambassador Wilson's wife.

The Senator from Iowa is correct. It is true that the lengths to which this administration is willing to go to silence its critics harken back to an era that was one of the darkest eras in Presidential politics.

Mr. HARKIN. Again, I thank the Senator from Illinois for his question.

Why was this name leaked to this columnist? It was to somehow discredit her husband. What had her husband done? He told the truth about the lack of any evidence showing Iraq had gone to Niger to obtain basically uranium or yellow cake. He had gone there to investigate, said there was nothing to it. So he told the truth. And now the administration, because a truth did not comport with their imagination about what was going on in Iraq, obviously put Mr. Wilson on their enemies list.

I say to the Senator from Illinois, this really does bring back memories of enemies lists. The administration will go to any length, to the length of breaking a law, to try to discredit anyone who tries to point out the truth about what went on in Iraq.

Mr. DURBIN. If the Senator will continue to yield, this calls for a special prosecutor. Does the Senator from Iowa recall last year when there was a suspected leak of information from the Senate Intelligence Committee, the FBI, under Attorney General Ashcroft, called on every member of the Senate Intelligence Committee to submit to a polygraph—for every Senator to submit to a polygraph? I ask the Senator from Iowa, what is the likelihood that Attorney General Ashcroft is going to ask the highest ranking officials in the White House to submit to a polygraph and then disclose to the public whether or not they have agreed to do so?

Mr. HARKIN. I say to my friend from Illinois, I am not serving on the Intelligence Committee. I had heard and been aware, and now the Senator has validated that fact, the FBI did ask members of the Senate Intelligence Committee to take polygraphs. Again, it is a fair question the Senator asks: Will the FBI ask all senior members of this administration to sit down and take a polygraph test? If they asked Senators, why would they not ask the White House? I don't know. Will they?

Mr. DURBIN. Further questioning the Senator from Iowa, I don't believe in polygraphs. I never recommend them. Most State courts do not recognize the results, I don't think they are accurate. But it was a pressure tactic by the FBI to try to get Senators on the Intelligence Committee to say publicly whether they would submit to a

polygraph. It is an indication of what they can do when they want to.

The question is, Will they do it? Would Attorney General Ashcroft's Department of Justice do that to the highest ranking officials in President Bush's White House? The answer is obvious. So I ask, does that not make the case for a special prosecutor?

Mr. HARKIN. Absolutely. The Senator from Illinois is correct. This points to the need for a special counsel, someone independent of the Justice Department. This is serious stuff.

I notice that the columnist, Mr. Novak, said, well, this woman is just an analyst for the CIA.

I don't know. I never met these people. But now I understand she was indeed an undercover agent overseas. She may be doing something at the CIA right now, but prior to that she was. Again, I have no knowledge of this. I only know what I have been reading in the papers.

It seems to me, in our war on terrorism, our best asset is not a missile; it is not a nuclear device; it is the information we get. And if there is a chilling effect out there—that is what this is, a chilling effect—on getting information, it is a serious blow to our fight against terrorism.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The time on the Democrat side has expired.

The Senator from Minnesota.

R&R TROOP RELIEF

Mr. COLEMAN. Mr. President, I rise to talk about the men and women on the front line in Iraq defending America in the fight against terrorism. We cannot forget them. There are a lot of other things going on in Washington—including, by the way, the discussion of who said what to whom.

I digress for a moment to comment on calls for a special prosecutor. I am a slight student of history. In 1999 there was an effort in this body, led by Senator COLLINS from Maine, a bipartisan effort, to put in place a provision to allow for a special prosecutor. It was blocked, it was stopped, by the very same folks today talking about the need for a special prosecutor. I will be very blunt: We are hearing rank political hypocrisy when it comes to claims about a special prosecutor.

I also note the calls that: The administration did this, the administration did that. The President of the United States has been very clear. If someone in his administration leaked information or did something that is illegal, they will be held accountable. That is what the administration has said.

We have to get away from the politics and simply do the right thing. The American public get it. They see through it. Unfortunately, it casts a negative light on everyone when every battle is a political battle other than simply doing the right thing.

One of the right things, by the way, being done is, today the Pentagon has

rolled out a program to bring troops home who have served in Iraq for over a year. These service men and women are going to get a well-deserved rest. Unfortunately, the program only provides for transportation to places such as Baltimore, Atlanta, Dallas, and Los Angeles. For folks who come from Minnesota, my State, that creates a burden and a hardship. Flights are very expensive if you have not planned 2 weeks in advance, costing literally thousands of dollars.

This is a good start. It does not go far enough. Because I want to make sure that the service men and women who had to pay—some, again, \$1,000 or more for same-day tickets to see their loved ones—I have submitted, along with Senator STEVENS, Senator DAYTON, and Senator DORGAN, an amendment to fix this unintended consequence of the R&R program.

If we acknowledge that our troops who have been in Iraq deserve a rest, we ought to make sure they get their way home. I thank the chairman of the Appropriations Committee, Senator STEVENS, who has said they will take care of this. My heartfelt thanks to the distinguished chairman of the Appropriations Committee.

IRAQ

Mr. COLEMAN. Mr. President, I speak today as a former mayor. I have been listening to the debate about the President's request for \$87 billion supplemental appropriations to support what our troops need in Iraq. Yet there are some, who want to divide that, who say: Yes, we will provide somehow \$67 billion; that is what the troops need on the military side, and to do that gives them moral clarity, while supporting an additional \$20 billion for infrastructure and other essential services is labeled as squandering American resources that could be better used at home.

Let me offer some insight on what it takes to build a city, what it requires to assure that those who live in a city feel ownership in their future, feel confident in their role in that city, and have the necessary confidence to move that city forward.

First, to rebuild a city requires patience. A broken and decayed city did not happen overnight, and it will not be fixed overnight. What happened in Iraq did not happen overnight. From 1970 onward, Saddam Hussein never had a budget; he did not invest in infrastructure. In fact, he pillaged and raped that infrastructure for his own needs, for his palaces, and to cover his friends.

So what you have are patterns of neglect that have set in and cities have become stale and moribund. Their infrastructure starts to collapse. That is what we have seen in Iraq. The water systems fail, the sewer systems fail, and the power grids blow out after years of no maintenance. The roads and sidewalks crack and shift and be-

come dangerous to use. So you have the state of decay.

Second, to restore confidence and hope in a city requires commitment and investment. Safe streets do not just happen overnight. You have to train a police force. You have to recognize that the best partners in fighting crime are not the guns in their holsters but the people who live in the neighborhoods who will support the law enforcement efforts.

Moms and dads living in a city need to have confidence in knowing the police are there to protect and serve them, not to conduct covert activities on behalf of the Government to deprive them of their freedom, their liberty, and their lives. That has been the pattern in Iraq for many years.

Third, to assure growth in a city, there must be a sense that there is a future in the city. This requires business believing there is room to grow. You have to grow jobs. You have to get paychecks to people who then invest in homes and libraries and streets and sidewalks.

Rebuilding a city is a tough job. Now, increase that on a grand scale of rebuilding a nation, and I hope my point is becoming more evident.

The fact is, rebuilding Iraq—all of Iraq—is as important to the protection of our soldiers as the equipment we give them to protect and defend themselves. We have to win the peace. We have to win the peace and not just the war.

Rebuild a neighborhood and you keep parents from becoming bitter that they do not have clean water or a functioning sewer. Make the investment in a library and you give the children a tool out of their despair and bring the light of learning and opportunity into their lives.

If you remove people's hopes, you remove their incentive to be participants in the community. And if you choose not to invest in their lives, their homes, their communities, and their businesses, they will turn away from the light and seek the darkness.

The threat our troops face in the months ahead in Iraq is not just from the Baath loyalists or foreign terrorists who are simply trying to live another day so they can kill another American soldier. The threat our troops face is that moms and dads in Iraq will lose confidence in the promise America made to them not only to liberate them from the brutality of Saddam Hussein but from the chains of despair.

We have seen it in our own cities. When we take away hope and confidence in people, they strike out. Ask any cop in any American city what he fears most: a gang member packing a Glock or a neighborhood where people don't care what goes on outside their locked doors and windows. You can always find a way to arrest the gangster, but it is nearly impossible to get people who have lost hope to open the doors to their lives once they have

been closed. And once hope is lost, the land becomes a swamp of discontent, a breeding ground for terrorists, unchecked by the populace.

That is what we cannot allow to happen in Iraq. If we try to parse the investment we make in Iraq, we parse the commitment to American troops. This is not rhetoric. This is not drama. This is reality.

We need to invest in training Iraqis to become policemen now and ensure that more American troops can come home sooner.

We need to invest in Iraqi infrastructure now and ensure that its economy begins to recover. And more Iraqis will go back to work. And the greater the hope grows, less anger will be directed toward American troops.

We need to invest in Iraqi schools and libraries and hospitals, and conditions that lead to despair and striking out against American soldiers diminish, and the breeding ground that terrorists prey on becomes smaller and smaller, until they disappear completely.

The best way to take the gun or bomb out of the hand of a potential terrorist is to make sure they have food to eat, schools to attend, libraries with books, hospitals with medicine, and communities that are safe.

The best way to make a difference between an Iraqi citizen who works with American soldiers instead of trying to kill them is to make sure they have access to city services and the very real opportunity for a job.

There is this idea, I am afraid, that the rebuilding of Iraq is taking too long and costing too much. There is a sense of panic that has seemed to set in. There are those who roam the halls of Washington saying: I told you so.

Throughout the political rhetoric that takes hold on both sides of the aisle is a sort of posturing and positioning for who is more supportive of American troops than the other. All the while, young men and women are laying down their lives to deliver on the commitment that their leaders of this country made to the people of Iraq.

It is time it ends. I am not the most senior guy here, nor am I the smartest. I am not the most articulate, nor am I the most decorated. I did not come to the Senate to prove on any given day or issue I am right. I came to the Senate on any given day or issue to simply do right. Today, I urge my colleagues again to turn this issue into something that does more to give honor to our democratic traditions, and to our American soldiers, than partisan speeches about who is to blame for this and who is to blame for that.

Everyone knows the pricetag is large. Everyone knows there are programs in the United States that need support, too. I understand that as a former urban mayor. Let us not lose our sense of perspective. The task before us in Iraq may be gargantuan in its cost, but the cost of failure is unacceptably high.

Mr. President, I see my colleague from Texas is motioning for the floor. I yield for her.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, what is the time?

The PRESIDING OFFICER. Twenty minutes.

Mrs. HUTCHISON. Has the Senator from Minnesota finished? Because I need to allocate 10 minutes.

Mr. COLEMAN. I will finish in 90 seconds.

Mrs. HUTCHISON. Thank you, Mr. President. Let me ask for 1 additional minute for the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Thank you.

Mr. President, I do not need to remind my colleagues how much money disappeared from the American and world economy on September 11. Success will build world confidence and investment far beyond this investment in Iraq. Failure would cost us far more.

We can, and will, argue over the nature of this commitment. Should it be a grant or loan? We know we cannot let a single American dollar go to paying off the debt Iraqis owe to the French or Germans who propped up Saddam Hussein. We know we cannot load Iraq with debt it cannot repay while urging other nations to forgo their debt.

This body will vigorously debate this issue, as it should, but let us not pit the needs of home against the safety of our troops in Iraq. I say this without hesitation: We put our troops in Iraq at grave risk if we do not win the peace. I urge my colleagues not to let political showmanship put American lives at risk.

The mayor in me says it is time to get back to work in this body and support those efforts that will get Iraq and its people back to work.

Restoring hope and confidence will, in turn, create new investment that will save American lives and ensure that Iraq and its people have a brighter hope for a better tomorrow.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Minnesota for those profound remarks and appreciate his weighing in on this issue.

Mr. President, we now have 20 minutes left; is that correct?

The PRESIDING OFFICER. Eighteen minutes 15 seconds.

Mrs. HUTCHISON. Mr. President, I yield up to 9 minutes to the Senator from North Carolina; following that, up to 9 minutes to the Senator from Tennessee; and then I ask unanimous consent to use 3 minutes of leader time, which has been cleared by Senator FRIST.

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

The Senator from North Carolina.

Mrs. DOLE. Mr. President, thousands of young men and women from bases in my home State of North Carolina are currently fighting the war on terror in Iraq. We are forging a process of peace; and in doing so, we are moving toward turning control of the government and society back to the Iraqi people.

With the major battles over in Iraq, our Nation is helping to rebuild schools and hospitals, water supply systems and roadways. Part of the President's supplemental request is being designated for the continuation of these efforts. The stabilization of Iraq depends on providing the Iraqi people basic services as well as humanitarian relief. And the safety of our men and women in uniform depends on the stabilization of Iraq.

Our forces are on the offensive, and continue to capture key figures in Saddam Hussein's evil regime, so that they may be brought to justice. The vast majority of the President's request will go directly to American troops, giving them the pay, the equipment, and other resources necessary to fight the war on terror. We must ensure that these funds are available to allow them to complete their mission and return home safely.

Recently a proud grandmother met with my 102-year-old mother in Salisbury, North Carolina. This grandmother forwarded me a letter from her grandson, Christopher Shawn Jensen, who is currently stationed in Baghdad. I would like to read to you what a soldier on the front lines has to say. I will read just a portion:

I was invited to meet with a local Iraqi who works the engineering for our building's electricity . . . He graduated from the Baghdad University in engineering and showed me his class picture (from 1979). We talked about what it was like then, and the difference now. You could see the suffering in his eyes as he talked about the years of terror, the people lived with while Saddam was in power. I felt the same emotions of sadness for these people when I first rolled up here from Kuwait, to see their cheering faces of relief . . . many a soldier's eyes were filled with tears that day . . . I pray that we finish the job we started.

At the end of the letter to his grandmother, Shawn made a request to his friends and family. "I have started the ball rolling for several ideas, he writes, to help in the effort to free Iraqis and also to help to make this a safer place for liberty and freedom. I know many of you have big hearts and want to help, you just don't know how. Here are some things you can help with. I have written to the Editor of the Wilmington Star newspaper. The children in Iraq learn on the dirty floors in their schools. They need approximately 200,000 desks for their schools. I am trying to build support for a program where the American citizen can buy support for the Iraqi children." And let me add, my husband, Bob Dole, has already committed to Shawn's effort.

Shawn's letter continues, "We are also collecting money from the soldiers here and we are going to buy back

weapons from the populous of Iraq. We are using the little money we earn in a combat zone to start this program. The regular citizens have all kinds of weapons like grenades, bombs, and rockets . . . things regular citizens don't need. We are asking American citizens to match funds that we are collecting for this cause. My father can be contacted for this via phone or a web-site that has been started."

Shawn Jensen understands what freedom means to the people of Iraq—indeed he is seeing it first hand. He is so committed to making Iraq a safe place for his fellow soldiers to complete their mission, and for the Iraqi people to live in a free and orderly society, that he and his fellow soldiers are making these tremendous sacrifices.

My friend, Secretary of State Colin Powell, described last week his visit to Iraq in the most poignant terms, He said, "anyone who doubts the wisdom of President Bush's course in Iraq should stand, as I did, by the side of the mass grave in Iraq's north. That terrible site holds the remains of 5,000 innocent men, women and children who were gassed to death by Saddam Hussein's criminal regime."

Recently, in testimony before the Armed Services Committee, on which I serve, Ambassador Paul Bremer outlined a clear and well-defined course of action in Iraq. As he noted, there will be bumps along the way, but it is critical for us to stay the course. As he has said so poignantly, "Gone are Saddam Hussein's torture chambers," he wrote. "Gone are his mass killings and rape rooms. And gone is his threat to America and the international community." As we go forward, it is this that we should keep in mind.

Today in Iraq, streets are lined with shops selling newspaper and books representing varied opinions. Already, 160 newspapers have sprung up in Iraq. Schools and universities are open; parents are forming PTA's; 95 percent of health clinics are open, and Iraq is on the way to a democratic government. Eighty-five percent of towns now have city councils. And a Constitution will soon be written, followed next year by elections which will provide legitimacy and credibility to the government. And millions of dollars of humanitarian aid are going to the Iraqi people to make sure they have food, water and shelter.

Iraqis are also being trained to maintain peace and order in their own country. Thousands of members of the Iraqi police force will be trained over the next several months in Eastern Europe. And the area around Saddam's hometown of Tikrit, one of the most dangerous sections in Iraq, is currently being patrolled by the Iraqi army. These measures are part of the larger goal of turning over the security of Iraq to the Iraqis.

Certainly, the operation there is proving to be a dangerous and more grinding conflict than some expected. The President addressed this fact candidly and resolutely in his recent ad-

dress to the Nation. While Saddam Hussein was building palaces, the infrastructure was deteriorating terribly, more than we realized. Adequate resources for the proper reconstruction are essential to providing security and allowing our troops to leave as soon as possible.

Eliminating terror is more than removing the leaders of an evil regime from power. Terrorism must be torn out by its roots, ensuring that there is no foothold for its sponsors to reestablish their violent ways. The bottom line; we can fight them there, or we can fight them here.

The President's call for a supplemental spending bill for operations in Iraq has spawned the most recent round of debate over the war on terror. For those who have criticized the cost of the war, understand that inaction would be much more devastating. Just look at the September 11 attacks. One study has pegged the cost to the economy at well over \$2 trillion. And a Brookings Institution study estimates that a biological terrorist attack against a major U.S. city would cost our economy \$750 billion.

There are other critics who have accused the military of being slow in their progress. But consider these numbers I heard recently from Defense Secretary Donald Rumsfeld. It took 3 years after World War II to establish an independent central bank in Germany; it was established in Iraq in 2 months. Police in Germany were established after 14 months; in Iraq, 2 months. A new currency in Germany took 3 years; it took 2½ months in Iraq. The cabinet in Germany was created after 14 months. Iraq has a cabinet today—after just 4 months!

We cannot afford not to do what is necessary to win the war against terror and secure our homeland. The funding for the war is necessary and significant, but it is temporary. The cost of fighting this war is well below the cost of previous conflicts.

And more than words . . . more than negotiations . . . the President's significant spending request sends an unmistakable signal to the sponsors of terror, to the liberated Iraqi citizens, and to the world—that the United States of America is staying the course. Attacks on U.S. troops and other targets in Iraq are aimed at undermining freedom and democracy—but these attacks will not cause us to shy away from our commitment. Failure to follow through in our mission would leave a lethal void—a void that would rapidly be filled by terror and its supporters. President Bush has said, "Liberty is not America's gift to the world, it is God's gift to Mankind."

I believe that God's gift to all of his children is liberty—and also justice and equality, tolerance and opportunity. These belong to all people—no matter where they live. Let us remember the steadfast resolve of Shawn Jensen in that letter to his grandmother. He is a witness to a country being

transformed from a reign of terror to a beacon of hope. Let us, like him, commit to the stabilization of Iraq diminishing the threat to our troops and ensuring greater stability and peace in the Middle East.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the challenge described by the Senator from North Carolina is immense: Restructuring the economy and government of a country that has borne decades of neglect by a tyrannical regime. If we fail, the consequences could be a disaster. A fractured, failed Iraq could become a safe haven for terrorists, a caldron for fomenting extremism, and a destabilizing force to its neighbors, throwing the entire Middle East into chaos. If we succeed, the results could be extraordinary. A democratic and economically vibrant Iraq would be a shining example to her neighbors that Islam and democracy can coexist. More important, such an Iraq would be a friend to the United States.

I have often come to this floor to talk about the importance of teaching our children American history and civics so they grow up learning what it means to be an American.

Former President Harry Truman put it this way. He said:

The only thing new is the history you've forgotten.

Let me look at history. I am reminded most about the choices we made when dealing with postwar Germany, after World War I and World War II. At the end of World War I, we made a grave mistake. We punished Germany for its actions. The Treaty of Versailles, which formally declared the end of the war, ordered Germany to repay its debt to other European countries and denied any aid for reconstructing war-torn Germany. Even though a new democratic government sprang up in Germany at that time, the Weimar Republic, we chose not to provide help but to tell the Germans to "pay up." In other words, we defeated them, left them in ruins, sent them a bill, and went home.

Sometimes we forget that Adolf Hitler was elected in a democratic Germany. What was the result? As early as 1922, a young Hitler was already railing against the Treaty of Versailles and the payments Germany was forced to make. Eleven years later, in 1933, Hitler became the Chancellor of Germany—elected. Again, he blamed the Treaty of Versailles for Germany's woes. He said:

We want to liberate Germany from the fetters of an impossible parliamentary democracy.

Under such a heavy burden of debt, with a failed reconstruction policy, Hitler convinced the German people that democracy was too much of a burden. We all know what happened next—another world war that was more devastating than the first.

Our post-World War I policy with Germany was a complete failure.

One can imagine a similar scenario playing out in Iraq today if we make the wrong choice. Let's say the United States, after getting a new Iraqi government in place, decides to go home and orders Iraq to pay its bills, as some on the other side of the aisle would have us do. It is not hard to imagine a new Iraqi leader emerging who blames Iraq's economic woes on the United States, who decries the debt we are making Iraq repay, who says we only waged the war in order to encumber its oil; a new leader coming to power on the wave of anti-American sentiment who proceeds to destroy the fledgling democratic system the United States helped to establish in Iraq; and suddenly, a few years down the road, we have a new evil tyrant running Iraq, who is a clear enemy of the United States and could start pursuing policies similar to those of Saddam Hussein, or even worse.

Fortunately, there is another choice. After World War II, we took a very different approach to postwar Germany. In 1948, after a failed policy of loaning money to war-torn countries in Europe, the United States adopted the Marshall plan, named for Secretary of State George C. Marshall. The Marshall plan was a 4-year initiative to rebuild the economies of 16 countries in Europe, including Germany. The Marshall plan cost \$13.3 billion and a lot of effort. Ninety percent of the money spent on the Marshall plan—nearly \$12 billion—was grant money, not loan money.

What was the result? At first, the results were uncertain. Germany's economy looked shaky. But over time, our continued investment paid dividends. A continent that had been fighting for a thousand years became a democracy and became our ally.

In Japan—in another part of the world—our help took a country that had invaded us and made it an ally. The results could not have been better after World War II. Our policy was a complete success.

That is why I believe we need a Marshall plan for Iraq. We need a 4- or 5-year plan for reconstructing Iraq, and we need to face up to the cost of the plan. We need to understand it is more for us, the United States, than it is for them. President Bush has laid out the first stages of such a plan.

The Marshall plan was used for a variety of purposes to reconstruct war-torn Europe, including Germany. It paid for the building of railroads and water systems, for needed medicines, modernizing factories, for restoring ports to allow foreign trade, and much more. President Bush's request for funding will pay for many of the same things: restoring Iraq's ports on the Persian Gulf, building roads, restoring power and water systems, needed medicines, reopening schools, and much more.

Some say funding Iraq's reconstruction would be too costly. But the cost of the President's request for rebuild-

ing Iraq—\$20.3 billion—is actually far less than what we spent on the Marshall plan. That was \$13 billion then, between 1948 and 1952, and that would be at least \$102 billion in today's dollars.

Another way to compare the cost is percentage of gross domestic product. The Marshall plan cost 1.1 percent of our GDP during the 4 years it was in place. President Bush's proposal would be only one-fifth of 1 percent. Again, the Marshall plan was five times the cost of President Bush's Iraq plan.

Or we can compare the cost as a percentage of the Federal budget. The Marshall plan cost 7 percent of the Federal budget during the years it was enacted. The President's requested funds, when added to those already spent on reconstruction, were only 1 percent of the Federal budget.

So this idea that we are spending more on Iraq than we did after World War II is totally false.

We can learn a valuable lesson from history. After World War I, we made Germany pay its debts. We left them in ruin. We went home. As a result, we got Adolf Hitler. After World War II, we pursued the Marshall plan, and it did cost some money. But as a result, we won democratic allies in more parts of the world.

President Kennedy said it best in his 1961 inaugural address. This is what he said:

We will pay any price, bear any burden . . . to assure the survival and success of liberty.

The people of Iraq, like the people of Germany 60 years ago, lived under an evil tyrant who wreaked havoc on his neighbors and his own people. In both cases, the evil tyrant was overthrown by the United States and its allies. America and its allies temporarily took over the administration of Germany and Iraq. We paid for the German reconstruction under the Marshall plan. We should do the same in Iraq and support the President's request. We cannot afford, in our own interests, to do anything less.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, is there any time left on our side in morning business?

The PRESIDING OFFICER. There are 3 and a half minutes, including the leader time.

THE CIA LEAK

Mrs. HUTCHISON. Mr. President, I asked for the leader time because I wish to respond to some of the remarks I heard on the floor earlier regarding the CIA leaks.

Mr. President, every one of us in this country would be very concerned about a leak regarding someone who was undercover and operating for the CIA, and we would want to get to the bottom of the issue if there were a leak. In fact, that is exactly what is happening. But I think it has been distorted and I think it has been blown way out of pro-

portion before we really know the facts. So I want to set the record straight on a few issues.

First of all, many people on the other side are asking for a special counsel. Right now, the FBI is investigating this as a routine leak. The CIA Director, George Tenet, according to Bob Novak, did not request the investigation separately in some major way. The CIA Director was not involved because this is in fact routine.

According to Bob Novak, any leak of classified information is routinely passed by the CIA to the Justice Department, averaging one a week. This investigative request was made in July, shortly after the original column was published. This was a routine investigation of something that appeared to be a leak and which may be a leak. The investigation has been ongoing since July. I think it is certainly premature to start making this a political issue, talking about a special counsel, when we don't even know the facts yet.

Bob Novak wrote a subsequent column that appeared today in the Washington Post. I think it is very important because it was his original column that outed the woman who was a CIA employee. He says very clearly, first: I did not receive a planned leak. Now, it has been accused on television shows across America that the White House somehow leaked information about a CIA operative to the press.

The man who wrote the story said:

I did not receive a planned leak. Secondly, the CIA never warned me that the disclosure of Wilson's wife working at the agency would endanger her or anybody else and, third, it was not much of a secret.

According to him, this has been well known around Washington and, in fact, was even reported in the National Review Online from a nongovernmental source before Mr. Novak's column appeared.

Mr. Novak said an administration official told him this information but not the White House. He says this did not come from the White House.

I think it is very important that we tone down the rhetoric on this issue. It is an issue that should be investigated. It is being investigated. The President has said he wants it to be investigated. He has said it is important to him that it be investigated. He wants everyone in the White House to be fully cooperative, and the author of the story says no one in the White House was involved. So I think we need to tone it down.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will proceed to the consideration of S. 1689, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1689) making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. shall be equally divided for debate only.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, in behalf of the Committee on Appropriations, I present to the Senate a bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004.

The bill was reported favorably by the committee by a vote of 29 to 0. During 6 hours of deliberation, the committee considered many amendments and rejected most of them, but I am sure we will have the opportunity to reconsider some of these suggested changes on the floor of the Senate.

This bill is requested by the President and is a matter of some urgency. It is an emergency supplemental appropriations bill which should be acted upon without delay, but, of course, with the thoughtful and careful consideration which the subject matter clearly requires.

The President's request has been considered in hearings held by the Appropriations Committee, the Armed Services Committee, the Foreign Relations Committee, and the Banking Committee. During these hearings and through 16 witnesses, the case has been well made that these emergency funds are needed and should be approved.

The funds appropriated by this bill will provide the equipment, fuel, ammunition, and subsistence our troops need as they complete their missions in Iraq and Afghanistan. The bill includes military pay, including imminent danger pay and family separation allowance, at the levels authorized in the fiscal year 2003 emergency supplemental for the duration of fiscal year 2004.

We have also provided funding for equipment needed by our troops. Some of the items for which emergency funds are provided are fuel for military vehicles and aircraft, improved humvees, and body armor to better protect our troops.

We have increased the level of funding requested by the President for operation and maintenance funding for the Army and for replenishment of prepositioned war stocks.

This bill includes appropriations to purchase more electrical generators, moneys for mail service, and improvements in troop housing and facilities.

The bill includes \$412 million in military construction funding that will provide support facilities for our soldiers in base camps throughout Iraq, as well as urgently needed runways and taxiways to support Air Force operations in Iraq and Afghanistan.

The Armed Forces and the coalition of nations that are involved are making remarkable progress in Iraq. It has been less than 1 year since we gave the President the authority to use force against the Saddam Hussein regime.

During our hearings on this bill, Ambassador Bremer pointed out that the coalition has already opened all of Iraq's 240 hospitals and nearly every health clinic. Almost every university and secondary school in that nation has been reopened, and the Iraqi people have begun to share in providing the security for their own country. Tens of thousands have been trained as police officers or members of the new Iraqi Army.

We are also providing funding to help rebuild Iraq's infrastructure. This funding will improve electrical, transportation and telecommunications systems, as well as the infrastructure that will enable Iraq to sustain itself without our assistance in the years ahead. But it is essential that we act now to approve these funds. We should act expeditiously on this bill. Our military needs the funding to carry out their missions. The coalition provisional authority needs the support provided by this bill now.

I invite the attention of the Senate to the provisions of the bill. Mr. President, I ask unanimous consent to have printed in the RECORD the following statement in explanation of the recommendations of the Committee on Appropriations on the bill, S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and recovery for the fiscal year ending September 30, 2004, and for other purposes.

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

EXPLANATORY STATEMENT OF THE RECOMMENDATIONS OF THE SENATE COMMITTEE ON APPROPRIATIONS ON EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION, 2004

The Committee on Appropriations reports the bill (S. 1689) making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes, reports favorably thereon and recommends that the bill do pass.

BACKGROUND

This bill makes appropriations for the military functions of the Department of Defense as it prosecutes the war in Iraq and Afghanistan, as well as for relief and reconstruction efforts in Iraq and Afghanistan, and to continue anti-terrorism efforts around the world.

HEARINGS

The Committee held hearings on September 22, 24, and 25, 2003 and heard testimony from Ambassador Paul Bremer; Hon. Donald Rumsfeld, Secretary of Defense; General Richard Meyers, Chairman, Joint Chiefs of Staff; General John Abizaid, Commanding General United States Central Command; Dr. Dov Zakheim, Under Secretary of Defense (Comptroller); Peter Rodman, Assistant Secretary of Defense Secretary for International Security Affairs; and General Peter Pace,

Vice Chairman, Joint Chief of Staff from the Department of Defense.

SUMMARY OF THE BILL

On September 17, 2003, the President submitted requests for \$87,039,804,000 in new budget authority for programs under the Department of Defense, Department of State, United States Agency for International Development, and the Iraq Relief and Reconstruction Fund. The Committee recommends \$87,004,004,000 in new budget authority.

The President's supplemental requests are contained in budget estimate No. 17, transmitted on September 17, 2003 (H. Doc. 108-126).

COMMITTEE PRIORITIES

The primary goals of this bill are to fund the ongoing military operations in Iraq and Afghanistan as well as relief and reconstruction activities in those countries. To accomplish the first goal, the Committee is providing \$66,560,004,000 to prosecute the war in Iraq and Afghanistan. These funds are for increased operational tempo, military personnel costs, military construction, procurement of equipment, increased maintenance and military health care support. To achieve the second goal, the Committee is providing \$21,444,000,000 to help secure the transition to democracy in both Iraq and Afghanistan. These funds are for enhanced security and reconstruction activities including border enforcement, building a national police service in Iraq, standing up a new Iraqi army and continued building of the Afghan National Army, reconstituted judicial systems, rehabilitation of Iraq's oil infrastructure, and provision of basic electricity, water and sewer services and other critical reconstruction needs in Iraq and Afghanistan.

TITLE I—NATIONAL SECURITY

CHAPTER 1

SUBCOMMITTEE ON DEFENSE

DEPARTMENT OF DEFENSE

2004 supplemental estimate	\$65,147,554,000
Committee recommendation	65,147,554,000

MILITARY PERSONNEL

SPECIAL PAYS AND ALLOWANCES

The Supplemental request includes \$1,248,200,000 for enhanced Special Pays included Family Separation Allowance [FSA], Imminent Danger Pay [IDP], and Hostile Duty Pay [HDP]. The Department's request would fund FSA and IDP at the enhanced levels authorized in the fiscal year 2003 Emergency Wartime Supplemental Appropriation Act (Public Law 108-11) for the first 3 months of the fiscal year. Beginning January 1, 2004, the Department requests that FSA and IDP return to the levels authorized prior to enactment of Public Law 108-11, and that the Committee authorize an increase in Hardship Duty Pay to offset the reductions to FSA and IDP. However, the requested increase in HDP would only cover those individuals serving in the combat zone in support of Operation Iraqi Freedom and Operation Enduring Freedom. The Department's proposal would not provide a benefit to those servicemembers who have been mobilized and deployed throughout the United States in support of Operation Noble Eagle, nor would it provide a benefit to those servicemembers deployed overseas in support of other contingency operations such as Bosnia and Kosovo. The Committee does not approve the Department's request, and instead supports the continuation of FSA and IDP at the levels authorized in Public Law 108-11 for all of fiscal year 2004. The Committee directs the Department to use the funds requested for increased Hardship Duty Pay to fund the full year increase to FSA and IDP for all eligible recipients.

MILITARY PERSONNEL, ARMY

2004 supplemental estimate \$12,858,870,000
 Committee recommendation 12,858,870,000

The Committee recommends \$12,858,870,000 for Military Personnel, Army. The recommendation is equal to the estimate.

MILITARY PERSONNEL, NAVY

2004 supplemental estimate \$816,100,000
 Committee recommendation 816,100,000

The Committee recommends \$816,100,000 for Military Personnel, Navy. The recommendation is equal to the estimate.

MILITARY PERSONNEL, MARINE CORPS

2004 supplemental estimate \$753,190,000
 Committee recommendation 753,190,000

The Committee recommends \$753,190,000 for Military Personnel, Marine Corps. The recommendation is equal to the estimate.

MILITARY PERSONNEL, AIR FORCE

2004 supplemental estimate \$3,384,700,000
 Committee recommendation 3,384,700,000

The Committee recommends \$3,384,700,000 for Military Personnel, Air Force. The recommendation is equal to the estimate.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

2004 supplemental estimate \$24,190,464,000
 Committee recommendation 24,946,464,000

The Committee recommends \$24,946,464,000 for Operation and Maintenance, Army. The recommendation is \$756,000,000 above the estimate.

The Committee is concerned that the estimate does not fully reflect the Army's contingency costs to sustain ongoing operations, or the costs necessary to reset the force. This places the Army at considerable financial risk during fiscal year 2004. Accordingly, the Committee recommends an increase of \$756,000,000 to the estimate as follows:

SAPI body armor/Rapid Fielding Initiative/battlefield EOD cleanup	+ \$300,000,000
Increased organizational level maintenance requirements	+ 200,000,000
Second destination transportation for depot maintenance	+ 174,000,000
Theater stabilization communications	+ 72,000,000
Army and Air Force Exchange Service support for deployed forces	+ 10,000,000

The Committee has included \$858,200,000 for the Administrative and Operating Costs for the Coalition Provisional Authority [CPA]. The Committee directs the Department to use funds from the Iraq Freedom Fund if the requirements for CPA exceed the \$858,200,000 appropriated under this heading.

OPERATION AND MAINTENANCE, NAVY

2004 supplemental estimate \$2,106,258,000
 Committee recommendation 1,976,258,000

The Committee recommends \$1,976,258,000 for Operation and Maintenance, Navy. The recommendation is \$130,000,000 below the estimate.

The Committee recommends a reduction of \$130,000,000 to the estimate as follows:

Excess increased operational tempo	- \$130,000,000
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OPERATION AND MAINTENANCE, MARINE CORPS

2004 supplemental estimate \$1,198,981,000
 Committee recommendation 1,198,981,000

The Committee recommends \$1,198,981,000 for Operation and Maintenance, Marine

Corps. The recommendation is equal to the estimate.

OPERATION AND MAINTENANCE, AIR FORCE
 2004 supplemental estimate \$5,948,368,000
 Committee recommendation 5,516,368,000

The Committee recommends \$5,516,368,000 for Operation and Maintenance, Air Force. The recommendation is \$432,000,000 below the estimate.

The Committee recommends a reduction of \$432,000,000 to the estimate as follows:

Unjustified "incremental contingency costs"	- \$200,000,000
Excess inter/intra-theater airlift	- 132,000,000
Excess DPEM	- 100,000,000

OPERATION AND MAINTENANCE, DEFENSE-WIDE

2004 supplemental estimate \$4,618,452,000
 Committee recommendation 4,218,452,000

The Committee recommends \$4,218,452,000 for Operation and Maintenance, Defense-Wide. The recommendation is \$400,000,000 below the estimate.

The Committee recommends a reduction of \$400,000,000 to the estimate as follows:

Excess support to key cooperating nations	- \$400,000,000
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OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

2004 supplemental estimate \$16,000,000
 Committee recommendation 16,000,000

The Committee recommends \$16,000,000 for Operation and Maintenance, Marine Corps Reserve. The recommendation is equal to the estimate.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2004 supplemental estimate \$53,000,000
 Committee recommendation 53,000,000

The Committee recommends \$53,000,000 for Operation and Maintenance, Air Force Reserve. The recommendation is equal to the estimate.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2004 supplemental estimate \$214,000,000
 Committee recommendation 214,000,000

The Committee recommends \$214,000,000 for Operation and Maintenance, Air National Guard. The recommendation is equal to the estimate.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

2004 supplemental estimate \$35,500,000
 Committee recommendation 35,500,000

The Committee recommends \$35,500,000 for Overseas Humanitarian, Disaster, and Civic Aid. The recommendation is equal to the estimate.

IRAQ FREEDOM FUND

2004 supplemental estimate \$1,988,600,000
 Committee recommendation 1,988,600,000

The Committee recommends \$1,988,600,000 for the Iraq Freedom Fund. The recommendation is equal to the estimate.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

2004 supplemental estimate \$6,200,000
 Committee recommendation 6,200,000

The Committee recommends \$6,200,000 for Missile Procurement, Army. The recommendation is equal to the estimate.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

2004 supplemental estimate \$46,000,000
 Committee recommendation 104,000,000

The Committee recommends \$104,000,000 for Procurement of Weapons and Tracked Combat Vehicles, Army. The recommendation is \$58,000,000 above the estimate.

The Committee recommends an increase of \$58,000,000 to the estimate as follows:

Replenishment of Army Prepositioned Stock items destroyed during combat operations	+ \$58,000,000
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OTHER PROCUREMENT, ARMY

2004 supplemental estimate \$930,687,000
 Committee recommendation 1,078,687,000

The Committee recommends \$1,078,687,000 for Other Procurement, Army. The recommendation is \$148,000,000 above the estimate.

The Committee recommends an increase of \$148,000,000 to the estimate as follows:

Theater stabilization communications	+ \$64,000,000
Replenishment of Army Prepositioned Stock items destroyed during combat operations	+ 84,000,000

AIRCRAFT PROCUREMENT, NAVY

2004 supplemental estimate \$128,600,000
 Committee recommendation 128,600,000

The Committee recommends \$128,600,000 for Aircraft Procurement, Navy. The recommendation is equal to the estimate.

OTHER PROCUREMENT, NAVY

2004 supplemental estimate \$76,357,000
 Committee recommendation 76,357,000

The Committee recommends \$76,357,000 for Other Procurement, Navy. The recommendation is equal to the estimate.

PROCUREMENT, MARINE CORPS

2004 supplemental estimate \$123,397,000
 Committee recommendation 123,397,000

The Committee recommends \$123,397,000 for Procurement, Marine Corps. The recommendation is equal to the estimate.

AIRCRAFT PROCUREMENT, AIR FORCE

2004 supplemental estimate \$40,972,000
 Committee recommendation 40,972,000

The Committee recommends \$40,972,000 for Aircraft Procurement, Air Force. The recommendation is equal to the estimate.

MISSILE PROCUREMENT, AIR FORCE

2004 supplemental estimate \$20,450,000
 Committee recommendation 20,450,000

The Committee recommends \$20,450,000 for Missile Procurement, Air Force. The recommendation is equal to the estimate.

OTHER PROCUREMENT, AIR FORCE

2004 supplemental estimate \$3,441,006,000
 Committee recommendation 3,441,006,000

The Committee recommends \$3,441,006,000 for Other Procurement, Air Force. The recommendation is equal to the estimate.

PROCUREMENT, DEFENSE-WIDE

2004 supplemental estimate \$435,635,000
 Committee recommendation 435,635,000

The Committee recommends \$435,635,000 for Procurement, Defense-Wide. The recommendation is equal to the estimate.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Table with 2 columns: Description and Amount. Row 1: 2004 supplemental estimate Committee recommendation 34,000,000

The Committee recommends \$34,000,000 for Research, Development, Test and Evaluation, Navy. The recommendation is equal to the estimate.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

Table with 2 columns: Description and Amount. Row 1: 2004 supplemental estimate Committee recommendation 39,070,000

The Committee recommends \$39,070,000 for Research, Development, Test and Evaluation, Air Force. The recommendation is equal to the estimate.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

Table with 2 columns: Description and Amount. Row 1: 2004 supplemental estimate Committee recommendation 265,817,000

The Committee recommends \$265,817,000 for Research, Development, Test and Evaluation, Defense-Wide. The recommendation is equal to the estimate.

REVOLVING AND MANAGEMENT FUNDS

WORKING CAPITAL FUNDS, DEFENSE-WIDE

Table with 2 columns: Description and Amount. Row 1: 2004 supplemental estimate Committee recommendation 600,000,000

The Committee recommends \$600,000,000 for Defense Working Capital Funds. The recommendation is equal to the estimate.

NATIONAL DEFENSE SEALIFT FUND

Table with 2 columns: Description and Amount. Row 1: 2004 supplemental estimate Committee recommendation 24,000,000

The Committee recommends \$24,000,000 for the National Defense Sealift Fund. The recommendation is equal to the estimate.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

Table with 2 columns: Description and Amount. Row 1: 2004 supplemental estimate Committee recommendation 658,380,000

The Committee recommends \$658,380,000 for the Defense Health Program. The recommendation is equal to the estimate.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

Table with 2 columns: Description and Amount. Row 1: 2004 supplemental estimate Committee recommendation 73,000,000

The Committee recommends \$73,000,000 for Drug Interdiction and Counter-Drug Activities, Defense. The recommendation is equal to the estimate.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

Table with 2 columns: Description and Amount. Row 1: 2004 supplemental estimate Committee recommendation 21,500,000

The Committee recommends \$21,500,000 for the Intelligence Community Management Account. The recommendation is equal to the estimate.

CHAPTER 2

SUBCOMMITTEE ON MILITARY CONSTRUCTION

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

Table with 2 columns: Description and Amount. Row 1: 2004 supplemental estimate Committee recommendation 119,900,000

The Committee recommends an additional \$119,900,000 for Military Construction, Army, to be used as follows:

Table with 2 columns: Description and Amount. Row 1: Base Camp Support Facilities, Iraq Planning and Design 4,000,000

The Committee fully supports the administration's request to provide adequate support facilities for United States soldiers serving in base camps in Iraq, but is concerned that project details and justifications contained in the administration's request for these facilities were not sufficiently defined. The Committee therefore directs that the Army brief the congressional defense committees on its final plans for these facilities before obligating any of the military construction funds appropriated in this Act.

MILITARY CONSTRUCTION, AIR FORCE

Table with 2 columns: Description and Amount. Row 1: 2004 supplemental estimate Committee recommendation 292,550,000

The Committee recommends an additional \$292,550,000 for Military Construction, Air Force, to be used as follows:

Table with 2 columns: Description and Amount. Rows include: Airfield Runway Repair, Bagram, Afghanistan; Airfreight Terminal, Dover Air Force Base, Delaware; AEF FOL Communications Remote Switch Facility, Diego Garcia; Munitions Maintenance, Storage, and Wash Pad, Camp Darby, Italy; Ramp and Fuel Hydrant System, Al Dhafra, United Arab Emirates; Airlift Ramp, Balad Air Base, Iraq; Airlift Aprons (Confidential Location); Tactical/Strategic Ramp Expansion, Al Udeid Air Base, Qatar; Refueler Ramp, Al Udeid Air Base, Qatar; Temporary Cantonment Area, Al Dhafra Air Base, United Arab Emirates; Planning and Design.

The Committee supports the administration's request for additional military construction funds for Air Force facilities in Southwest Asia. However, while the Air Force has provided detail about specific projects, it has provided little information about its overall plan for facilities in the theater of operations and how projects contained in the supplemental request fit into that plan. The Committee therefore directs the Air Force to report to the congressional defense committees, in both classified and unclassified form, on its master plan for facilities in the Central Command area of responsibility, including the planned disposition of aircraft and personnel, no later than December 1, 2003.

CHAPTER 3

GENERAL PROVISIONS, THIS TITLE

SEC. 301. The Committee recommendation amends a provision proposed by the Administration which allows the Department of Defense to reimburse the Services for a draw-down authority under the Afghanistan Freedom Support Act of 2002.

SEC. 302. The Committee recommendation modifies a provision proposed by the Administration which provides the Secretary of Defense with additional transfer authority.

SEC. 303. The Committee recommendation includes a provision proposed by the Administration which provides specific authorization for the funds appropriated in this title for intelligence activities.

SEC. 304. The Committee recommendation includes a new provision regarding the alteration of command responsibility or permanent assignment of forces.

SEC. 305. The Committee recommendation includes a provision proposed by the Administration which sustains existing authority to cover travel and transportation benefits for family members of military personnel injured during Operation Iraqi Freedom, Oper-

ation Enduring Freedom, or Operation Noble Eagle.

SEC. 306. The Committee recommendation includes a provision that sustains the increase in the statutory maximum payable for Imminent Danger Pay and Family Separation Allowance.

SEC. 307. The Committee recommendation includes a provision recommended by the Administration which allows the Department to make necessary accounting adjustments to the Defense Emergency Response Fund.

SEC. 308. The Committee recommendation includes a new provision that requires the Secretary of Defense to provide a report to the Committees on Appropriations.

SEC. 309. The Committee recommendation includes a new provision that requires the Department of Defense to describe alternatives for replacing the capabilities of the KC-135 fleet of aircraft.

SEC. 310. The Committee recommendation includes a new provision which limits the use of procurement and research, development, test and evaluation funds.

SEC. 311. The Committee recommendation includes a provision proposed by the Administration which allows the Department to use funds for supplies, services, transportation, and other logistical support of troops supporting military and stability operations in Iraq.

SEC. 312. The Committee recommends a provision proposed by the Administration which allows training and equipping the Afghanistan National Army and the New Iraqi Army.

SEC. 313. The Committee recommendation includes a provision requiring a report on military readiness.

SEC. 314. The Committee recommendation includes a provision regarding the exemption of certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

SEC. 315. The Committee recommends a general provision which provides the Secretary of Defense with additional authority for contingency military construction expenses necessary to protect against or respond to acts of terrorism, or to support Department of Defense operations in Iraq.

TITLE II—INTERNATIONAL AFFAIRS

CHAPTER 1

SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING RESCISSION)

Table with 2 columns: Description and Amount. Row 1: 2004 supplemental estimate Committee recommendation 35,800,000

The Committee recommends a rescission and re-appropriation of \$35,800,000 for the costs of security and operations related to the establishment of United States diplomatic presences in Iraq and Afghanistan. The recommendation is \$40,500,000 below the request. The problem of Machine Readable Visa [MRV] fee shortfalls is addressed under the Emergencies in the Diplomatic and Consular Service account. Funds previously appropriated under this heading in the Emergency Wartime Supplemental Appropriations Act of 2003 are subject to the standard reprogramming procedures set forth in section 605, Division B of Public Law 108-7.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

Table with 2 columns: Description and Amount. Row 1: 2004 supplemental estimate Committee recommendation 860,500,000

The Committee does not recommend any funding for Embassy security, construction and maintenance. The recommendation is \$60,500,000 below the supplemental budget request. The request included \$60,500,000 to construct an interim United States diplomatic facility in Iraq. The Committee reminds the Department that \$61,500,000 was provided for this purpose in Public Law 108-11, the Emergency Wartime Supplemental Appropriations Act of 2003. The Committee is aware of the Department's reprogramming request to utilize \$43,900,000 of these funds to construct an interim facility for United States Agency for International Development and other United States Government employees engaged in reconstruction efforts in Afghanistan and \$16,600,000 of these funds to cover the personnel, transportation, and equipment costs of United States Government officials tasked with advising the Afghan transitional government on reconstruction. This request is contained under the "Capital investment fund" of chapter 2 of this title. Also, the Committee approves the Department's reprogramming request to utilize \$14,500,000 under Worldwide Security Upgrades for security requirements in Afghanistan, and directs that these funds only be used for the security of the main United States Embassy compound and security assistance to United Nations offices and personnel and non-governmental organization offices and personnel.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE	
2004 supplemental estimate	\$50,000,000
Committee recommendation	90,500,000

The Committee recommends \$90,500,000 for Emergencies in the Diplomatic and Consular Service. The recommendation is \$40,500,000 above the supplemental budget request. Funds provided under this heading will ensure that rewards of up to \$25,000,000 may be paid for Osama bin Laden and Saddam Hussein. The recommendation also includes language directing that \$2,000,000 of previously appropriated funds be made available for a reward for the person deemed most responsible by the Special Court for Sierra Leone for the war crimes, crimes against humanity, and serious violations of international humanitarian law that took place during Sierra Leone's civil war. The recommendation also includes language directing that \$8,451,000 in carryover balances be transferred to and merged with the Diplomatic and Consular Programs account for the Department's consular, or "border security" operations.

CHAPTER 2
SUBCOMMITTEE ON FOREIGN OPERATIONS,
EXPORT FINANCING, AND RELATED PROGRAMS
BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE
PRESIDENT
UNITED STATES AGENCY FOR INTERNATIONAL
DEVELOPMENT

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT	
2004 supplemental estimate	\$40,000,000
Committee recommendation	40,000,000

The Committee provides \$40,000,000 for an additional amount for Operating Expenses of the United States Agency for International Development for costs associated with reconstruction and other activities in Iraq and Afghanistan.

CAPITAL INVESTMENT FUND	
2004 supplemental estimate	
Committee recommendation	\$60,500,000

The Committee provides \$60,500,000 for an additional amount for the Capital Investment Fund for safe and secure facilities in Afghanistan, Iraq, and elsewhere.

OTHER BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE
PRESIDENT

IRAQ RELIEF AND RECONSTRUCTION FUND (INCLUDING TRANSFERS OF FUNDS)	
2004 supplemental estimate	\$20,304,000,000
Committee recommendation	20,304,000,000

The Committee provides \$20,304,000,000 for the Iraq Relief and Reconstruction Fund for security, rehabilitation and reconstruction in Iraq.

The Committee notes that funds appropriated under this heading are subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligation of funds. The Committee also provides that funds allocated under this heading for programs and sectors may be reallocated by the President for those programs and sectors.

The Committee strongly supports programs and activities to promote freedom, democratic institutions, and the rule of law in Iraq and provides that not less than \$100,000,000 shall be made available for democracy building activities in that country in support of the development and ratification of a constitution, national elections and women's development programs. The Committee directs that not less than \$5,000,000 be made available to Iraqi nongovernmental organizations in Iraq in a timely manner, in grants of up to \$100,000. The Committee also expects sufficient funding to be provided to the National Endowment for Democracy, the International Republican Institute and the National Democratic Institute for political party and other democracy building activities.

The Committee recommends not less than \$20,000,000 for media outreach activities in Iraq that utilizes low cost, advanced technology tools.

The Committee recommends \$5,000,000 for a program, such as that administered by the International Commission on Missing Persons, to locate, recover, and identify Iraqis missing as a result of authoritarian rule or conflict.

The Committee again provides that funds shall be made available for Iraqi civilians who suffer losses as a result of military operations in Iraq. The Committee supports the provision of medical, rehabilitation, shelter, microcredit and other appropriate assistance to these individuals. The Committee expects all relevant agencies and organizations to coordinate efforts in providing this assistance.

The Committee recognizes that conflict and decades of neglect devastated Iraq's health infrastructure, resulting in a lack of medical equipment and supplies, and health professionals with expertise in pediatric medical specialties. The Committee is concerned that children with critical health problems cannot obtain life-saving treatments in Iraq. The Committee strongly supports activities that can have an immediate impact in addressing the needs of these children, such as the Emergency Health Services for the Children of Iraq program sponsored jointly by Kurdish Human Rights Watch and Vanderbilt University Children's Hospital.

The Committee notes the important contributions that nongovernmental organizations have made to relief and reconstruction efforts in Iraq, and urges that they be utilized to the maximum extent practicable.

The Committee also recommends that organizations with experience in post-conflict governance matters—such as the United States Institute of Peace—be utilized in reconstruction efforts in Iraq and Afghanistan.

The Committee recommends that not less than \$2,000,000 be made available to support organizations working in Iraq, Afghanistan and other complex humanitarian emergency and war settings, to apply public health strategies and epidemiology to mitigate the impact of the conflict on civilian populations. Programs supported should include those which collect, analyze, and use multi-sector data for programmatic decision-making and evaluation of assistance programs during and after conflict.

ECONOMIC SUPPORT FUND	
2004 supplemental estimate	\$422,000,000
Committee recommendation	422,000,000

The Committee provides \$422,000,000 for an additional amount for Economic Support Fund (ESF) for accelerated assistance for Afghanistan.

The Committee also provides authority to use up to \$200,000,000 in Economic Support Funds contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 for debt reduction for Pakistan.

The Committee recognizes the progress of Internews in the establishment of independent news media in Afghanistan. However, absent additional long-term support opportunities for advancement may be lost. The Committee recommends that additional funds be made available for the expansion of local stations to regional stations, the establishment of national independent broadcasting, and support for daily news programs.

The Committee directs that not less than \$15,000,000 be made available for media outreach activities in Afghanistan that utilizes low cost, advanced technology tools.

In addition to other purposes for which ESF assistance is used in Afghanistan, not less than \$5,000,000 should be made available through appropriate humanitarian organizations for additional food, clothing, heating and cooking fuel, emergency shelter materials, and other basic necessities for displaced Afghans in Kabul.

UNITED STATES EMERGENCY FUND FOR COMPLEX FOREIGN CRISES	
2004 supplemental estimate	\$100,000,000
Committee recommendation	100,000,000

The Committee provides \$100,000,000 for the United States Emergency Fund for Complex Foreign Crises. While the Committee understands the need for flexibility in meeting unforeseen complex foreign crises, it includes congressional notification for these funds, which may be waived if human health or welfare is at substantial risk.

Among other activities, the Committee expects these funds to support operations and programs to prevent or respond to foreign territorial disputes, armed ethnic and civil conflicts that pose threats to regional and international peace, and acts of ethnic cleansing, mass killing or genocide. In addition, the Committee supports the use of these funds for peace and humanitarian efforts, such as required in Liberia.

DEPARTMENT OF STATE INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT	
2004 supplemental estimate	\$120,000,000
Committee recommendation	120,000,000

The Committee provides \$120,000,000 for an additional amount in International Narcotics Control and Law Enforcement assistance for Afghanistan. The Committee expects \$110,000,000 to be used to train, equip, and deploy additional police in Afghanistan, and \$10,000,000 to be used to support the training of prosecutors, public defenders and judges in Afghanistan and to meet infrastructure needs of the Afghan legal sector.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

2004 supplemental estimate	\$35,000,000
Committee recommendation	35,000,000

The Committee provides \$35,000,000 for an additional amount for Nonproliferation, Anti-Terrorism, Demining and Related Programs to support anti-terrorism training and equipment needs in Afghanistan.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

2004 supplemental estimate	\$222,000,000
Committee recommendation	222,000,000

The Committee provides \$222,000,000 for the Foreign Military Financing Program. The Committee strongly supports the use of these funds to accelerate assistance to build the new Afghanistan army.

PEACEKEEPING OPERATIONS

2004 supplemental estimate	\$50,000,000
Committee recommendation	50,000,000

The Committee provides \$50,000,000 for an additional amount for Peacekeeping Operations to support multinational peacekeeping needs in Iraq and other unanticipated peacekeeping crises.

CHAPTER 3

GENERAL PROVISIONS, THIS TITLE

SEC. 2301. The Committee includes transfer authority between accounts in chapter 2 of this title, with the total amount authorized to be transferred not to exceed \$200,000,000. The Committee directs that it be consulted before this authority is exercised. The Committee includes the same notification requirement as contained in section 501 of Public Law 108-11.

SEC. 2302. The Committee includes authority permitting assistance or other financing contained in chapter 2 of this title for Iraq notwithstanding any other provision of law.

SEC. 2303. The Committee includes authority to allow appropriations provided in chapter 2 of this title to be made available without specific authorization of such appropriation.

SEC. 2304. The Committee extends section 1503 of Public Law 108-11 through September 30, 2005. The Committee notes that extending the inapplicability of section 307 of the Foreign Assistance Act of 1961 is particularly important as the United States pursues long-range efforts to assist Iraq and marshal resources from the international community.

SEC. 2305. The Committee amends the first proviso of section 1504 of Public Law 108-11 to include Iraqi military, private security force, other official security forces, police

force, or forces from other countries in Iraq supporting United States efforts in Iraq. The Committee notes that other official security forces include Ministry of Interior forces, border guards, and civil defense forces. The Committee also notes that a private security force include those providing security services to contractors, nongovernmental organizations or other organizations affiliated with United States efforts in Iraq.

SEC. 2306. The Committee extends key provisions of Public Law 107-57 regarding restrictions that would otherwise limit assistance to Pakistan.

SEC. 2307. The Committee includes authority to allow the Overseas Private Investment Corporation to provide political risk insurance, direct loans, and guarantees in Iraq.

SEC. 2308. The Committee includes a notification requirement for certain accounts under chapter 2 of this title.

SEC. 2309. The Committee provides that the Secretary of State shall submit a report on a monthly basis detailing Iraq oil production and oil revenues.

SEC. 2310. The Committee directs that none of the funds in this Act may be used to pay debts incurred by the former government.

TITLE III—GENERAL PROVISION, THIS ACT

SEC. 3001. The Committee recommends that all the funds in the bill be designated by the Congress as emergency requirements pursuant to section 502 of House Concurrent Resolution 95 (108th Congress), the fiscal year 2004 concurrent resolution on the budget, as proposed by the President.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports on general appropriations bills identify, with particularity, each Committee amendment to the House bill "which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session."

The accompanying bill contains the following items which lack authorization:

The Committee is filing an original bill.

COMPLIANCE WITH PARAGRAPH 7(C), RULE XXVI OF THE STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, on September 30, 2003, the Committee ordered reported S. 1689, an original bill making emergency appropriations Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, subject to amendment and subject to the budget allocation, by a recorded vote of 29-0, a quorum being present. The vote was as follows:

YEAS

Chairman	Mr. Bennett	Mr. Harkin
Stevens	Mr. Campbell	Ms. Mikulski
Mr. Cochran	Mr. Craig	Mr. Reid
Mr. Specter	Mrs. Hutchison	Mr. Kohl
Mr. Domenici	Mr. DeWine	Mrs. Murray
Mr. Bond	Mr. Brownback	Mr. Dorgan
Mr. McConnell	Mr. Byrd	Mrs. Feinstein
Mr. Burns	Mr. Inouye	Mr. Durbin
Mr. Shelby	Mr. Hollings	Mr. Johnson
Mr. Gregg	Mr. Leahy	Ms. Landrieu

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include "(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee."

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in Italics; and existing law in which no change is proposed is shown in Roman.

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

BUDGETARY IMPACT

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344), as amended, requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 302 of the act for the most recently agreed to concurrent resolution on the budget for the fiscal year. All the funds provided in this bill are designated by Congress as emergency requirements.

FIVE-YEAR PROJECTION OF OUTLAYS

In compliance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 (Public Law 93-344), as amended, the following table contains 5-year projections associated with the budget authority provided in the accompanying bill:

	Millions of dollars
Budget authority: Fiscal year 2004	87,004
Outlays:	
Fiscal year 2004	36,695
Fiscal year 2005	33,098
Fiscal year 2006	11,721
Fiscal year 2007	3,037
Fiscal year 2008 and future years	1,872

Note: The above table includes both mandatory and discretionary appropriations.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with section 308(a)(1)(D) of the Congressional Budget Act of 1974 (Public Law 93-344), as amended, the financial assistance to State and local governments is as follows:

	Millions of dollars
New budget authority
Fiscal year 2004 outlays

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or -)
	TITLE I			
	NATIONAL SECURITY			
	CHAPTER 1			
	DEPARTMENT OF DEFENSE			
	Military Personnel			
108-126	Military Personnel, Army (emergency)	12,858,870	12,858,870	.....
108-126	Military Personnel, Navy (emergency)	816,100	816,100	.....
108-126	Military Personnel, Marine Corps (emergency)	753,190	753,190	.....
108-126	Military Personnel, Air Force (emergency)	3,384,700	3,384,700	.....
	Total, Military Personnel	17,812,860	17,812,860	.....
	Operation and Maintenance			
108-126	Operation and Maintenance, Army (emergency)	24,190,464	.....	-24,190,464
—	(Contingent emergency appropriations) .....	.....	24,946,464	+24,946,464
108-126	Operation and Maintenance, Navy (emergency)	2,106,258	1,976,258	-130,000
108-126	Operation and Maintenance, Marine Corps (emergency)	1,198,981	1,198,981	.....
108-126	Operation and Maintenance, Air Force (emergency)	5,948,368	5,516,368	-432,000
108-126	Operation and Maintenance, Defense-Wide (emergency)	4,618,452	4,218,452	-400,000
108-126	Operation and Maintenance, Marine Corps Reserve (emergency)	16,000	16,000	.....
108-126	Operation and Maintenance, Air Force Reserve (emergency)	53,000	53,000	.....
108-126	Operation and Maintenance, Air National Guard (emergency)	214,000	214,000	.....
108-126	Operation and Maintenance, Overseas Humanitarian, Disaster, Civic Aid (emergency)	35,500	35,500	.....
108-126	Operation and Maintenance, Iraq Freedom Fund (emergency)	1,988,600	1,988,600	.....
	Total, Operation and Maintenance	40,369,623	40,163,623	-206,000
	Procurement			
108-126	Missile Procurement, Army (emergency)	6,200	6,200	.....
108-126	Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	46,000	.....	-46,000
—	(Contingent emergency appropriations) .....	.....	104,000	+104,000
108-126	Other Procurement, Army (emergency)	930,687	.....	-930,687
—	(Contingent emergency appropriations) .....	.....	1,078,687	+1,078,687
108-126	Aircraft Procurement, Navy (emergency)	128,600	128,600	.....
108-126	Other Procurement, Navy (emergency)	76,357	76,357	.....
108-126	Procurement, Marine Corps (emergency)	123,397	123,397	.....
108-126	Aircraft Procurement, Air Force (emergency)	40,972	40,972	.....
108-126	Missile Procurement, Air Force (emergency)	20,450	20,450	.....
108-126	Other Procurement, Air Force (emergency)	3,441,006	3,441,006	.....
108-126	Procurement, Defense-Wide (emergency)	435,635	435,635	.....
	Total, Procurement	5,249,304	5,455,304	+206,000
	Research, Development, Test and Evaluation			
108-126	Research, Development, Test and Evaluation, Navy (emergency)	34,000	34,000	.....
108-126	Research, Development, Test and Evaluation, Air Force (emergency)	39,070	39,070	.....
108-126	Research, Development, Test and Evaluation, Defense-Wide (emergency)	265,817	265,817	.....
	Total, Research, Development, Test and Evaluation	338,887	338,887	.....
	Revolving and Management Funds			
108-126	Defense Working Capital fund (emergency)	600,000	600,000	.....
108-126	National Defense Sealift fund (emergency)	24,000	24,000	.....
	Total, Revolving and Management Funds	624,000	624,000	.....
	Other Department of Defense Programs			
108-126	Defense Health Program (emergency)	658,380	658,380	.....
108-126	Drug Interdiction and Counter-Drug Activities, Defense (emergency)	73,000	73,000	.....
	Total, Other Department of Defense Programs	731,380	731,380	.....
	Related Agencies			
108-126	Intelligence Community Management Account (emergency)	21,500	21,500	.....
	Total, Chapter 1	65,147,554	65,147,554	.....
	Emergency appropriations	(65,147,554)	(39,018,403)	(-26,129,151)
	Contingent emergency appropriations .....	.....	(26,129,151)	(+26,129,151)
	CHAPTER 2			
	MILITARY CONSTRUCTION			
108-126	Military construction, Army (emergency)	119,900	119,900	.....
108-126	Military construction, Air Force (emergency)	292,550	292,550	.....
	Total, Chapter 2	412,450	412,450	.....
	Total, TITLE I	65,560,004	65,560,004	.....
	Emergency appropriations	(65,560,004)	(39,430,853)	(-26,129,151)
	Contingent emergency appropriations .....	.....	(26,129,151)	(+26,129,151)
	TITLE II			
	INTERNATIONAL SECURITY			
	CHAPTER 1			
	DEPARTMENT OF STATE			
	Administration of Foreign Affairs			
108-126	Diplomatic and Consular programs (emergency)	40,500	35,800	-4,700
108-126	Reappropriation	35,800	.....	-35,800
—	Rescission .....	.....	-35,800	-35,800
108-126	Embassy Security, Construction and Maintenance (emergency)	60,500	.....	-60,500
108-126	Emergencies in the diplomatic and consular service (emergency)	50,000	.....	-50,000
—	(Contingent emergency appropriations) .....	.....	90,500	+90,500
	Total, Administration of Foreign Affairs	186,800	90,500	-96,300
	Total, Chapter 1	186,800	90,500	-96,300
	Emergency appropriations	(186,800)	(35,800)	(-151,000)
	Contingent emergency appropriations .....	.....	(90,500)	(+90,500)
	Rescissions .....	.....	(-35,800)	(-35,800)
	CHAPTER 2			
	BILATERAL ECONOMIC ASSISTANCE			
	FUNDS APPROPRIATED TO THE PRESIDENT			
108-126	Operating expenses of the United States Agency for International Development	40,000	40,000	.....
—	Capital Investment Fund (contingent emergency appropriations) .....	.....	60,500	+60,500
	OTHER BILATERAL ECONOMIC ASSISTANCE			
	FUNDS APPROPRIATED TO THE PRESIDENT			
108-126	Iraq relief and reconstruction fund (emergency)	20,304,000	20,304,000	.....
108-126	Economic support fund (emergency)	422,000	422,000	.....
108-126	United States Emergency Fund for Complex Foreign Crises (emergency)	100,000	100,000	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or -)
	DEPARTMENT OF STATE			
108-126	International narcotics control and law enforcement (emergency)	120,000	120,000	
108-126	Nonproliferation, antiterrorism, demining and related programs (emergency)	35,000	35,000	
	MILITARY ASSISTANCE			
	FUNDS APPROPRIATED TO THE PRESIDENT			
108-126	Foreign Military Financing Program (emergency)	222,000	222,000	
108-126	Peacekeeping operations (emergency)	50,000	50,000	
	Total, Chapter 2	21,293,000	21,353,500	+ 60,500
	Emergency appropriations	(21,293,000)	(21,293,000)	
	Contingent emergency appropriations		(60,500)	(+ 60,500)
	Total, TITLE II	21,479,800	21,444,000	- 35,800
	Emergency appropriations	(21,479,800)	(21,328,800)	(- 151,000)
	Contingent emergency appropriations		(151,000)	(+ 151,000)
	Rescissions		(- 35,800)	(- 35,800)
	GRAND TOTAL (net)	87,039,804	87,004,004	- 35,800
	Emergency appropriations	(87,039,804)	(60,759,653)	(- 26,280,151)
	Contingent emergency appropriations		(26,280,151)	(+ 26,280,151)
	Rescissions		(- 35,800)	(- 35,800)

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I wish to take this time to talk about some of the successes that our wonderful military uniformed personnel are having in Iraq. We see a lot on the television that looks like things are in chaos, and in some places they are.

I want to talk about some of the good things because I think as we take up this supplemental appropriation, we are going to be talking about what this money is going for and why we need to put \$20 billion into rebuilding Iraq.

This picture illustrates so well what we are going to be doing with this money and why we need that \$20 billion to help us rebuild Iraq.

The schools are starting today in Iraq. Millions of schoolchildren are beginning to go to school today. According to TSgt Mark Getsy from the 506th Air Expeditionary Group, these children have been climbing the gates for weeks, climbing the gates because they are so excited that they are going to get to go to school. Why are they excited? Why are they able to go to school?

I will give some instances of how successful we are. Air Force and Army volunteers have extended a helping hand to these children for weeks so that their education can be in the best possible facilities. Members of the Air Force's 506th Expeditionary Civil Engineer Squadron at Kirkuk Air Base and the Army's Battle Companies 2nd Battalion, 503rd Airborne, have teamed up to renovate two schools in the local area. The first school is a model for the rest of the Kirkuk schools, and it is opening today.

Said 1SG Richard Weik, the Army project officer:

We adopted the schools because they were close to our safe houses. The first thing we did was go around and assess the electrical and plumbing situation. It was a mess.

The Army called in Air Force electricians to help get the school ready for business. TSgt Jack Vollriede, an electrician from the 506th ECES, said Air Force electricians were already working in the area on Army safe houses when they heard about the project.

The Army asked us if we would check out the electrical work being done at the school. I saw the work needing (to be) done was very similar to what I do in my civilian job back home so I asked others in my shop to volunteer and help out with the project.

Since mid-September, more than 10 electricians have been working daily to get the schools up and running. Vollriede said it was hard at first to find the right parts, but the team managed to accomplish a great deal in a short period of time.

We have completed five electrical service panel replacements, installed emergency lighting, fixed all the interior lighting, and even fixed the school bell. We are now working on installing grounded outlets for computers in all the classrooms and offices.

I know the Senator from Montana is in the Chamber and is scheduled to speak. I will yield to him as soon as he is ready, but I first will say how important this is. It is happening all over Iraq. These Army and Air Force volunteers are coming in and fixing the schools so that these children can start learning, not just the limited knowledge that they had during Saddam Hussein's time but knowledge of the world, knowledge of freedom, knowledge of other horizons that they will be able to share when they get their education. They know it and they are excited about it. It is something that America is providing.

The \$20 billion that we are going to be voting on in the \$87 billion package is going to encompass projects like this that will start the process for the Iraqi people to have a better quality of life, educated children—what every person in the world would like to have: quality of life and education for their chil-

dren—and that is what the money will go for. So we are going to be debating why we need \$20 billion to rebuild Iraq. It is for the national security of the United States that these children start school, that our great volunteers help them do it, because if we can get these children educated and a quality of life, and an economy for the people of Iraq, those terrorists will not have a safe haven. Those terrorists will be driven away by the Iraqi people because they will see the difference in their lives when they have freedom versus when they live under a tyrant or when they have terrorists in their midst.

I yield the floor.
The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Before the Senator from Texas leaves the floor, I do not know where she got hold of that poster, but I have said ever since the invasion started, and the assault towards Baghdad, our greatest ambassadors, who are on the ground and are still there today, are our warriors. The effects of our action in Iraq will not really be felt for another 10 years or so. When the young folks seen in that poster become adult age, they will remember that warrior who walked up to them, dusty, sandy, dirty, greasy, laden with armor, weapons and goggles on his helmet; yet they reached out the hand of friendship in the form of a bottle of water or a candy bar.

One must remember these young folks were hunkered down in their homes and told how evil this Army was that was approaching their area. When the Army arrived, they found out those things they had been deprived of, the bare essentials to survive the last few days, were available and had come from the hand of an American soldier or marine. That is why we hear so many of our military on the ground today telling us to rebuild the infrastructure, bring back the central services so these people can live, improve their quality of life, and rebuild their own country.

To a man, all the military people I have visited with who have come home have said that.

Mrs. HUTCHISON. Mr. President, responding to the comments of the Senator from Montana, he could not be on target any more. I hear the same thing from the men and women who return, the men and women I talked to when I was in Iraq and Afghanistan. I agree with the Senator that it is those wonderful, clean-cut, all-American soldiers who give the best possible image of our country.

This picture is of a soldier from A Company, the 101st Airborne Division. He is handing out school supplies. The A Company took up a collection in the town of Mosul. They went to the local economy and they bought school supplies for these children to be able to have pencils, erasers, and paper when they go to school. One could not ask for better ambassadors. They did it from their own pockets because they know what we are doing in this country is important for the security of the American people.

Mr. BURNS. That is the genius of our country, when we look at it. We have always lived for the next generation. Our mothers and fathers wanted us to be educated better than they were.

I was raised on a small farm in the Midwest before I went to Montana when I was 18. The generation before us wanted us to be educated better than they were. They wanted us to start up the economic ladder a little bit better than they started. I was a product of the Great Depression in the 1930s. In doing that in the family unit, of living for the next generation, this system has afforded the highest quality of life and standard of living for more of its citizens than any other society that has been developed on the face of this planet. That is what makes this particular mission in Iraq, in the Middle East, very important. Those young people who met and have a very positive view of Americans, who are the young ages of 8, 9, 10, 11, 12—the most impressionable years of a young person's life—will never forget that. That will be burned in their brains. There might be a lot of propaganda flying around, but they know. They shook the hand of and met our best ambassadors.

We didn't start this fight. We didn't start this fight. Because if 9/11 of the year '01 doesn't mean anything else, it should carry the same significance as Pearl Harbor or any other devastating attack that has been carried out against this country. We didn't start this fight, but they brought the fight to the wrong people and the wrong country because of our values and because what we really believe in is that freedom equals opportunity, opportunity means choices, and choices have consequences.

It is this warrior who cleared the way. The polls now say the majority of the people in Iraq believe they are now better off than they were under the tyrant Saddam Hussein.

Why is \$21 billion important? Saddam Hussein had a knack of controlling his people. He did it through the rationing

of central services, the very basics of our community. He only had about 60 percent or 70 percent capacity to produce as much electricity for his country as he needed. So if he didn't like you, or you made him mad, or you came from the wrong side of the creek, you didn't get electricity. If anybody wanted centrally controlled health care? He had it. He rationed it. He used it to control. Water, whatever the central services, his infrastructure was in complete disarray. But he liked it like that. So he had to go, that tyrant—mass graves, history of gassing people, killing people, raiding his neighbors.

So we didn't start this fight. We are sure going to conclude it. We are sure going to develop a country of people who desire to be free and to live, to educate and to raise their kids in a free society. Representative government has already taken over in Iraq.

The overwhelming majority of these funds, of course, go to our military in this particular piece of supplemental funds for Iraq and Afghanistan.

But those who would deny them freedoms and opportunities, and control them through fear, understand what this is about. It is about people who are in charge of their own destiny and are not afraid to stand for freedom or die for the next generation. That is what it is all about. That is what this President envisioned when we were hit on 9/11. He didn't ask for those planes to fly into the World Trade Center or hit the Pentagon or the plane that crashed in Pennsylvania. He didn't ask for the first attack on the World Trade Center. He didn't ask for the attacks on the USS *Cole*, Khobar Towers, our embassies around the world.

There is no negotiating with folks who use fear to control. For, if we fail here, the battle line is probably our own country. Since the Civil War, not a shot has been fired here. We have always carried the fight to the enemy's ground. That is what it is all about.

Representative government in small towns and political bounds and political units in Iraq have already taken hold. We are already establishing an interim government in Baghdad and it will not be long before they have a constitution, they will have elections.

Our interest there is in the generation of school kids because it is an investment. Is it an investment? Yes, but it is an investment in human lives, in human endeavors. Sure, it is a lot of money, but money is a tool. Money is a tool that can bring good or it can be evil, and we have chosen to use ours in the name of good.

Yesterday in committee we had some very good ideas on how we should help these people get on their own feet and prosper, how we can help. Yes, the \$20 or \$21 billion in this will do that. But how to administer that, what should it go for? What should it do? Because it is America's hand. It is not our hand of Congress, it is the people of America reaching out because the people of the United States know what is at stake.

There were some very good ideas. Some were premature. Some will be considered here on the floor of the Senate and they will be argued on their own merits.

But when we take a look at the overall package, it is a pretty solid package that we extend toward these people who now stand in harm's way, who now risk some disdain from their neighbors for joining a police force or a militia that will stand for good. It takes some bravery to do that, in a land where terrorism and death and destruction have been commonplace for the last 2 decades.

We will be that steel in their backbone. But we also have to give them the funds with which to build. They have made the decision. There are polls which indicate that. They have made the decision to stand for good and right and freedom. That is what this bill is all about. It may be characterized in many ways, but I think it is America's best hour. To establish another democracy in the Middle East where basically there is only one, to expand those freedoms now to the other side of the river, it is a noble and just thing to do.

I thank the Chair for the time to express my views about the importance of this legislation. Their values are not much different than ours: Their families, their kids, their country. Our ability to fix irrigation systems and communication systems so they can talk, and a system within which they can feed themselves, and have something to say about their own destiny, that is a noble cause. That is an American cause. That is what we are all about.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, today we begin the most consequential national security debate in a generation.

At stake is more than just the fate of \$87 billion in spending.

This debate will speak to the lives of hundreds of thousands of our men and women in uniform, who are being asked to risk everything for their country.

It will speak to America's taxpayers who are being asked to shoulder the burden of the administration's Iraq policy with little or no help from our friends and allies around the globe. And it will speak to our Nation's responsibilities and its role in the world today and for years to come.

Let me begin, though, by talking specifically about what this debate is not about.

Democrats and Republicans are united in our support for all our brave service men and women.

They continue to bring honor to their country. Inspired by their performance of duty to us, we pledge to live up to our duty to them.

Democrats will do everything in our power to ensure that our troops have every tool and resource necessary to do the job we are asking of them. Democrats and Republicans are also united in our commitment to a free, stable,

and secure Iraq. Terror must not be the successor to tyranny.

Therefore, Democrats are committed to doing everything possible to keep Saddam Hussein from returning to power and to keep terrorists from exploiting Iraq as a base of operations.

Our mission in Iraq will remain unfinished until Iraqis are governed by a constitutional government, defended by their own security forces, protected by their own police and judicial system, and provided for by a functioning infrastructure financed with Iraqi resources.

The United States must not and will not prematurely abrogate its responsibility to a fully liberated and self-sufficient Iraq.

In short, this debate is not about whether or not we should run from our obligations to our troops and to rebuild Iraq. We will not.

Simply, this debate is about how to ensure our objectives for Iraq are met successfully and our troops brought home to their loved ones as safely and quickly as possible.

Day after day, we receive more evidence of the inadequacy of the administration's plan for the stabilization and reconstruction of Iraq.

Yesterday, the New York Times reported that 650,000 tons of Iraqi munitions lie unprotected. There is evidence the 500 pound bomb that terrorists used to destroy the U.N. headquarters in Baghdad may in fact have been stolen from one of Saddam's old munitions depots. This news comes to us 3 weeks after the Pentagon assured us that all known weapons sites had already been secured.

In spite of these concerns, the administration continues to say that its pre-war planning was adequate to the task, and that it has the right prescriptions for Iraq's future.

But an objective look at the record indicates that the White House's plan for post-Saddam Iraq was either inadequate or altogether non-existent.

In its post-combat report, the Joint Chiefs of Staff concluded that the post-war plan was not sufficient to some of the most critical challenges we face in post-Saddam Iraq.

I quote from that report:

Late formation of [post-conflict] organizations limited time available for the development of detailed plans and pre-deployment coordination. . . . Weapons of mass destruction (WMD) elimination and exploitation planning efforts did not occur early enough in the process to allow CentCom to effectively execute the mission." It concludes, "The extent of the planning required was underestimated."

Just yesterday I learned from Iraq's Governing Council that the administration had failed to consult them when putting together its proposal to rebuild Iraq.

Think about that. At the same time the administration professes its desire to put Iraqis in charge of Iraq, it failed to seek their counsel about Iraq's most urgent needs. Instead, the administration chose to have Ambassador Bremer

and its experts here in Washington determine what was best for the citizens of Baghdad and Basra.

The administration's inadequate post-Saddam planning continues to have gravest consequences.

On a daily basis, our soldiers follow orders that place them in mortal danger because they understand their work serves a greater purpose and a larger strategy. But when we place them in situations where there is no effective strategy or plan, this danger is greatly increased.

Sadly, this is a lesson our Nation has had several opportunities to learn. Retired General Anthony Zinni put it best. He said in a recent speech:

[Our troops] should never be put on a battlefield without a strategic plan, not only for the fighting—our generals will take care of that—but for the aftermath and winning that war.

Where are we, the American people, if we accept this, if we accept this level of sacrifice without that level of planning? Almost everyone in this room, of my contemporaries—our feelings and our sensitivities were forged on the battlefields of Vietnam; where we heard the garbage and the lies, and we saw the sacrifice.

We swore never again would we do that. We swore never again would we allow it to happen. And I ask you, is it happening again? And you're going to have to answer that question, just like the American people are.

And remember, everyone of those young men and women that do not come back is not only a personal tragedy, it's a national tragedy.

By asking the right questions and making the right changes to the administration's supplemental request, the Senate can act to correct these mistakes and ensure success in Iraq. But time is running short—in Iraq and here at home.

As Iraqis become accustomed to terrorism as a daily fact of life, they are looking to U.S. leadership for reasons to be hopeful.

They want to work with us to build a better future for themselves, but they need to know that we are committed to that future. At the same time, Americans are growing impatient. The costs of success, both in lives and in money, appear without end.

For both Iraqis and Americans, the window to demonstrate a clear plan for Iraq's future is closing.

The next 3 months are crucial to turning around the security situation, which is volatile in key parts of the country.

Iraqis, Americans, and the entire world are watching closely to see how resolutely the coalition will handle this challenge. The Iraqi population has high expectations, and the window for cooperation may close rapidly if they do not see progress on delivering security, basic services, opportunities for broad political involvement, and economic opportunity.

The "hearts and minds" of key segments of the Sunni and Shi'a communities are in play and can be won, but only if the Coalition Provisional Authority—CPA—and new Iraqi authorities deliver in short order.

To do so, the CPA will have to dramatically and expeditiously augment its operational capacity throughout the country, so that civilian-led rebuilding can proceed while there are still significant numbers of coalition forces in Iraq to provide maximum leverage over those who seek to thwart the process.

We believe the greatest opportunity for success lies in internationalizing the effort to stabilize and rebuild Iraq.

It reduces the risk to U.S. service men and women and the cost to U.S. taxpayers. It increases the international legitimacy of the post-Saddam effort. It makes Iraq the world's challenge and the world's responsibility.

This can be accomplished through two simple steps. First, the President needs to make obtaining greater cooperation among our allies his top national security priority and be willing to do what is reasonable to obtain their support.

It is not enough for the President to make speeches or insist on resolutions at the United Nations that essentially restate policy positions that to date have left us working largely alone.

Second, the administration needs to produce a clear plan that demonstrates both to our Armed Forces and to our taxpayers precisely what sacrifices will be expected of them, both now and in the future, in order to accomplish our objectives.

This supplemental budget request does not take either of those steps.

Before the Senate is one bill, but in truth, there are two separate and distinct requests. First, is the \$67 billion requested to equip our troops to do their job. Democrats have no objection to this request and we would be willing to approve this funding this very day.

Alongside funding to support our troops stands an additional \$20 billion to aid in the rebuilding of Iraq. As I said earlier, Democrats remain committed to doing whatever it takes to provide Iraq with the tools and resources necessary to join the community of nations as a safe, responsible, self-sufficient member.

But a supplemental request is not a plan. And we have serious misgivings about providing the funds requested until we have confidence they will be used in service to a plan that will successfully achieve our objectives in Iraq.

That confidence is undermined when Americans read reports that firms with close personal and financial ties to the White House are winning no-bid contracts, raising the appearance of impropriety and cronyism.

That confidence is further eroded when Americans learn that many of the items within this supplemental request seem grossly inflated or dubious. The American taxpayer is being asked to pick up the cost of 600 radios and telephones at the cost of \$6,000 apiece, pickup trucks at \$33,000 a piece. Iraqi prisoners will be incarcerated at \$50,000 per year, more than twice the cost in

American prisons. And Iraqi entrepreneurs will receive business training costing \$10,000 per month, more than two-and-a-half times the cost of an education at the Harvard Business School.

To be sure, many investments within this bill are worthwhile. But we should bring the same vigilance to control unnecessary spending that we bring to spending here at home. That is the root of the questions we will ask and the amendments we will offer.

We have sought to raise important questions such as these since the very beginning of the Iraqi conflict. Unfortunately, upon each occasion, Republicans opted to question our motives and in some cases, even our patriotism.

Senate Armed Forces Committee Chairman JOHN WARNER said last week of our soldiers, "Their fathers, their uncles, their grandfathers have served in previous military conflicts, and they look upon the Congress as that bastion that safeguards those that are put in harm's way. I ask, do these comments constitute embracing, as we should, those families, those children? Is that safeguarding those put in harm's way? I say no."

Senate Intelligence Chairman ROBERTS even suggested that the posing of questions put the lives of our soldiers at risk. "I'm very concerned that if the criticism is so harsh as to create the impression of lack of resolve, I wonder what goes through the minds of . . . not only our men and women serving in uniform, but the very terrorists who are killing our troops and their fellow Iraqis."

These comments represent a low-point in the Senate's proud tradition of deliberation and debate. The right to question our leaders is the foundation of our democracy.

Demanding answers in a time of war strengthens our democracy, rather than weakening it. President Teddy Roosevelt once said, "To announce that there must be no criticism of the President or that we are to stand by the President right or wrong is not only unpatriotic and servile but it is also morally treasonable to the American public."

As American citizens, we are obligated to ask these questions. And as Senators, we are not only obligated but empowered by our Constitution to demand answers. That is precisely what we will do during this debate.

As this debate proceeds, Democrats will offer a series of proposals that are designed to win back the trust of the Nation and the support of the world for our Iraq policy.

First, the White House must develop and inform Congress and American people about plans for success before gaining access to reconstruction funds. Second, the President should increase efforts to gain international involvement, both in terms of financial support and commitment of troops.

Third, those who have benefitted most from our Nation's prosperity

should help pay their fair share for its defense. By rolling back the President's tax cut for the wealthiest one percent of Americans for just 1 year, we can pay for the full cost of this request without increasing the national debt.

Fourth, we need to ensure fair, open competition for contracts.

Finally, the White House should to transfer control of the reconstruction of Iraq from the Defense Department to the State Department, which has expertise and experience in nation building.

History will remember what we say in this debate, because it will shape not just the fate of this spending request but the fate of Iraq, the Middle East, and America's foreign policy for years to come.

I am confident that the Senate will live up to its responsibility to our troops and provide them with the support they need and have earned.

I am hopeful that Republicans will join Democrats in insisting that the White House offer a clear plan to go along with the unprecedented level of funding we have been asked to provide.

When our armed forces toppled Saddam Hussein's regime, Americans became bound to the Iraqi people and responsible for their fate.

We are committed to fulfilling that responsibility by providing the resources and support they need to become fully independent members in the community of nations.

But our vision cannot be clouded by false optimism or blinded by stubborn pride.

It is not too late to change course and bring a real plan and real cooperation, to the American rebuilding of Iraq. This opportunity will not last much longer.

We can't afford to let it, and the future of a secure Middle East, slip through our fingers.

The cost of success is great; the cost of failure is even greater.

Mr. MCCAIN. I ask my friend from Wisconsin how long he will be.

Mr. FEINGOLD. About 10 minutes.

Mr. MCCAIN. I ask unanimous consent the Senator from Wisconsin be recognized for 10 minutes, and I be recognized for 15 minutes following that.

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

Mr. MCCAIN. I thank my friend from Wisconsin who was here before me.

Mr. FEINGOLD. I thank the Senator for his courtesy.

(The remarks of Mr. FEINGOLD are printed in today's RECORD under "Morning Business.")

Mr. FEINGOLD. I thank the Presiding Officer, and I again especially thank the Senator from Arizona for his courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, we have begun a debate that may ultimately be more consequential than the war de-

bate we had in this Chamber last October, which culminated in the votes of 77 Senators authorizing the President of the United States to go to war against Saddam Hussein's Iraq. A negative Senate vote last fall, before our country was committed to liberating and reconstructing Iraq, would have weakened the President's leadership and made America less secure. But a vote against reconstructing Iraq now, with 130,000 American forces on the ground, American credibility before our friends and enemies at stake, and the enormous responsibility of helping the Iraqi people rebuild their country now on our shoulders, would doom Iraq's transformation to failure, with grave consequences for the entire Middle East, and devastate American leadership in a dangerous world.

An extraordinary allied military campaign in Iraq overthrew, in 3 weeks, a Baathist regime that had ruled for three decades. Americans were rightly proud not only of our military's exemplary performance, but of the cause for which they fought: ending the threat posed by Saddam Hussein's regime and liberating the Iraqi people from his tyrannical rule. With their liberation came an obligation: to help them restore their devastated and demoralized country until it is stable, and secure, and free, and therefore, no longer poses a threat to its people or its neighbors. That job is not close to being done. We have not yet won the peace. And we do not have time to spare.

If we do not meaningfully improve services and security in Iraq over the next few months, it may be too late. The danger is that our failure to improve daily life, security, and Iraqis' participation in their own governance will erode their patience and fuel a minority's appeal for insurrection. We will risk an irreversible loss of Iraqi confidence and reinforce the efforts of extremists who seek our defeat and threaten Iraq's democratic future. That is why we have to pass this supplemental spending bill, urgently.

There are two fundamental errors we could make in postwar Iraq. We could stay too long, denying Iraqi sovereignty to a proud and talented people who have the human and material resources to build a progressive and modern Arab state. We cannot repeat in Iraq the example of the Balkans, where Bosnia and Kosovo remain U.N. protectorates years after our just military intervention. Few things would inflame Iraqi and Arab opinion more than a long-term United States occupation of Iraq. But America is not an imperial nation. We will leave Iraq when our job is done, and we will leave behind an Iraq that is whole, free, and at peace.

The other danger, and the greater risk, is that we leave too soon—before basic Iraqi services are up and running, before law and order are restored, and before there is a competent, representative Iraqi government in place to answer to the Iraqi people. They key to a

timely United States withdrawal from Iraq, and for the quickest restoration of Iraqi sovereignty, is to maximize our commitment now to providing the security and services that will allow the fragile institutions of democracy to take root. A serious United States investment in Iraq's future is the only way we can leave the Iraqi people and their leaders with a functioning, progressive state that will be an example for the region and a future partner and ally of the United States.

Some of my colleagues on both sides of the aisle accept that Iraq requires substantial and immediate reconstruction funding, but would provide that funding in the form of loans to be repaid to the United States or international financial institutions when the Iraqi economy is up and running again. This would gravely damage America's reputation and our support within Iraq. Assetting our claim to Iraq's oil revenues over the next 10 or 20 years would confirm the propaganda of our enemies and the suspicions of skeptics across the Arab world and closer to home: that this was a war for oil. It would also make it impossible for us to encourage countries like Russia, France, and Germany, which hold enormous levels of Iraqi debt from Saddam Hussein's era, to write off some of that debt in order to life its burden from the Iraqi people.

Seeking control, whether directly or indirectly, over Iraq's future oil revenues would condemn Iraq to be another ward of the international community by denying the Iraqi people the key to their future prosperity. By making a claim that would prevent future oil revenues from being spent by a representative Iraqi government to meet the needs of the Iraqi people, we would impede the economic development that will be key to a moderate, progressive Iraqi politics. We would make our immediate task of reconstructing and securing Iraq much more difficult, because collateralizing Iraqi oil revenues would encourage more Iraqis to believe the message of the Baathists and terrorists who oppose us: that we are in Iraq not to help the Iraqi people build a better future but to serve our own narrow ends, at their expense. Ironically, we would also make it more difficult for American forces to leave Iraq by handicapping Iraqis' ability to reconstruct their country and govern themselves. Providing reconstruction monies in the form of a loan would seriously undermine American national interests in the Middle East.

We will also debate the question of whether to divide this spending bill into military and reconstruction components. Proponents of this approach would substantially trim or vote down reconstruction funding, as if we should pay only for our troop presence in Iraq but spend little to nothing on what our troops are actually there to do: create basic security and enable restoration of services so the Iraqis can govern themselves. The reconstruction and military

components of this spending request are inextricably linked. Part of the answer to the security challenges we face in Iraq is restoring basic services and empowering Iraqis to play a greater role in their own security. Voting against reconstruction funds will seriously degrade the security environment as greater numbers of frustrated Iraqis fall prey to the extremists' appeals to oppose our presence, putting our troops in greater danger and imperiling their core mission of stabilizing Iraq.

At a Senate Armed Services Committee hearing last week, I asked Ambassador Paul Bremer what would happen if Congress did not pass the reconstruction portion of the President's supplemental spending request. Here is his response: "Well, it would be directly contrary to American's interest—obviously, it would be contrary to the Iraqi people's interest, but it would be contrary to our interest, because it would create a situation of much greater insecurity. I think we would find more of the population turning against us. I think we would find more attacks on coalition forces. Eventually, Iraq would . . . recede into a situation of chaos, not dissimilar from what was experienced in Lebanon in the 1970s and 1980s, and we would find another breeding ground for terrorists. So I think it's a rather grim outlook."

I would encourage my colleagues who may be considering efforts to split this bill into military and reconstruction components in order to decrease or vote down reconstruction funding to contemplate the prospect of the kind of state collapse and civil war that destroyed Lebanon happening in Iraq as a result of our own shortsightedness.

The Senate will also consider proposals to reduce tax cuts for the wealthy in order to pay for Iraqi reconstruction. I voted against the President's tax cut package in 2003, in part because the costs of this war and its aftermath were unknown at the time. But given what is at stake for the Iraqi people and for America's national interest, I cannot support proposals to raise taxes to fund our mission in Iraq. Such proposals, if not linked to the Iraq supplemental, would have merit, but were they to pass as part of this package they would endanger its passage, transforming a domestic political dispute into what would quickly become a foreign policy defeat. Our success in Iraq is too important to take that chance.

This bill is not perfect. I intend to offer an amendment to provide for regular auditing of the Coalition Provisional authority's budget, and I suspect the Senate will add additional reporting requirements to better inform us about how reconstruction money is being spent. But given the urgency of our mission in Iraq, I intend to strongly support the President's budget request, oppose all amendments that could endanger its passage, and do everything I can to see that the United

States honors the commitment we have entered into to help the Iraqi people stand up a legitimate, representative government that does not threaten them or their neighbors, and that is a force for good in a dangerous region.

Every so often in this Chamber, we deal with an issue of such gravity that it transcends partisan divisions. Providing for Iraq's democratic future should be such an issue. I encourage my colleagues to gauge carefully the broader national interest, as we conduct what I hope is a civilized and high-minded debate. To a large extent, or choices will determine the success or failure of what I believe to be the most important foreign policy challenge in a generation.

Failure to make the necessary political and financial commitment to build the new Iraq could endanger American leadership in the world, empower our enemies, and condemn Iraqis to renewed tyranny. We must act urgently to transform our military success into political victory. Passage of these supplemental funds will move us meaningfully towards that goal. Stripping reconstruction aid or providing it in the form of a loan that will incite Iraqi and Arab hostility against us will only make the job of our service men and women in Iraq harder and could doom them to failure. After all their sacrifice, and in light of the potential a free and stable Iraq holds for the future of the Middle east and America's position in the world, it would be disgraceful to turn our backs now.

Iraq's transformation into a progressive Arab state could set the region that produced Saddam Hussein, the Taliban, and al-Qaida on a new course in which democratic expression and economic prosperity, rather than a radicalizing mix of humiliation, poverty, and repression, define a new modernity in the Muslim world that does not express itself in ways that threaten its people or other nations. Conversely, a forced United States retreat from Iraq would be the most serious American defeat on the global stage since Vietnam. I don't make that statement lightly. I repeat: A forced United States retreat from Iraq would be the most serious American defeat on the global stage since Vietnam.

Our mission in Iraq is too important to fail. But it is winnable, because an Iraqi majority shares our vision of a free and progressive Iraq. Our national interest demands that we help them realize this goal.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. DORGAN. Madam President, we are debating the emergency supplemental bill that deals with the request for funds for our military, as well as for reconstruction in the country of Iraq.

I believe it is necessary to provide the funding that is requested for our military, and I believe the President will find wide support for that on the Senate floor. I believe it is also necessary for reconstruction to occur in Iraq. I don't disagree with that issue at all. However, I disagree as to where the funding should come for this reconstruction.

I agree with my colleague who talked about this being an important time and that there are very important questions for the Senate to confront. These are serious questions and need to be dealt with in a serious way. I expect this debate will be respectful, even though we have some disagreements.

I think there is more agreement than disagreement on most of these questions. I mentioned that when the President requests funding for our Defense Department and our soldiers who are on a mission this country has asked them to undertake, we have an obligation to provide the necessary funding for them to complete their mission. America cannot ask its sons and daughters to go to war and then withhold anything that is necessary for them to complete their mission. That which is needed in the Defense Department, that which those who are commanding our soldiers say they need to finish this job, we must provide and, in my judgment, will provide.

This appropriations request, however, includes not only resources for our military, but also resources for the reconstruction of Iraq. I want to talk about that for a bit because we had a long debate in the Senate Appropriations Committee yesterday and had several votes. The votes turned out to be one-vote margins. I want to talk about that.

First, let me say I believe that, while I have not visited Iraq, there are many important and positive things happening in the country of Iraq. Yesterday one of my colleagues asked the question: Why are those positive developments not being reported? I expect, based on talking to folks who have visited there, and from Ambassador Bremer's testimony, and others, including colleagues who have visited there, that there are things happening in that country which are very positive. I agree with that. Those who ask the question "why are they not being reported" might watch the television news in Washington, DC, tonight and see what is reported. What is reported is negative. It is not just with what is happening in Iraq, it is what is happening everywhere. That is the way the business works. Turn on the television tonight in Washington, DC, and see what the lead story will be. It will be a murder, or a kidnapping, or a robbery, or an accident. That is just the way it works.

That is what is happening in Iraq. The media is reporting the bad news. That is what they will report tonight here in Washington, DC. There is an old saying, "bad news travels halfway around the world before good news gets its shoes on." Never is that manifested more relentlessly than in our media. I understand that. It is not just happening with Iraq.

But from eyewitnesses and those who have been on the ground in Iraq, we know that there are positive things happening there.

Having said that, we cannot dismiss the fact there are some significant problems and challenges in Iraq as well. It is not ordinary and normal, and it is not something we should ever become accustomed to, to wake up in the morning and turn on the news and hear of another American soldier who was killed, or more American soldiers wounded. That is not something we can become accustomed to in this country.

I also believe, as I indicated, that as we consider a piece of legislation with a price tag of \$87 billion to support the troops and provide the resources necessary for the troops and also to provide for the reconstruction of Iraq, it is an appropriate and important time to ask some questions about especially the portion dealing with reconstruction. That is what I focused on yesterday in the Appropriations Committee.

Let me talk about this reconstruction. This is a new subject that is offered us by the President—reconstruction. We understood what the President planned to do with respect to the campaign called shock and awe, which was a military campaign, would be devastating in its consequences to the Iraqi troops, but not devastating to the country of Iraq in terms of infrastructure, because we deliberately did not target the infrastructure there. We did not target their electric grid, their powerplants, their dams, their roads, or their bridges. We deliberately did not do that and we were successful in avoiding that. So then what is the requirement for reconstruction?

The requirement for reconstruction, by and large, stems from a long-term deterioration of the assets of Iraq under Saddam Hussein, No. 1; and No. 2, from a type of guerrilla activity by insurgents inside the country of Iraq—Iraqis themselves, among others—to destroy property and infrastructure in Iraq. That is what caused this administration to ask us for nearly \$21 billion to reconstruct the country of Iraq.

Let me say that the request for the reconstruction of Iraq is a request for grants, where we will take the money from our Treasury—or borrow the money, as will be the case, because we are very deeply in debt in this country at this point and our annual budget deficit is roughly in the \$475 billion range. We will borrow money to provide it to the Iraqis for reconstruction. Let me go back to some things and indicate why some of us are surprised by a request for nearly \$21 billion to reconstruct Iraq.

Deputy Secretary of Defense Paul Wolfowitz said this on March 27 of this year:

And on a rough recollection, oil revenues of that country could bring in between \$50 and \$100 billion over the course of the next two or three years. We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Again, Mr. WOLFowitz, Deputy Secretary of Defense, said just 5 months ago:

We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Richard Armitage, Assistant Secretary of State, said:

When we approach the question of Iraq, we realize here is a country which has a resource. And it's obvious, it's oil. And it can bring in and does bring in a certain amount of revenue each year, it could—\$10, \$15, even \$18 billion.

So this is not a broke country, first of all. He is describing the resources the country of Iraq has.

Vice President CHENEY in March of this year said:

There are estimates out there.

Talking about Iraq.

It's important, though, to recognize that we've got a different set of circumstances than we've had in Afghanistan. In Afghanistan you've got a nation without significant resources. In Iraq you've got a nation that's got the second-largest oil reserves in the world, second only to Saudi Arabia. It will generate billions of dollars a year in cash flow if they get back to their production of roughly three million barrels of oil a day, in the relatively near future. And that flow of resources obviously belongs to the Iraqi people and needs to be put to use by the Iraqi people for the Iraqi people, and that will be one of our major objectives.

That was Vice President CHENEY.

So we have Richard Armitage, Assistant Secretary of State, saying Iraq can be reconstructed with Iraq oil; Paul Wolfowitz, Assistant Secretary of Defense, saying Iraq can finance its own reconstruction; Secretary Rumsfeld, on March 27 of this year, said: I don't believe the United States has the responsibility for reconstruction, in a sense. Those funds can come from those various funds I mentioned—frozen assets, oil revenues, and a variety of other things, including Oil for Food which has a substantial number of billions of dollars in it.

We have the Secretary of Defense, the Assistant Secretary of Defense, the Assistant Secretary of State, and the Vice President.

Let me read quotes from Mr. Natsios who runs USAID, which is the agency in the State Department involved in reconstruction.

On April 23 on Ted Koppel's "Nightline" program, Ted Koppel says:

I mean, when you talk about 1.7, you're not suggesting that the rebuilding of Iraq is going to be done for \$1.7 billion?

Mr. Natsios, who runs this program for the administration, says:

Well, in terms of the American taxpayers' contribution, I do, this is it for the U.S. The rest of the rebuilding of Iraq will be done by

other countries who already made pledges, Britain, Germany, Norway, Japan, Canada, and Iraqi oil revenues . . .

Will be used eventually in several years when it is up and running and when a new government, democratically elected, will finish the job with new revenues.

They are going to get \$20 billion a year in oil revenues. But the American part of this will be \$1.7 billion. We have no plans for any further on funding for this.

This is 5 months ago from the point person in this administration with respect to Iraq's reconstruction, saying \$1.7 billion.

Ted Koppel comes back to him again on the same program and says:

You're saying the, the top cost for the U.S. taxpayer will be \$1.7 billion. No more than that?

Mr. Natsios: For the reconstruction. . . .
Ted Koppel: But as far as the reconstruction goes, the American taxpayer will not be hit by more than \$1.7 billion no matter how long the process takes?

Mr. Natsios: That is our plan and that is our intention. And these figures . . . I have to say, there's a little bit of hoopla involved in this.

I guess he was referring to something else. There sure isn't a lot of hoopla involved in his figures.

Later in the program, Mr. Natsios says, responding to Ted Koppel:

That's correct, \$1.7 billion is the limit on reconstruction for Iraq.

That was 5 months ago from the point person on reconstruction in this administration. Five months later, we are asked for \$21 billion—\$21 billion. How did things change so quickly? Why did they change so quickly? Why was it decided that the obligation for the reconstruction of this country—not an impoverished country, I might say, a country with the second largest reserves of oil in the entire world—why was it decided the American taxpayers should bear this burden exclusively?

Ambassador Bremer testified before our Appropriations Committee. I asked him about this issue.

I said: Mr. Ambassador, Iraq has very substantial oil reserves. They have liquid gold under that sand. They have the capability of pumping a lot of oil.

He said: Yes.

In fact, when I asked about how much they would pump, he said: By July of next year, we expect Iraq will be pumping 3 million barrels of oil a day and, using their figures, we expect, when you take out of that the amount necessary to be used in Iraq by Iraqis, the amount of money that they will sell on the export market will produce \$16 billion a year of revenue—\$16 billion a year.

Yesterday, members of the Iraqi Governing Council were in town, and they said they are going to be producing 6 million barrels of oil—double that. Let's use the more conservative figure of 3 million barrels of oil produced a day by next July. This then is a country that has the capability of producing \$160 billion in 10 years from oil revenue exports only or \$320 billion in

20 years. Securitizing that oil production would be relatively easy for Iraq in order to raise the funds to reconstruct what is needed to be reconstructed in Iraq.

I asked Ambassador Bremer, why then would you not propose that Iraqi oil be used to reconstruct Iraq? He said: Because Iraq has substantial foreign indebtedness, they will not be able to encumber their oil revenue; they will have to repay foreign indebtedness first.

I asked Ambassador Bremer to whom Iraq owed money. He said, France—I believe he said Russia first—Russia, France, Germany.

Following that hearing, I began to do some research on Iraq's indebtedness. It turns out that the largest of Iraq's creditors are Saudi Arabia and Kuwait. The best estimates are that Iraq owes somewhere close to \$25 billion to Saudi Arabia. And they owe somewhere close to \$25 billion to Kuwait. They owe somewhere between \$20 billion and \$30 billion to the other gulf states. They owe between \$4 billion and \$8 billion to France, \$4 billion to Germany, and somewhere between \$9 billion and \$12 billion to Russia. But as one can see, the largest creditors of the country of Iraq are Kuwait and Saudi Arabia.

Now, I find it strange that anyone would suggest that the debts of Saddam's regime must be honored, but that the current Iraqi Governing Council is not able to incur debts.

Some make the point that the Iraqi Governing Council has not been democratically elected. Well, does anyone think that Saddam Hussein was duly elected? Let's just remember the last couple of elections. In 1995, Saddam Hussein ran for President of Iraq. He ran unopposed and won 99.96 percent of the vote.

Out of 8 million ballots, supposedly only 3,000 people voted against Saddam Hussein.

Then in August of 2000, they had another election in Iraq and Saddam Hussein ran again for President. He again ran unopposed. This time, the official election count was better, actually. With a 100 percent voter turnout, Saddam Hussein received 100 percent of the vote. That was actually the official count.

They provided no real polling booths. Voters were required to parade down a gallery containing 28 portraits of Saddam Hussein. They were required to hold their ballots over their head as they walked down this gallery so that everyone could see how they voted. Before the election, the Iraq phone company rigged their telephones so when a person picked up the phone to make a phone call, they heard the message that they had a requirement to go out and vote for Saddam Hussein.

The fact is, there is very little tradition of democracy in Iraq, as we know. The Saddam Hussein regime, which obligated the people of Iraq, apparently, to \$150 billion to \$200 billion in foreign debt, was certainly no more duly con-

stituted a government than the current Iraqi coalition authority or provisional authority.

I believe Iraq does need reconstruction funding, but I believe very strongly that that ought not be the burden of the American people. I believe the result would be perverse if the American taxpayer was required to bear the burden of that \$21 billion in expenditures, while Iraq pumped its oil, sold it on the open market, and used the revenues to ship suitcases full of cash to Saudi Arabia and Kuwait and, yes, Russia and France and Germany. I do not understand how anyone thinks that is in our interest.

I will briefly describe what we are told is urgently necessary for reconstruction in Iraq. I think some items are urgent, some are not, in order to advance the Iraq economy and in order to provide the Iraq people with an expanded set of opportunities and hope for the future.

The \$21 billion includes, for example, reengineering business practices of the Iraq postal service, including instituting ZIP Codes. Well, that is not part of an urgent supplemental, in my judgment.

Then there is \$54 million for a comprehensive consulting technical study for the Iraqi postal system. That is not urgent, in my judgment.

Restoring marshlands; two 4,000-bed prisons at \$50,000 a bed; garbage trucks at \$50,000 apiece; creating best business practice and training courses and opening job centers, and so on. I think some of this is likely urgent, some of it not, but all of it can and should be paid for with Iraqi oil.

I will describe how that could work and how it should work.

I offered an amendment in committee yesterday that would create an Iraq Reconstruction Finance Agency. I lost that amendment by one vote. Following that, I offered a second amendment, which is a choice I do not particularly favor but one that is better than a series of grants. That amendment would provide that instead of grants, we extend loans.

Both amendments were defeated in the committee, and I will offer both on the Senate floor as we proceed to have a debate about the reconstruction portion of this package.

The Iraqi Governing Council, I believe, has ample authority to create an Iraq Reconstruction Finance Authority and do so in a way that obligates future oil revenues of Iraq through some securitization, by which they would sell securities against future oil revenues and raise the money for reconstruction of Iraq. As one of my colleagues earlier today suggested, that is not in some way having the United States get their hands on Iraqi oil. It is nothing of the sort. This is the people in Iraq making use of their resources, by securitizing their future oil reserves. Understand, they have the second largest reserves in the world. This is not an impoverished country. They

have dramatic and valuable resources. This is about Iraq citizens using Iraqi oil to reconstruct the country of Iraq.

Why would someone choose the alternative of saying, let's have the American taxpayer pay for the reconstruction of Iraq so that Iraq can pump oil to pay for the past debts it owes to Saudi Arabia and Kuwait?

Ambassador Bremer told me they were not recommending the use of Iraq oil for reconstruction because of the foreign debt that Iraq had and that it had to resolve. I think it ought to be resolved this way: I believe Ambassador Bremer and the Iraq authority ought to go to the donor conference and ought to be involved in bilateral and multilateral talks in which they seek debt forgiveness. After all, Saddam Hussein should not have been able to obligate the Iraq people and to mortgage their future. Saddam Hussein is gone. His government does not exist. Why do we believe that loans from the Saudis to Iraq back in the 1980s ought to be repaid now when those loans were made to Saddam Hussein? Let Saddam Hussein repay those loans, not the Iraqi people.

This was not a duly constituted government in the first instance. I just described the mechanism by which he was in power.

This is not a case, as my colleague earlier suggested, of just treating this in a nonserious way, believing that somehow the money is not needed for Iraq. I believe the military appropriations that the President has requested for our troops are related to reconstruction, but I believe very strongly that much of what is requested for reconstruction is, A, not urgent and, B, certainly not reconstruction that ought to be paid for by the American people.

Let me come again to this point: we were told time and time again that the U.S. taxpayer would have, at most, a minimal financial burden in terms of reconstruction.

The representations to us all along, all year, have been that Iraq oil would bear the burden for reconstruction. Vice President CHENEY said on March 16 of this year—I am quoting directly:

In Iraq, you've got a nation that's got the second largest oil reserves in the world, second only to Saudi Arabia. It will generate billions of dollars a year in cash flow.

Ari Fleischer at the White House said:

Iraq, unlike Afghanistan, is a rather wealthy country. It has tremendous resources that belong to the Iraqi people.

He is talking about Iraq has to be able to shoulder much of the burden for their own reconstruction.

Paul Wolfowitz, Deputy Secretary of Defense, said:

On a rough recollection, the oil revenues of that country could bring between \$50 billion to \$100 billion over the course of the next few years. We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Donald Rumsfeld, Secretary of Defense, on March 27, said:

I don't believe that the United States has the responsibility for reconstruction, in a sense And the funds can come from those various sources I mentioned: frozen assets, oil revenues, and a variety of other things.

The fact is, just months ago we were told by Secretary Rumsfeld, by Deputy Secretary Wolfowitz, by Vice President CHENEY, and many others that the U.S. taxpayer would not have to foot the bill.

We have not had anyone come to us to explain to us the reason for the change.

We had Ambassador Bremer explain to us why he believes the proceeds from Iraqi oil are going to have to be committed to repay Iraq's foreign debt. Translated to the language from my hometown, it would be: Iraqi oil should produce some revenue so the Iraqi people can pay off Saddam's debts to some of the richest countries in the world, Saudi Arabia and Kuwait.

But nobody came forward to say, we did tell you all these things 4 or 5 months ago, and did tell the American people and tell you in Congress you are not going to have to pay for reconstruction of Iraq because Iraqi oil is going to pay for it—no one has come forward to say, I was wrong then, or I have changed my mind.

The question is, Has the Vice President changed his mind? I am guessing so. Has Secretary Rumsfeld changed his mind? Has Mr. Wolfowitz changed his mind? Has Mr. Armitage changed his mind?

I think it is important to ask the question.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DORGAN. Madam President, are we under a time limit at this point? Could I have explained to me the time on the floor?

The PRESIDING OFFICER. The time until 12:30 has been divided. All time remains for the majority at this point.

Mr. DORGAN. This time for debate was apparently evenly divided until 12:30; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. What will be the circumstances of the floor this afternoon, could I ask the manager?

Mr. STEVENS. Madam President, if I might respond, the bill will be subject to amendment at any time. We are hopeful there will be amendments. Neither Senator BYRD nor I have spoken on the bill yet.

Once Senator BYRD has finished his comments, we will be back on the bill. Of course the Senator could speak at any time.

Mr. DORGAN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I think at this time I should point out what we are doing because we have brought to the floor the President's emergency supplemental request for Iraq. Last evening, the President

signed the 2004 Defense Appropriations Committee bill. At the request of the Congress, specifically the Senate, the President did not include in that bill any funding for the war in Iraq or Afghanistan, and the funding for that and the global war on terrorism is in the supplemental that is before us now.

Many have asked for a great many things in connection with this supplemental that is before us. I think it is good to review history because we have had the history studied by the Congressional Research Service, and I am informed that no President before has asked, in advance, for money to conduct a war. This President did that. He had a supplemental before that carried us through fiscal year 2003. And this bill is theoretically to pick up on October 4 and carry forward the activities in Iraq and Afghanistan and the war on global terrorism following that time.

The bill does contain a substantial amount of money for the intelligence community, which is classified. This afternoon we will hold a hearing in our classified hearing room in the Capitol to explore some of the ramifications of that. We have closed out the hearings we held on this bill. I might say, in and of themselves, they are unique because I know of no hearing on a supplemental request of this type during my time in the Senate. The request was made for hearings by my good friend from West Virginia, and we have accommodated that. I know he wishes we would have more hearings, but I believe we have explored the proposals that have been presented to us as a Special Emergency Supplemental by the President, under these circumstances, as much as is possible because we have some time frames involved. The moneys for defense activities in Iraq are in this bill. We have an enormous number of people involved in this activity now, and this bill asks for about \$66 billion to continue those activities through the fiscal year of 2004; that is, until September 30, 2004.

We have had presented to us, in addition to that Defense supplemental, the request for \$20.3 billion to carry out the activities of our Government in connection with the reconstruction and rehabilitation of Iraq during this period ahead of us. Many will ask—demand that the money in this second category be strictly loans.

There is no government of Iraq yet. There is no one we can really have obligated to repay it. We are exploring mechanisms that might be possible to set up ways in which a portion of the money would be required to be repaid. But the testimony before our committee was that these two sums are inextricably entwined. They represent the best effort of the military department, our Department of Defense, and of our State Department and other Departments of the executive branch to present to Congress an approach to try to move through the process of having an army of occupation in Iraq and move to establishing a new form of

government in Iraq, supported by their people, and provide the security for that government, provide the security for the people who will be running the oilfields, as have been mentioned here, with the power stations, and the schools and other activities that are still subject to some opposition by terrorists in Iraq.

I believe Ambassador Bremer and his people have presented a coherent outline of what we are going to do. But the demand is to know in advance what is going to happen, almost on a daily basis: What are you going to do? Really, the contingencies in advance of us, now, of our Government, are unique.

If you look at Germany or look at Japan, we had a military government of occupation. We provided the complete security. We provided the complete government in the past when we ended the war. We did that to a great extent in other places, too, where we helped in Kosovo, Bosnia, and other areas. We were, for several years, involved in both of those areas.

We have been involved in this area less than a year. The proposal now is to carry into the next year a plan, which was presented to us in the Senate, in our security room, in July. Some people didn't get a copy of that. That is unfortunate. But it was being presented to us during our hearings. That plan clearly sets forth the plan that was developed by Ambassador Bremer and by the State Department and our Department of Defense, to proceed now and not have an army in occupation, that we do not want to be an occupier.

We want to continue our work to secure the area for the purpose of building this new government, but we have actually had some of our military people withdrawn from the areas of Iraq which have been completely pacified now and are normally operating. The local police are maintaining security. A portion of their new army is behind them, securing those areas. Still, it is a very volatile area and that is primarily the area of concern.

It is that area that depends so much on the money that is in the second part of this bill. Ambassador Bremer personally told me a number of times the oil pipelines have been bombed, sabotaged. While they are repairing those oil lines, the power stations have been brought back into operation. As oil lines were completely restored, the power stations were blown up. As they are trying to bring both of them back, then there are sniper activities in the Baghdad area, destabilizing the situation as far as restoring tranquility in this country.

This is a time and a place that the forces of the United States, both military and civilian, need guidance on a daily basis by the Commander in Chief and his representatives. This bill contains a sizable amount of money and the discretion to use that money to accomplish the objectives they have set out. I, for one, endorse those objectives wholly because I believe they will

bring our people home sooner and have us have a friendly Iraq, rebuilding itself out of its oil income, once we are able to stop this terrorist activity that is impeding the flow of oil.

The Senator from North Dakota mentioned the amount of oil we were told will be there next July. That is true. It will be there unless the pipelines are blown up again. It will be there unless the power stations are blown up again. It takes power to run these pipelines. The power stations are there. They have been blown up also.

The problem with stability in this area is a very acute one. We have been warned of that. I think the plan they have presented, in the judgment of majority of the Senate Appropriations Committee, is such that we should give the President's people this discretion. It is a lot of money. No one questions it is a lot of money. In the first place, we separate the \$66 billion for defense. I don't argue about that amount in terms of carrying forth our commitment to our men and women in uniform to see to it they have the supplies, the materials, the backup, the rest and recreation, all of the things that are in this bill, to assure them we are with them and that we support them in every way possible to get this job done. But the main thing we want to do for them is to get them home. The way to get them home is to assure that Iraq once more can run its own affairs, defend itself, and can have reasonable success in dealing with terrorism. We can't eliminate terrorism completely from Iraq any more than we can completely eliminate terrorism right now. We face terrorism at home. But the real problem is how soon can they know they have the capability of meeting terrorism and trying to deal with it as they try to impede the reconstruction and rehabilitation of that country. We are going to have some differences of opinion. There are differences really in philosophy, as far as I am concerned.

I think we ought to listen more to the generals who are over there in uniform, as I have yet to hear complaints from any of the people who have gone over there and who have been part of this tremendous success militarily. They report they are proud of what they have done, and they believe we are right, that we should as soon as possible have the Iraqis run this country. That is the goal.

We have had this monstrous success militarily. Normally, any country before in history has sent in an occupation force, set up a government, tried to find out who should be the new leaders of the government, worked with them for a number of years, and then eventually withdrawn their forces. Of course, as I think the world knows, we have yet to withdraw all of our forces from Europe from World War II. They started and became part of a permanent force over there almost, although I do think we ought to reexamine that, and we will in the near future. The fu-

ture for this area is not to have an occupation force. We still have forces in Kosovo and we still have forces in Bosnia. That is not the goal of this activity. The goal of this activity is to liberate Iraq and give it the ability to restore its government under a concept of free men and women determining their own future.

That means to me that we respond to the request of the President of the United States and give his people the discretion to use this money to the extent it is necessary.

I believe it is now time that we call up the bill. Is it pending?

The PRESIDING OFFICER. The bill is pending.

Mr. STEVENS. Madam President, I would like to address my friend. I don't believe we need control of time now, if the Senator agrees. I will finish my remarks and then yield to Senator BYRD, if that is agreeable. Is there any pending motion which I should make?

The PRESIDING OFFICER. There is none.

Mr. STEVENS. Madam President, I will close.

It is my hope the Senate will also realize the request we have made—I have made it to the leadership on both sides—to take the defense portion of this bill first. The House has not acted upon this bill yet. We will go on recess on Friday. While we are gone, the House will act on it. It is my opinion that the House should know how we feel about the defense side, the \$66 billion. We should await their action on the \$20.3 billion.

That is to me sort of a division of labor, you might say. We have worked very hard on the defense side of the bill. I believe we have a general agreement of where we are going to come out with it. We presented what we call the chairman's mark in the bill that is before the Senate today. It will be subject to some amendments. I hope Members will cooperate by looking at that portion of the bill first. We will deal with the \$20.3 billion when we believe we have completed that review.

I would like to be able to tell the House that we have finished the defense portion and we await your consideration of what you think we should do with the \$20.3 billion. They have had some substantial hearings on that side, too. The House held hearings on both portions of this request from the President.

I believe this is a new approach to funding this kind of an operation. It is a new operation. We would be wise to proceed, and when we come back from our recess to have before us then the House bill, to look at what the House bill has done and present our portion of the bill pertaining to the \$20.3 billion. Some people may disagree, and some people think we should separate the bill—I know there is that feeling—and delete from the consideration anything that is not strictly defense. I disagree with that.

General Abizaid, who is our commander in chief there in the region,

stated very clearly that he needs both portions of this bill. If we don't have the money for the people of Iraq to proceed to establish their own security, their own military, and deal with their own reconstruction problems immediately, we will need more money to send more troops in there to protect ourselves and to protect the Iraqis. This is a transitional phase which we have in the \$20.3 billion. As I have said publicly, it is risky. The President has taken a great risk. There are terrorists loose there. We have to remember Saddam Hussein let loose all of the prisoners from the jails—all of them. He opened the borders of Iraq to terrorists. Those are the people now who are raising havoc in that country. Many of them have been apprehended, but many are still at large. The \$20.3 billion is aimed at providing a security base for the Iraqi government to come into being, to deal with security, to deal with antiterrorism, and to deal with restoring the productive capacity of their major resource; that is, the oil.

If it is successful, as has been indicated, by July, we will probably see that Iraq could produce oil somewhere near 3 million barrels a day.

I say parenthetically, Madam President, that in our State, we have produced about 2.1 million barrels a day in the past. We don't produce that now because of the obstruction against us in terms of going into areas where we know we could obtain oil to restore the daily output of our production facilities. We could be back up to 2.1 million barrels a day very quickly, too. The Iraqis are predicted to have even more reserves. I am not sure this is the case. They might get up as high as 6 million barrels a day. I hope for the sake of the world they do. But I am reminded of the fact that when we first started producing oil from Prudhoe Bay in Alaska, the estimate was we had approximately 1 billion barrels of oil. This last year, as the occupant of the Chair knows, we produced our 14th billion barrel of oil. Estimates are estimates. Sometimes they are high and sometimes they are low. But the estimates are that Iraq will be a major producer in the future. I hope that is so because they will have a stable government. They will have a free government. They will have the ability to determine their own future.

We have a chance to explain to them how we treat some of our oil income and how we have created our permanent fund that produces income for every person in Alaska once a year—the shareholders of public development of resources. Prudhoe Bay oil is produced from State lands. The oil in Iraq is produced from the Iraqi-owned government and Iraqi government land. They have a rosy future if they wisely manage their money as they reconstruct their country, and if they have some concept of trying to save part of it and use the earnings to benefit all of their people. That is what we have done in Alaska. It has been very successful. I hope they will be able to do that.

The problem right now is how we get from where we are with substantial force. They are still subject to severe security requirements because of the terrorism. Should we put in more antiterrorist people of the United States in uniform, or from our intelligence services, or should we help the Iraqis get to the point where they can feel they can start to protect themselves, particularly in the areas of the remaining intensity of terrorists?

This bill should pass. We should give the President's people the greatest flexibility possible, much more than we have in the past, because it is for a short period of time. It is for the remainder of fiscal year 2004, for the period of time after the bill becomes law, sometime in October, until the following September. We will know during that period whether their approach will succeed.

One thing is very clear: this Congress will not walk away from Iraq. This President will not walk away from Iraq. We will not withdraw our people from Iraq and leave chaos in Iraq. Clearly, we have the obligation to finish what we started. This is the plan to finish what we started.

Some people want a roadmap, a daily report, with every single aspect of what is going on, producing another request for another report. Do you know what happens to the reports? They get filed in some filing cabinet somewhere, some computer, and no one pays any attention to them.

I will oppose a great many of these reports because we have provided in the bill for quarterly reports, we provided in the bill for continuation of the reports requested in the supplemental for 2003. That is sufficient. To my knowledge, no one raised an objection to what we received so far. I don't know why we should add to that number of reports we require from the people who represent us in both military and civilian agencies in Iraq.

I look forward to debate. It has been strenuous so far. I expect it to get a little more strenuous. Clearly, it is a turning point in the history of the United States. We have followed the pattern of the Caesars. We have gone in and been a liberator and then occupied area and stayed there. Look at Germany, how long we stayed there, and Japan, how long we stayed there: 4 years after the war was over in Japan. Do we want to do that in Iraq? We believe we can reduce that time our military people are there if we follow the proposals before the Senate from Ambassador Bremer who funnels both the recommendations of the State Department and the Department of Defense to the Congress through the President's request in the supplemental.

I remind Members of the Senate Appropriations Committee there will be a hearing in S. 407 at 5 p.m. and we do expect amendments to be offered. I hope there will be an opportunity to have a vote on some of them today although that may not be possible. The Presi-

dent of the United States is signing the Homeland Security bill within an hour to hour and a half. Many of the Members of Congress have been invited to be present. It is my intention to ask the Senate to withhold voting while they are gone. They are at the new Department of Homeland Security. We expect to have a vote sometime around 3:30, between that and the time of our hearing in S. 407. We would not object to a vote during that hearing. We are just right upstairs. From 5 p.m. we will be in the hearing. I will not request we have no votes during that time.

We will not have votes too late because we have an understanding with our colleagues from the Democratic Party who have an event tonight that we have agreed we will not have votes during the time they are at that dinner.

Again, I am asking people to come forward and offer amendments. I urge Members to present amendments to the defense side first, if at all possible. We are prepared, however, for any amendments offered.

I yield to my friend from West Virginia.

THE PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, the Senate today takes up the President's \$87 billion Iraq war supplemental. This is a massive spending bill that holds vast implications for America's long-term foreign policy objective. It will have an enormous impact on American taxpayers for years to come.

It is a measure that deserves our full attention, our thoughtful consideration, our thorough scrutiny. This is not an issue to be measured by the standard of party loyalty. This is a matter that cries out for solemn deliberation, personal integrity, and intellectual honesty.

I remain concerned that the Senate is acting with unnecessary haste in calling up this bill today, less than 24 hours since it was reported out of the committee, but I compliment the leaders and especially the chairman of the Appropriations Committee, Senator STEVENS, for responding to concerns that I and other Senators have raised. In fact, there is no need for the Senate to act too quickly. The House has not yet even taken up its version of the supplemental. While it is not a constitutional requirement the House act first, it has been customary for many years that the House of Representatives act first. It is smoother and more thorough. It is more reasonable to go about legislating if the Senate lets the House act first so the House bill can be before Senators for their debate and amendment.

The House has not taken up its version of the supplemental. Senators are being asked to legislate on this massive spending bill without the benefit of a committee report, without the benefit of printed committee hearing, without the benefit of the input by other committees such as the Armed

Services Committee, the Intelligence Committee, and the Foreign Relations Committee. The Senate ought to have the printed hearings of the Senate Appropriations Committee. We ought to have the printed hearings containing the testimony of Ambassador Bremer, containing the testimony of Secretary of Defense Rumsfeld, containing the testimony of other witnesses. Why do we spend all of our time in Senate hearings if we do not intend to make those printed hearings available to our colleagues and to ourselves as we go forward with Senate debate? That is one of the tremendous benefits in having hearings so that they will be printed. Why have them? Because they will be printed then, for our colleagues to scrutinize and to help bring back memories of those Members on the Senate Appropriations Committee as to what the testimony was, what the answers were to the questions that were asked.

But here we have been rushed. We have had hearings—some hearings. I asked for more hearings, more than once, more than twice. Several times I asked for more hearings. But even with the hearings that we had, we do not have printed copies of hearings before us.

No, there has been a rush, a mad rush to move forward on this bill. There was some talk about even having the final action on the bill by the end of this week. Fortunately, with the aid of the distinguished chairman, and others, that press for action by the end of this week is no longer upon us. That was an unreasonable expectation. It did not measure up to common sense. And it certainly was not the best thing. Fortunately, that is no longer the goal of the party in control here.

There are many aspects of this bill that trouble me, but what concerns me as much as anything else, or perhaps most, is the fundamental reason that this measure is before the Senate today. American taxpayers have been presented with an \$87 billion bill for the military occupation and reconstruction of Iraq. That is a big, big bill—\$87 billion. That is \$87 for every minute since Jesus Christ was born, \$87 for every minute since the water was changed into wine, \$87 for every minute since Jesus Christ was born.

That is a lot of money. That is more than \$3,000 for every Iraqi man, woman, boy, and girl. Now, think about that. The taxpayers are being asked—the taxpayers of this country are being asked—to shell out more than \$3,000 for every Iraqi man, woman, boy, and girl. That is what this bill does.

There are roughly 25 million, we will say, Iraqis. One thousand dollars per each Iraqi is \$25 billion. Pretty easy to compute. So \$75 billion would be \$3,000 per every Iraqi. And \$87 billion is roughly, let's say, \$3,500 for every Iraqi—every man, woman, boy, and girl.

Now, this is \$87 billion on top of the \$79 billion which was appropriated in

the fiscal year 2003 supplemental passed by the Senate in April of this year.

We are putting upon the American taxpayers a load. This administration, in this bill that we are being asked to pass, is asking the American taxpayers to shell out—in this bill—over \$3,000 per Iraqi man, woman, boy, and girl, on top of the \$79 billion in the fiscal year 2003 supplemental.

So when you add both of these together, this year we will have—if we pass this bill hook, line, and sinker—we will, in the Senate, have passed legislation requiring the American taxpayers to shell out \$6,600 per Iraqi—\$6,600 per Iraqi.

Well, the American taxpayers have been presented with an \$87 billion bill for the military occupation and reconstruction of Iraq. Why? Because the President decided 6 months ago to launch a preemptive strike on Iraq in the face of very shaky evidence and worldwide opposition—strong worldwide opposition.

We have seen the lengths to which some in this administration will go. Now we learn of retribution efforts aimed at those who tried to correct the zealous propaganda which drove this Nation into war. Now the taxpayer is asked to pay the piper—pay the piper. It is a steep price, indeed, in treasure and in blood.

Much has been made of the fact that we must pass this bill quickly and without question to show our support for the troops. I do not agree. "Support the Troops" is a bumper sticker. "Support the Troops" is a bumper sticker, a bumper sticker. That is what it is: "Support the Troops"—a bumper sticker. It is not a foreign policy.

Rubberstamping this bill is not—N-O-T—an expression of support for our troops except in the most simplistic of ways. Rubberstamping this bill merely means that thousands of American soldiers will be sentenced to another year in Iraq, without the Senate even demanding to know why so many United States soldiers need to remain there, how long they are going to be there, or why this President has failed to persuade more nations to send troops to help.

Are we to ask our troops to shoulder this burden alone for another year? Are we to ask our troops to shoulder this burden alone for years to come? When is this administration going to face the fact that we need international help? We want to help our troops. Let's get other nations to send their troops there and, thus, help our troops and help us to bring our troops home. We are certainly not serving the long-term interests of the military by rushing to embrace this bill.

The headline in yesterday's USA Today newspaper sums up the situation succinctly: "Army Reserve Fears Troop Exodus." That was the headline: "Army Reserve Fears Troop Exodus." According to the article in yesterday's USA Today, the chief of the Army Re-

serves is concerned that the excessive demands on the Guard and Reserves as a result of the war in Iraq could wreak havoc on military retention rates. That is a serious matter.

Last week, another report documented a sharp drop in National Guard recruiting rates. The military decisions this administration is making in Iraq today will have serious long-term consequences on the viability of America's All-Volunteer Armed Forces in the future, not to mention our ability to counter future threats to our own national security.

It is time to face these facts. We are stretched thin. We are stretched thin, and a long United States occupation in Iraq is not wise. Moreover, how are we to exercise proper oversight of \$87 billion?

The Wall Street Journal of September 26 states:

Without a United Nations imprimatur, the Administration has constructed its so-called coalition of the willing in piecemeal fashion, cutting open-ended, individual deals with each country that is willing to send troops—save Britain, which is picking up its own tab. Officials who have seen these agreements acknowledge the deals are notably short on specifics. In most cases, the U.S. will foot the bill for transporting, equipping and feeding troops during their service in Iraq, with no dollar figures mentioned and no cap on costs.

It is not in our Nation's interest to rush this bill through the Senate. By rushing to war based on inadequate, incorrect, or unsubstantiated intelligence, without developing an international consensus, President Bush has undermined the credibility of our Nation. We need to make sure we do not compound that error by hustling this bill through the Senate without adequate scrutiny and consideration.

The \$20.3 billion contained in the spending bill for Iraq reconstruction is equally troubling. For months, top administration officials assured the American people that Iraq, sitting atop the second—and possibly the largest—supply of oil in the world, could finance its own reconstruction. Only now do we learn how woefully off the mark the administration was on this count. Only now do we learn that \$20.3 billion is just a downpayment—hear me out there—just a downpayment, and that the reconstruction of Iraq will cost as much as \$60 or \$70 billion or more.

Last week, Ambassador Paul Bremer, the head of the Coalition Provisional Authority in Iraq, told the Senate Appropriations Committee that Iraq could not finance its own reconstruction because it was overburdened with Saddam Hussein's debts to France, Germany, Russia, Japan, Saudi Arabia, and Kuwait. Ambassador Bremer conveniently ignored the debt the United States is incurring in this spending package. The debt the United States is incurring, the additional burden that will be brought to bear upon the American taxpayer by this legislation, Ambassador Bremer ignored that.

The President is insisting we pay for the war in Iraq and the reconstruction

of that nation by plunging our own country deeper into debt. Every dollar we spend in Iraq to avoid increasing Iraq's debt is an IOU we are passing on to our children. Think of it. We are writing a \$20.3 billion IOU for this year alone for building a massive new infrastructure in Iraq.

The money the President wants to borrow for Iraq will come directly out of American taxpayers' wallets in the form of Medicare and Social Security surplus receipts. That is your money. We have collected that money from the pockets of American workers, the American workers who gave their sweat in the factories, in the mines, in the fields, on the oceans—the American workers. No one told them they were paying to rebuild Iraq. We don't even know how much of the \$20 billion in reconstruction funds will flow to government contractors in Iraq. Estimates range from one-third of the reconstruction funds to almost all of them. Whatever the amount is, we know that the size and the scope of the profits being made will be enormous.

Former Bush administration officials are even setting up consulting firms. Listen to that. Former Bush administration officials are even setting up consulting firms to act as middlemen for contractors hoping to take part in the Iraq bonanza. Are we turning the U.S. Treasury into a grab bag for favorite campaign contributors to be financed at taxpayer expense? Is that why the administration is so reluctant to make concessions that would bring other countries on board?

Instead of redoubling our efforts to spread the burden of rebuilding Iraq among the international community, the President appears content to simply present the bill to the American taxpayers, and to their children.

The stability of Iraq is of concern to nations other than the United States. Could they be resisting helping out because they resent the President's high-handed decision to spurn the United Nations and attack Iraq on his own terms with only meager international support?

There is a donors conference in Madrid later this month. Could we be overbilling the American taxpayers by rushing this package through the Senate now and signing up for \$20.3 billion in debt before we even try to make the real accommodations which would encourage other nations to reach into their own pockets?

The package before the Senate goes far beyond asking the Senate to write a check on the taxpayers' account for \$87 billion. The package before us asks the Senate to underwrite the long-term democratization of Iraq as some sort of catalyst for triggering the democratization of the entire Middle East. One cannot help but wonder how the United States can single-handedly precipitate the democratization of the entire Middle East when, with all our will and all our might, we cannot even budge the stalled Israeli-Palestinian peace proc-

ess. How are we going to do it? Where is the muscle?

I expect there will be a number of amendments offered to this supplemental package. I have several I intend to offer. If they are adopted, they will, in my opinion, improve this bill. Whether they will improve it enough to win my endorsement remains to be seen.

I was opposed to the President's war in Iraq before it began. I am strongly opposed to the doctrine of preemption on which the war in Iraq was predicated—the doctrine of preemption, unilateralism, preemption, strike-first, invade first.

I support unconditionally the men and the women in uniform and their families—they are bearing the most direct burden of the war in Iraq—but I remain unconvinced that this bill is the best way to offer those troops our support. I, frankly, think our most meaningful support would be to take the diplomatic steps needed to get help from other nations which will result in getting our troops out of the quicksands of Iraq. That is the way to support the troops. Get other nations in. This bill does not do that.

This bill, in my opinion, sets the United States up for what could well be a prolonged military and financial investment in Iraq. It ignores the hard realities of democratization of totally different cultures. It ignores the religious divisions which inflame the Middle East.

Again, I thank Senator STEVENS for his willingness to accommodate me and others who have expressed concerns with this bill. I appreciate the difficult conditions under which he is working. I look forward to a full and robust debate. I encourage all Senators to focus closely on this bill, listen carefully to the debate, and draw their own conclusions in the fullness of time based on a dispassionate evaluation of the merits of individual amendments.

I will have more to say at a later time. For now, I ask my colleagues to consider carefully the implications of the policies implied in the funding of the bill before us and to give this measure the full time and attention it deserves.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, we have a Senator who is on the way now to offer an amendment. I will be happy to receive that.

In response to my good friend, our senior Member of the Senate, I understand his position fully and I appreciate that he understands mine.

Having been involved in my lifetime in service overseas, I have, since I have been in the Senate, traveled many places in the world to talk to our men and women in uniform. I find that today's group of young men and women who represent us in our military service are the finest I have ever known. I think the job they did in Iraq was outstanding.

I have been privileged to read a whole series of letters that have been written to families by those young men and women. As I have said before today, I have not seen one that indicated any doubt about the work they have done or lack of any sense of real commitment to that job. They have just been really tremendous letters.

It is a different experience to go overseas now and visit these people. They have the Internet. They have tents or buildings where they can literally attend college during part of their days. They have telephone service. They have mail service quite frequently—I am sure not as frequently as they would like.

Going back to my day, I didn't have a telephone call from the time I left home until the time I got back to Hawaii, having spent the better part of 2 years roaming the world. We didn't have the Internet, obviously. We didn't have much mail. Yet we came back with the belief that what we had done was the right thing.

I think these people, when they come home, will tell us that. I think the world will see a new generation of Americans, a different group, educated in a new age, in terms of war, knowing what they are capable of and knowing the horrors of war.

The impact of those people in the future is going to have a great deal to do with our foreign policy. I do believe they know now what it takes to follow on after a war. I can tell you, since I was coming home, I am sure most people from my generation would say the same thing: We didn't think about who was going to rule Germany, or we didn't think about terrorists in Germany or who was going to run Japan; we knew the military was going to do it. They were sending military replacements at the time.

This is not that world. This is a different world now. Those kids of ours are going to come home when we have replaced them with Iraqis who are capable of defending themselves. We are going to move into that age, a rapid reconstruction of that country. This is the way to do it.

It is a lot of money, no question about it. But the supplemental we put up before was primarily for defense. Two-thirds of this money is for defense. I don't know any argument about really the total amount of this. We didn't have arguments in terms of providing for our men and women who were dispatched to win the war. The problem is too often people talking about the whole amount as being the whole amount for reconstruction of Iraq.

That is not true. The major portion of our spending has been because we rely upon a volunteer Army, Navy, Air Force, Marines, and Coast Guard. We have promised them we will go to every degree to support them, to provide them their needs, to see their families are cared for, and particularly to give them the kind of weaponry which will permit them to survive.

As I said in the committee and before the press, in World War I, manpower was expendable. In World War II, manpower was expendable. Even in Korea, manpower was expendable. We do not do that now. We do not have that philosophy as a Government, as a people. We put people in the field to win wars and come home at tremendous cost. We pay that cost, and this bill is for that cost—\$66 billion for defense expenditures.

I don't expect to hear too many questions about those defense expenditures because they are necessary to maintain this force. History will show it is probably the most superb military operation in history, keeping in mind how it had to be changed when we no longer could use Turkey for access to the northern part of Iraq, the way it shifted, the command worked—I think the commanders have been sheer military geniuses, and they have done a good job under Secretary Rumsfeld. I believe we should support them, we should take them further, and we should do our best to make certain everything we do is designed to do one thing: to bring those people home; to give them a chance to come home and tell us what they did and, above all, not going into a period of military occupation of this country.

That was not our mission, and I do believe the American people, once they realize what we are doing, will understand why it costs money to fight wars the way we fought this one and to fight for the peace with this supplemental money when it is provided to the administration.

I am informed the Senator who was going to come to the Chamber will not come for another 25 minutes.

I yield the floor. I see the Senator from Illinois wishes to speak.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the chairman. I am happy to come to the floor and speak on the bill which we considered yesterday in the Appropriations Committee, and that is the administration's request for \$87 billion for Iraq and Afghanistan.

First, there are items in this bill which I think are very valuable. We were all shocked to learn the Department of Defense had a policy which required those soldiers who were gravely injured and returned to the United States for medical treatment would be charged on a per diem, daily basis for the food they ate at the hospital.

It is my understanding this bill, among other things, eliminates that requirement. Thank goodness. I cannot believe it existed, and it is certainly unconscionable that men and women who have been gravely injured and are going through medical treatment and rehabilitation would be charged extra for the food they are served. I am glad that requirement is removed.

I also salute my chairman, Senator STEVENS from Alaska, for stopping the administration from changing com-

ensation for the military which would have created a very great inequity and a disservice for so many active soldiers and activated guardsmen and reservists who are assigned to locations other than Iraq and Afghanistan.

The administration proposal originally would have resulted in the family separation allowance—the money which we would give them so families can get through this tough time—being eliminated for those serving outside of the Iraq and Afghan theaters. This bill changes that provision. So two Department of Defense policies which did not help our soldiers and, in fact, I think were unfair to them, have been corrected by this bill. I salute the chairman and members of the committee for joining in making certain that happened.

Let me also add, this bill includes about \$67 billion for the maintenance of our military in Iraq and Afghanistan. I totally support that effort. I came to the floor last October and voted against the use-of-force resolution, but I feel today, as I did shortly thereafter, that with the beginning of the hostilities, that vote, frankly, should be set aside and we should focus on making certain the men and women serving this country have everything they need to not only accomplish their missions but come home safely. The request from the administration for some \$67 billion for that purpose is money that I think should be made available through this Congress, and I totally endorse it.

Of course, there is another portion of this bill, and that other portion relates to the so-called reconstruction of Iraq. That, of course, raises other questions, questions which I don't believe have been adequately addressed by this Congress.

It strikes me as unusual that we are pushing through this \$87 billion supplemental appropriations bill on such an expedited schedule that we have not taken the time to ask the hard questions. Keep in mind the \$87 billion included in this bill is a sum total of taxpayer spending over and above the total we spend each year on Federal aid to education and foreign aid. So we are putting in this one bill \$87 billion and bringing it for consideration by the Senate in a matter of days, when these other items—foreign aid and education—take weeks and months of review and preparation before they come to the floor.

Of course, Senator BYRD has led our side in asking the question: Why do we have to do this with such an abbreviated schedule where we don't take the time to ask the hard questions? When Ambassador Bremer, who serves our country in Iraq at this time, came to speak before the Senators' luncheon 2 weeks ago, I asked him a series of questions about the reconstruction effort.

The first question I asked him was this: If we didn't appropriate a penny, if we didn't give you anything, when

would you run out of money for the reconstruction effort?

He said: December 1, maybe January 1, but somewhere in that range.

Clearly, a matter of a week or more to ask hard questions about the reconstruction of Iraq would not create any disadvantage to the efforts of Ambassador Bremer and the efforts on the ground in Iraq. But the administration, the White House, is hellbent on moving this appropriations bill through as quickly as possible.

I went on to ask Ambassador Bremer: If we are putting \$20 billion into the reconstruction of Iraq, what is the total cost? What would be the total commitment necessary for us to reconstruct Iraq as you see it? I asked him this question 2 weeks ago.

He said: \$60 billion is the total cost. That is the estimate given to us by the World Bank, \$60 billion.

I said: The difference, obviously, of \$40 billion is unresolved at this moment. Where will it come from?

Ambassador Bremer told us it would come from donor countries that would give money to this effort to rebuild Iraq.

I have to tell you in all candor, as I said to him, all of the coalition of the willing, all of the countries in the world have pledged less than \$2 billion. Where are you going to find the remainder?

He said we have to work on that.

Again, we find the Bush administration without a real plan and a real budget for the reconstruction of Iraq. I said to Ambassador Bremer at this point: Can you give me your word and the word of this administration that you will not come back to us and ask for more money than the \$20 billion being requested for reconstruction in this appropriations?

He said: That's it, \$20 billion; that's it. That is all the United States needs to come up with.

It doesn't add up. You can't put together \$20 billion in this bill, \$2 billion for the rest of the world and total \$60 billion. This could be a bait-and-switch situation, and I think Senator BYRD has raised that point. Once we have invested the first \$20 billion, are we likely to leave? The next argument would be: Come on, you don't want to stop. You can't change horses in midstream. Let's finish it out. Let's finish the job, which means more demands on the American people.

I hope you understand the skepticism that many of us bring to this debate is based primarily on actual statements made by the Bush administration about the reconstruction of Iraq.

Do my colleagues recall last year, when economic adviser at the White House Lawrence Lindsey, on September 15, said he estimated that the cost of the war, military and reconstruction, would be between \$100 billion and \$200 billion? Remember when he said that? As a result of that statement, he was admonished by Mitch Daniels, then Budget Director, who said:

\$100 billion to \$200 billion is likely very, very high, if it's meant to apply to the cost to taxpayers.

So Mitch Daniels was sent out to admonish Larry Lindsey to not use figures like \$100 billion to \$200 billion.

I would ask Senator BYRD: If I am not mistaken, did we not first appropriate \$79 billion in a supplemental appropriation for Iraq and now we are coming back with the second supplemental request of \$87 billion and more to follow? Are we not talking already over \$160 billion that is being spent through these supplemental appropriations?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. In response to the Senator, if I may say, the first action by the Senate was in April of this year when the Congress passed the 2003 supplemental appropriations bill. That appropriated \$79 billion. The Senate is now being asked to enact an \$87 billion 2004 supplemental appropriation. That is before the Senate today.

Mr. DURBIN. At the moment, the sum total of those bills, if I am not mistaken, if this turns out to be \$87 billion, is somewhere in the range of \$166 billion?

Mr. BYRD. It is indeed.

Mr. DURBIN. I thank the Senator, our Democratic leader and ranking member on the Appropriations Committee, because it turns out that Lawrence Lindsey was right. He said it was going to cost about \$100 billion to \$200 billion. He lost his job over that statement. He was asked to leave the administration.

Mitch Daniels, then Director of the Office of Management and Budget, was quoted on December 31, 2002, in the New York Times, as having said then:

The administration's top budget official estimated today that the cost of a war with Iraq could be in the range of \$50 billion to \$60 billion.

Well, we have blown past that, clearly. As I have noted, we are at \$166 billion and counting. The ultimate cost of reconstruction, if it is \$60 billion, means another \$40 billion has to be found, and there are not many coalition donors willing to step forward with real money, and that is the reality.

The other thing that troubles many of us is that this administration, in justifying the invasion of Iraq, said many things. They said, No. 1, Saddam Hussein is a tyrant who should be replaced. No one argued with that. Everyone agreed. He was a dictator who was cruel to his own people, a threat to the region, and potentially a threat beyond. But then when they started building the case of why we had to do it quickly, before we built a coalition of support, before we brought in the United Nations behind us, the administration said we cannot wait; we have to go it alone; we have to create our own coalition; we have to go outside the United Nations for the following reasons: First, they said Saddam Hussein

is developing nuclear weapons. Well, guess what. There is no evidence of that. That was the first thing they told us was the reason for the urgency, to get in there and stop the development of these nuclear weapons. Here we are more than 5 months after the end of military hostilities with no evidence whatsoever. In fact, the statements by the President about this uranium, this yellowcake, coming in from Africa to Iraq, that he made in his State of the Union Address, he has had to say within the last few weeks were just wrong; that evidence was not there. There was no reason to make that statement.

Then they went on to say there is immediacy for this invasion because of the chemical and biological weapons. In fact, it has now been declassified that we had identified 550 suspected sites of weapons of mass destruction, chemical and biological weapons, in Iraq. We are 5 months after the fact, and after thousands of our inspectors have combed all of those sites and others, they have come up empty. Now, Mr. Kay may find some evidence of something, but in the 550 sites of weapons of mass destruction they just were not discovered.

Then there was the argument that not only did they have those weapons but they could launch them in 45 minutes—the word “launch” was used—as a threat to the region, as a threat to the United States. That was repeated by Prime Minister Tony Blair as well as this administration, and in fact there is no evidence whatsoever that is the case.

Then the argument was made, wait a minute, keep in mind that Saddam Hussein was part of this grand terrorist conspiracy that struck the United States on September 11, 2001, in concert with al-Qaida. Just 2 weeks ago, the President had to come forward, after Vice President CHENEY had said something very similar, and correct the record and say, no, we have no evidence of linkage between Saddam Hussein and al-Qaida. So here we have a case that is being built for the invasion of Iraq without a coalition that is global, without the support of the United Nations, and we find that the rationale, the arguments for it, have all broken down and fallen apart.

Others raised the question at the time, well, after we win in Iraq, after we have deposed Saddam Hussein, they asked President Bush and his administration, how will we rebuild it? What is the future of Iraq? And that is where the statements started pouring out that are relevant to this debate.

Vice President CHENEY on “Meet the Press,” March 16, 2003:

In Iraq, you've got a nation that's got the second-largest oil reserves in the world, second only to Saudi Arabia. It will generate billions of dollars a year in cash flow if they get back to their production of roughly three million barrels of oil a day. . . .

That was Vice President CHENEY pointing to the oil reserves of Iraq as the way they will rebuild their nation.

Paul Wolfowitz, Assistant Secretary of the Department of Defense, the man who is credited with being the architect of this Iraq strategy, the man who was pushing harder than most for the invasion of Iraq even if the United States had to go it alone, stated on March 27, 2003, when asked about the cost of reconstruction:

And on a rough recollection, the oil revenues of that country could bring between \$50 and \$100 billion over the course of the next two or three years. . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Six months ago, the leaders in this administration were telling the American people they would not have to bear this burden; the Iraqis with their oil revenues will be the ones to bear the burden.

Quoting Secretary of Defense Donald Rumsfeld from March 27, 2003:

I don't believe that the United States has the responsibility for reconstruction, in a sense. . . . And the funds can come from those various sources I mentioned: frozen assets, oil revenues and a variety of other things, including the Oil for Food, which has a very substantial number of billions of dollars in it.

So here we have the leaders in the administration who were categorical in saying that this day would never come, that we would not be on the Senate floor saying to the American people we need billions of dollars for Iraq, saying to the American people we need to add to the deficit of this Nation at the expense of spending for America's schools and America's health care, saying that we need to add to our Nation's deficit and money being taken out of the Social Security trust fund. The administration told us time and time again this day would never come. Yet here we are a few days after, 2 weeks after, and the President tells us this is the only way we can end our commitment to Iraq, the only way we can bring the troops home, to spend literally billions of dollars for the reconstruction of this nation.

Let me give one other quote from USAID Administration Natsios. He works in the Department of State. Mr. Natsios is responsible for the agency that does reconstruction, redevelopment, and rebuilding around the world. That is what that agency does.

The date is April 23 of this year, 6 months ago. He appeared on “Nightline” with Ted Koppel. Ted Koppel said to him:

I think you'll agree, this is a much bigger project—

Referring to Iraq—

than any that's been talked about. Indeed, I understand that more money is expected to be spent on this than was spent on the entire Marshall Plan for the rebuilding of Europe after World War II.

Natsios replied:

No, no. This doesn't even compare remotely with the size of the Marshall Plan.

Koppel:

The Marshall Plan was \$97 billion.

Natsios:

This is \$1.7 billion—

Not \$97 billion. Natsios corrects him and says this is \$1.7 billion for Iraq.

Koppel says:

All right, this is the first. I mean, when you talk about 1.7, you're not suggesting that the rebuilding of Iraq is gonna be done for \$1.7 billion?

Natsios replied:

Well, in terms of the American taxpayer's contribution, I do, this is it for the US. The rest of the rebuilding of Iraq will be done by other countries who have already made pledges, Britain, Germany, Norway, Japan, Canada, and Iraqi oil revenues, eventually in several years, when it's up and running and there's a new government that's been democratically elected, will finish the job with their own revenues. They're going to get in \$20 billion a year in oil revenues. But the American part of this will be \$1.7 billion. We have no plans for any further-on funding for this.

Six months ago, the Department of State USAID Administrator tells you the sum total of America's responsibility for Iraq is \$1.7 billion. And we come today with a bill on the floor that is 20 times that—not quite 20 times that; it is \$20 billion to be accurate.

Koppel couldn't believe it:

And we're back once again with Andrew Natsios, administrator for the Agency for International Development. I want to be sure I understood you correctly. You're saying the . . . top cost for the U.S. taxpayer will be \$1.7 billion. No more than that?

Natsios says:

For the reconstruction.

That is it. Those are the commitments made by the administration that led us up to this moment in the debate, and it is that point we have reached where we are now debating on the floor a reconstruction bill far in excess of what we ever anticipated.

Because it is in excess, many of us believe we need to step back and acknowledge the obvious. Though the administration and the military may have had an excellent plan for the military conquest of Iraq, they did not have a plan to rebuild that nation. They had no idea what it would cost, and they come to the American people today asking for more money than was ever imagined even 6 months ago by the leaders of this same administration.

I am going to yield the floor at this point because I know Senator BYRD wants to offer an amendment.

Mr. STEVENS. Will the Senator yield?

This Senator is a little confused. I understand the Senator from Illinois to say he is fully in support of the defense money. Yet when he talks about the money he is unwilling to support, he includes it in the total \$87 billion.

Are we talking about the \$20.3 billion or are we talking about the \$87 billion? Certainly the \$87 billion, if the Senator from Illinois is consistent, includes the \$66 billion which he will support. It would come from borrowed moneys from Social Security trust funds and other funds, that is true.

I think the American public out there is going to be confused about this business, the \$66 billion. Is the Senator from Illinois talking about \$66 billion? I thought he said he was going to support that.

Mr. DURBIN. I thank the Senator for asking that question, allowing me to clarify, because I want to make it clear, as I thought I had.

When it comes to the money to support the troops, I am there for every dollar. That is why I think Senator BYRD's amendment is so important, so we can—

Mr. STEVENS. Why does the Senator mention \$87 billion?

Mr. DURBIN. That is the total cost of this bill, if I am not mistaken. The difference, of course, the \$20.3 billion, or \$21 billion, for reconstruction. I concede we have to add to our deficit and borrow from the trust fund to support the troops. I will do that and go home and defend it. But when it comes to the \$20 billion for reconstruction, this administration is asking 15 or 16 times more than they were asking 6 months ago.

So let's be very clear to the American people. The reconstruction of Iraq, with a total cost of \$60 billion, is just getting started with this bill. We are in for the long haul, if we pass this bill as written.

Senator BYRD has an appropriate amendment he offered in committee. Let's separate it. Let's vote for the support of troops. Let's make that clear and get it done. But then, to go on beyond that and the reconstruction, let's address that in the specific terms it deserves.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I sought, in the Appropriations Committee on yesterday, to sever the title that involves the reconstruction money for Iraq and send to the Senate two bills, one dealing with the military funding and one dealing with the reconstruction. I failed on a party line vote.

I am trying, at this time, to do virtually the same thing. I ask unanimous consent that the bill be divided into two freestanding bills, the first including funds for our military in Iraq and Afghanistan and the funds for rebuilding the Iraqi security forces and the emergency designation included in title III, the second bill including the funds for Iraq's reconstruction and the emergency designation included in title III, and that the second bill be laid aside to be considered immediately upon the disposition of the first bill dealing with the funds for our military.

The PRESIDING OFFICER. Is there objection?

The Senator from Alaska.

Mr. STEVENS. Mr. President, reserving the right to object, I wish to state the Senator from West Virginia did offer this amendment. It would have the impact of splitting these two portions of our programs that deal with

Iraq and leaving just a portion of the money. As I understand, it would leave \$5-plus billion in the fund from the \$20.3 billion.

So I really am compelled to tell the Senator that I don't think we can be for the troops, be for helping the troops, and be against the \$20.3 billion. So I am compelled to object, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Would the Senator withhold his objection temporarily?

Mr. STEVENS. I do withhold the objection. I am happy to have a dialog on this matter.

The PRESIDING OFFICER. The objection is withheld.

The Senator from West Virginia.

Mr. BYRD. I thank the manager of the bill and chairman of the committee.

Mr. President, the President has asked Congress to appropriate a great deal of money for the occupation and reconstruction of Iraq. But the American people have not yet been convinced that spending this money is the right thing to do. One poll conducted by the Washington Post found that 61 percent opposed spending \$87 billion for Iraq and that 85 percent were concerned about our country becoming bogged down in a long and costly peacekeeping mission.

One of the most contentious parts of the President's request is \$20.3 billion in reconstruction aid for Iraq. The more details that come out about this aid, the more the American people are uncomfortable with this spending. They are seeking important answers to fair questions. Why can't our allies bear some of the cost? How much money will the administration seek for Iraq after this aid package? What about our needs for reconstruction here at home?

In the 14 days we have had in which to examine the President's supplemental appropriations package, I do not think anyone has come up with the answers to those questions. What we do know is that this reconstruction money will not cover all that is needed to be done in Iraq. Ambassador Bremer, in his testimony to the Appropriations Committee, stated there are \$60 billion to \$70 billion in reconstruction needs in Iraq over the next 4 to 5 years. Spending \$20.3 billion now could leave us on the hook to spend billions more later.

Before we commit our country to this path, we would be wise to seek a consensus and common understanding of the appropriate roles for the United States, our allies, and the Iraqi people in rebuilding that country.

I am offering a unanimous consent request to divide the bill that is before the Senate so we may give close scrutiny to the two distinct issues that are addressed in this bill, the \$65.6 billion in defense funding that is contained in title I, plus the \$5.1 billion for Iraq's security forces; and the remaining \$15.2 billion in foreign aid spending in title

II for Iraqi reconstruction. Each of these elements is deserving of debate on its own right.

The administration is sure to oppose dividing the content of this bill so that the Senate may consider independently the issues of military funding and reconstruction funds. But, why? Perhaps the White House is afraid that its \$15.2 billion for Iraqi reconstruction cannot withstand the scrutiny of the full Senate unless it is wrapped up in the guise of support for our troops.

But that has not been administration's argument. We have heard again and again from Ambassador Bremer and Secretary Rumsfeld that the administration views this reconstruction money as every bit as important as the military portion of the bill.

If they are confident in their case, let the Senate divide the bill. Perhaps the administration's arguments will carry the day. But the American people know this is really two bills wrapped into one.

In just a few days, the Senate will go into a week-long recess and our constituents will ask Senators what they are doing to scrutinize the huge amount of reconstruction spending in the bill. The American people want us to deal with reconstruction spending differently than with military spending. We owe it to them to consider the two components of this bill in the most reasonable manner possible by dividing the bill and giving each part the scrutiny it is due.

The task of rebuilding Iraq will be enormous. The American people are beginning to understand this. The United States can hardly afford to bear the costs of reconstruction by ourselves. For this reason alone, we should debate the issue of reconstruction separately from the request the President has made for our armed services. My unanimous consent request is a common-sense approach to proceeding with this debate in the Senate.

Let me again repeat my request.

Mr. President, I ask unanimous consent that the bill be divided into two freestanding bills, the first including the funds for our military in Iraq and Afghanistan and the funds for rebuilding the Iraqi security forces and the emergency designation included in title III; the second including the funds for Iraq reconstruction and the emergency designation included in title III, and that the second bill be laid aside to be considered immediately upon the disposition of the first bill dealing with the funds for our military.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, again reserving the right to object, I think the Senator's explanation and the presentation of the Senator from Illinois demonstrates the problem. The poll the Senator has mentioned by the Washington Post polled \$87 billion. Yet there is no relevant objection to \$66 billion of that money. Why didn't they poll the \$20.3 billion? I don't think the

American public has been told that \$20.3 billion is part of the process that will eventually reduce the military expense and bring our people back.

We have taken the position of a single package—a fund for the military operation, and a fund for reconstruction and restoration of Iraq going on concomitantly so we don't have to go into a period of military occupation.

I think the Senator's amendment is sort of a dangerous thing because it says go ahead with the military operation but we won't give you any money to help to stand up the Iraqi army, or to stand up the Iraqi security force, or to take action to assure the powerplants are working and the oil pipelines are working because we think we ought to wait until there is a government. You cannot get a new government without some reconstruction and without some security and without some mechanism to assist our forces so our forces can draw back and not take over the whole job.

I object to the Senator's request.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I respect my colleague greatly, and I respect his reasons for objecting to my unanimous consent request.

I have already offered the unanimous consent request to divide the President's supplemental request into portions, one on the \$71.5 billion for our military and for Iraq's own security force, and one for \$15.2 billion in reconstruction aid. Although there was objection to my request, the American people understand why the issue of security is not the same as the issue of reconstruction. The amendment that I will now offer would strike \$15.2 billion in reconstruction aid from the supplemental appropriations bill. This would allow the Senate to proceed with its consideration of \$70.7 billion in security-related funding for Iraq, \$5.6 billion for the Department of Defense, \$5.1 billion for building the new Iraqi army and a national police force, and \$1 billion for aid to Afghanistan, and State Department operations. Adopting my amendment would allow the Senate to return to the issue of reconstruction after completing action on the President's request for security-related funding.

In the meantime, the Senate should give more careful consideration to the administration's plan for rebuilding Iraq. We should take a closer look at the plan for postwar Iraq. The plan distributed by Ambassador Bremer to the Appropriations Committee on September 22 adds but 28 pages. The plan provides few details, and it only looks out on the next 5 months of our occupation. However, in the same hearing, Ambassador Bremer said he had a plan that ran to 98 pages and containing 300 or 400 individual action items. That does not sound like the plan he gave to the Appropriations Committee. It sounds as if the Senate does not even have the full version of the administra-

tion's plan for the reconstruction for Iraq.

Surely if we are to commit the United States to spending \$15.2 billion over the next 12 months, Congress should be able to see the full plan for the rebuilding of Iraq. If it is indeed just the 28 pages that were given to the Appropriations Committee, I think we are in trouble.

If Congress is going to pay for the activities that are called for in the plan to reconstruct Iraq, we should also have a say on formulating that plan. By waiting to approve the \$15.2 billion in reconstruction funding, Congress could take advantage of that time to debate the proper role of the United States, our allies, and the Iraqi people in sharing the cost of reconstruction.

The cost of acting without a solid plan for rebuilding Iraq could be very high—well beyond the \$15.2 billion in reconstruction funds the President has requested for the next year. We could end up wasting billions of dollars more and losing even greater numbers of American troops. In the words of Publius Cyrus, nothing can be done at once hastily and prudently.

I urge my colleagues to vote to give Congress more time to consider this \$15.2 billion in rebuilding aid, and I urge my colleagues to support the amendment.

AMENDMENT NO. 1794

Mr. BYRD. Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1794.

(Purpose: Strike \$15.2 billion of the \$20.3 billion in Iraq Relief and Reconstruction Funds, leaving \$5.1 billion for training and equipping the Iraqi Defense Corps and Iraqi national security forces and for other public safety and justice purposes)

On page 25, line 7, strike "rehabilitation and reconstruction in Iraq" and all that follows through page 28, line 15 and insert "in Iraq, \$5,136,000,000, to remain available until expended, for security, including public safety requirements, national security and justice; Provided, That these funds may be transferred to any Federal account for any Federal government activity to accomplish the purposes provided herein: Provided further, That notwithstanding any provision of this chapter, none of the funds appropriated under this heading may be made available to enter into any contract or follow-on contract that uses other than full and open competitive contracting procedures as defined in 41 U.S.C. 403(6)."

Mr. STEVENS. Mr. President, there are Senators who are at the signing ceremony. Can we get an agreement on a time to vote on the Senator's amendment? I would like to see us vote on the Senator's amendment sometime around 4 o'clock. Is that possible?

Mr. BYRD. I am not in a position at the moment to respond to that request, I say most respectfully.

Mr. STEVENS. I thank the Senator.

Mr. President, I thank the Senator from West Virginia for his courtesy in

bringing this amendment forward. It is one of the key issues of this bill. The Senator has offered an amendment. As I understand, it would leave the defense money before the Senate and would strike all but \$5.136 billion for the public safety and national security requirements of the proposal presented by the President in the emergency supplemental bill.

In my judgment, this tries to separate just a portion of the problem. The problem that has been brought before our committee is the problem of thousands of Iraqi people who do not have jobs because the economy is not functioning in this triangle where terrorists are. They do not have security. This maintains the money for the security and public safety, but it does not maintain the money for restoring the jails. All the jails were destroyed and all the prisoners were let go. It does not restore the money necessary to proceed with the development of the systems that will lead to restoration of the economy and it does not cover the balance of the money in the plan for this fiscal year. We believe it carries beyond the July period when, hopefully by that time, Iraqi oil money will be flowing at a rate where they can pick up and do the reconstruction and rehabilitation of Iraq.

I am compelled to say I oppose this amendment. It is my hope we can get an early vote on it. It is a significant portion of the problem. Many people came to me as chairman and asked, why don't you take the defense portions separately and take the rest in a separate bill? That is what Senator BYRD tried to do in his previous unanimous consent request. We conferred at length with Ambassador Bremer, with Secretary Rumsfeld, with General Abizaid. They were all before our committee. They all said this process is one of tying together the reconstruction and rehabilitation with our continued military operations with the hope that as the reconstruction moves forward, our people can move out and we can start the process of withdrawing as soon as it starts. That has already occurred. General Pace testified some of our people have already been withdrawn from the areas where we think there has been peace and stability restored. Although those areas do not have a national government, they have local governments that are now functioning. We are providing some security in the background there, that is true. They need that for a little while more.

I firmly believe that if we can get this plan going and have the reconstruction funds go forward with the military operations, there is support for our soldiers there now and assurance that we will go into a period where there comes a time we can withdraw more and more of our forces. The plan the President has presented is a plan that could work. I am not here to say I know it will work; it could work. If it worked, it would be the first time

in history this has been done. But there is a substantial chance it will work.

There is another greater question ahead, a question of whether a portion of the moneys should be repaid. We will have to address that question in the near future. I thank the Senator for raising this issue. It is the key issue he attached to a unanimous consent agreement and I opposed.

For those who support the concept, you cannot be for the troops and against the money. We need to assure the troops have the support they should have coming out of the Iraqi people and out of the restoration of their ability to defend themselves and to police for themselves and set up their own new government.

This is the intertwining of these two proposals. I tell my friend I must oppose this. I will ask for the vote to occur sometime soon, I hope, because we ought to get this subject behind us as quickly as possible.

I don't know if the Senator is willing to talk of a time certain. Because of the problem of the signing ceremony for the Homeland Security bill, it will not be possible to have the vote before 4, but I am happy to have the vote at any time after 4 if the Senator is willing to call for a vote.

How long would the Senator from Rhode Island like to speak?

Mr. REED. I will use about 20 minutes.

Mr. STEVENS. He is not speaking on the Senator's amendment, but has his own statement?

Mr. REED. I will make a statement and also concur with the amendment of the Senator from West Virginia.

Mr. KENNEDY. After the Senator from Rhode Island, I would like to speak on the Byrd amendment for 15 minutes. I am happy to accommodate the floor managers if we want to rotate back and forth.

Mr. STEVENS. That can be accommodated with a time limit we are thinking about. Senator MCCONNELL has a sense-of-the-Senate resolution. I hope we establish a procedure where we have an amendment from one side, the other side, and work on a basis of comity when that time comes.

I am happy to yield the floor. I hope we have the dialog as to when the vote will take place in the near future.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Rhode Island.

Mr. REED. I rise to indicate my support for the approach adopted by the Senator from West Virginia. It is clear to everyone in this chamber and to the American public that we will fund our forces in the field. In fact, I am prepared in the next day or so to bring forth amendments to increase the resources going to our troops in Iraq and Afghanistan. It is absolutely essential.

It is also essential we are given the time and the opportunity to look carefully at the reconstruction funds. The Senator from West Virginia has an amendment that allows that. I concur with his amendment.

I will take a broader view at this time of the process before the Senate. As we debate the administration's request for a supplemental appropriation of \$87 billion for operations in Iraq, a salient fact emerges. We are committing ourselves to a long-term, expensive involvement in Iraq. We should realistically assume that significant military forces will be committed to Iraq for at least 10 years. The cost of maintaining the forces will not become negligible. Indeed, they are likely to spike even higher at times based on the level of violence and instability.

This reality should also shape our views on force structure. The nature of this insurgency places significant demands on the Army. Without the contribution of additional international forces, the strain on our military forces, but particularly the Army, will be serious. These strains will be reflected in unsustainable operations tempo and heightened demands for military police rather than conventional combat forces. Ultimately, these stresses could seriously erode recruitment and retention.

The administration is increasingly aware of these problems. Last week, Secretary Rumsfeld indicated the Pentagon was preparing for the callup of a large number of Army Reserves and National Guard. This is only a short-term solution at best. Today, the Rhode Island National Guard is in the thick of a fight in the Sunni triangle. The 115th military police company, the 119th military police company, and the 118th police battalion have performed with distinction and sadly have already sustained three soldiers killed in action along with several wounded in action. These are proud and patriotic soldiers who will continue to do their duty.

However, in the face of the probability of repeated callups over the next several years, I am concerned many of these soldiers will leave the Guard rather than face the prospects of repeatedly leaving their families.

Given the escalating costs in both lives and national resources, it is incumbent upon us to ask whether we have blundered into a strategic mistake of the first magnitude.

The first principle of war is: "Objective." In the words of the Army field manual:

direct every military operation toward a clearly defined, decisive and attainable objective.

The evolving rationale for a preemptive attack began with the assertion that the Saddam Hussein regime had weapons of mass destruction of immediate concern to the United States.

In addition, the administration consistently implied and, at times, overtly asserted that there was a "terrorist link" with Iraq. The larger implication was this "terrorist link" was tied directly to al-Qaida. Both of these assertions have been proven to be exaggerated.

Now the administration claims we must stay and rebuild Iraq because to

withdraw would be a grievous blow to our power and prestige. This point has merit. But the kaleidoscope of rationales for our operations are anything but “clearly defined.”

Secondly, our actions should be focused on a decisive outcome. The greatest danger facing the United States is another terrorist attack on our homeland with weapons of mass destruction. One must ask whether our actions in Iraq are decisive in blunting this threat.

Contrary to the President’s assertion, Iraq is not the center of the war on terrorism. Indeed, one of the vexing aspects of the war on terror is the lack of a clearly defined center. The al-Qaida threat is international. But, if one were to look for a more lucrative place to strike at al-Qaida, it would be the Afghan-Pakistan border where bin Laden dwells, not Iraq under Saddam Hussein.

When Secretary Wolfowitz testified before the Armed Services Committee, he displayed for the cameras entry documents for jihadists killed in Iraq. He was, once again, trying to make the terrorist connection. However, all of these documents showed that the individuals entered Iraq after March 19, the date hostilities commenced. Now a new rationale may be emerging from the administration: Our operations in Iraq are a giant trap to lure in Islamic terrorists so that they can be destroyed. But this logic misses the point. The jihadists racing to engage us in Iraq are not necessarily the same people who are plotting to strike us here at home. In fact, our actions may have fermented new legions of jihadists with ready access to Iraq. I posed the following question to General Abizaid when he appeared before the Armed Services Committee last week: If there is another terrorist attack against the United States, is it more likely to emanate from Baghdad or from the Afghan-Pakistan border? His answer is instructive:

Senator, if there is another attack on the United States, it would be organized, planned, and executed through a worldwide network of connections that are borderless. It would be difficult to say where its geographic center would be. There are certainly places on the Afghan/Pakistan border that are semi-havens for terrorists, in the Waziristan area, that the Pakistanis are working to clean up. There are other ungoverned spaces where this is also possible. It is possible that a terrorist group working in Baghdad, or New York for that matter, could organize the attack, so there is no geographic center that I would point to other than to say we’ve got a lot of cells in a lot of locations that require careful, difficult work to uncover and destroy.

We are in the midst of a global war, but we are disproportionately concentrating our effort in Iraq. Now, I do understand there are significant resources here for Afghanistan, and that is appropriate, because Afghanistan today is in a very precarious position. But a disproportionate concentration of resources are being directed in Iraq when the real existential threat to the

United States—a threat that could mean a catastrophic attack upon the United States—is worldwide, diffuse, and disbursed. And one has to question that logic.

While we focus on Iraq, both the North Koreans and the Iranians are marching toward nuclear futures. If these nations obtain nuclear weapons, then the barriers against proliferation will slip even further. Once again, if the greatest threat facing us is nuclear armed terrorists, is our strategic fixation with Iraq justified?

A third aspect of proper military objective is that the outcome must be ascertainable. The administration’s stated goal today is to transform Iraq into a market economy and constitutional democracy. Some doubt whether this goal can ever be achieved. It certainly cannot be achieved quickly and at low cost.

The administration has placed us in a predicament where we cannot afford to lose, but winning may have a negligible effect on the existential threat to the Nation, an event with a catastrophic impact on the United States. This could be a textbook definition of poor strategy.

Now the administration comes before us promoting this appropriations bill as a Marshall plan for Iraq. Many of my colleagues have pointed out that this is revisionist history, a term that is frequently used in Washington today. The Marshall plan was not whisked through Congress in a few weeks. It was subject to what the Congressional Research Service described as “perhaps the most thorough examination prior to launching of any program.” The CRS added that President Truman “closely consulted with Congress.” The authorization was for 1 year, allowing the Congress, again, as described by CRS:

ample opportunity to oversee the Plan’s implementation and consider additional funding. Three more times during the life of the Plan, Congress would be required to authorize and appropriate funds. In each year, Congress held hearings, debated, and further amended the legislation.

I think this comment is in the spirit of the Byrd amendment because the Byrd amendment will allow us at least a small opportunity for that implementation, that oversight, that review that was so present in the Marshall plan.

The Marshall plan differed in significant details from the proposal we have before us. The Marshall plan required a dollar-per-dollar match by the recipient. It was not an unconditional grant from the Treasury of the United States. About 10 percent of the aid was in the form of loans that required repayment. The Marshall plan was based on transparency, not secret contracts to companies favored by the administration.

But it is not just revisionist history; it is highly selective history. If a Marshall plan is the proper economic tonic for Iraq, why aren’t our occupation policies after World War II the right security policy?

Former Ambassador James Dobbins and his associates at Rand conducted a careful review of nation-building efforts since World War II. Ambassador Dobbins was President Bush’s special envoy to Afghanistan after the defeat of the Taliban. Prior to that service, he oversaw postwar efforts in Kosovo, Bosnia, Haiti, and Somalia. This report points out:

On V-E day, General Dwight D. Eisenhower had 61 U.S. divisions (1,622,000 men) in Germany out of a total of 3,077,000 men in Europe. These soldiers became the occupation force for the U.S. sector. They manned border crossings, maintained checkpoints at road junctions, and conducted patrols throughout the sector. The occupation was comprehensive and demonstrated the scope of the German defeat.

Our occupation in Iraq is anything but comprehensive and has yet to demonstrate to significant sectors in Iraq the scope of the defeat of the Saddam Hussein regime.

Pressures in 1945 to shift forces to the Pacific theater and to “bring the boys home” led to a reduction of our forces in Germany. Nevertheless, we maintained a robust military presence in Germany compared to our current deployment in Iraq.

This chart is illustrative of the comparison of what our forces would look like if we adopted the same policies in terms of troops to population that we did in 1945.

This chart projects the experience in several different nation-building scenarios on the present situation in Iraq. In other words, it takes the ratio of the troops we used then versus population to the current population of Iraq. And it is instructive.

The first blue bar shows the kind of forces we would have if we were adopting anything close to the German approach after World War II. It is literally off the charts. This shown here is the 600,000 troop level. Our troop level is here—this red line—about 142,000 troops.

The next column, in the red, is Japan. It is slightly less than the present troop level in Iraq, but there was a unique feature in Japan. Rather than changing the regime in Japan, as we have in Iraq, we basically co-opted the regime, keeping Hirohito in power, and his presence was a decisive factor in limiting the troops we needed. The next column is the Somalia level. Again, this is a situation in which many would argue insufficient troops caused a tactical defeat on the ground and a strategic retreat which was embarrassing for the United States. It is certainly not the model for peace-keeping.

The next column is Haiti, a situation in which our entry into the country was unopposed. There was very little violence. It was a small country, even though it had a significant population for its size. We turned over our efforts to the United Nations within 2 years.

Instructive are the next two columns: Bosnia and Kosovo. In these two countries, under the Clinton administration, we went in with robust forces.

As a result, there was none of the violence that we anticipated. We have actually made progress, limited I would add, to ensure that there is at least a growing economy and a growing civic culture in these countries—a remarkable difference between the force levels relative to those we have in Iraq.

The final column is Afghanistan, another situation in which the administration has deliberately kept our forces low. Again, we are reaping some of those costs today as we see heightened terror, a rebounding Taliban, the largest increase in production of opium and heroin in the world, at least getting to those proportions, and that is another example.

We can see throughout the course of the next 3 years projected forward where these troops sizes are significant. It raises the question: If the economic policy is the right policy, if this is a Marshall plan, where is the Marshall-like support in terms of troops on the ground?

The administration repeatedly makes the point that stability and reconstruction go hand in hand. They have seized on the Marshall plan to justify this request for billions of dollars but ignore the reality that stability is hard to come by with insufficient forces.

For example, the New York Times reported just yesterday “that as much as 650,000 tons of ammunition remains at thousands of sites used by the former Iraqi security forces and that much of it has not been secured and will take years to destroy. Meanwhile, insurgents are obtaining huge amounts of weapons and explosives to attack our troops each day. While we wait for international forces or Iraqi security forces, these attacks go on.

Indeed, in the same article, General Abizaid sounded a cautionary note about reliance on Iraqi security. He said:

There’s probably places where we have put Iraqi guards that may be vulnerable to people that would come in and bribe the guards.

There are respected voices that say we do not need more American troops. They say we need better intelligence and international reinforcements to change the appearance of the occupation. But while we wait for our intelligence apparatus to mature and for the arrival of international reinforcements, who will secure the ammunition dumps and the pipelines? Efforts to train Iraqis are underway, but the availability and reliability of these troops is today uncertain.

The administration is quick to brandish the Marshall plan to justify this appropriation. But it is not a Marshall Plan, it is a belated attempt to provide resources for a thinly stretched occupation force while throwing huge amounts of money at reconstruction with the hope that some of it will stick. And this appropriation is the second payment. Congress has already appropriated \$74.8 billion in emergency funds for Iraq this year. The demands in Iraq will be significant and per-

sistent. There are more payments to come.

The real question before us is not whether this legislation will pass. The real question is whether the United States can sustain this effort in Iraq over many years. The United States must set a defined, decisive, and obtainable objective in Iraq. Then we must sustain the effort to achieve that objective. To sustain such an objective and such an effort, we must move more aggressively and quickly to secure international support, both military and financial support. This means giving the United Nations a meaningful role in Iraq without ceding our leadership. Without such a development, our attempt to obtain significant military and financial assistance from the world community will be futile.

To sustain such an effort, we must expand our military forces, particularly our Army, so that we can guarantee a predictable rotation of our troops into and out of Iraq and so that we can lessen our reliance on Reserve and National Guard troops. The strain on our ground forces is severe. And because of our reliance on Reserve and National Guard, this strain is transmitted to every town in America. The support of the American people will be continually tested as they see their neighbors serve and sacrifice without relief and with uncertain results.

To sustain such an effort, we must pay for it. It is simply irresponsible to run huge deficits to pay for the operation in Iraq. The cost to our economy in the inevitable rise of interest rates and the dampening of growth and the cost to our society in the deterioration of social investment will not go unnoticed and will be particularly resented if scarce American resources are strengthening the Iraqi economy and improving the quality of life of the Iraqi people.

If we fail in these tasks, money alone, the money in this bill, will not allow us to stay the course.

Finally, we must place the objective and effort in Iraq in context. We must recognize that the existential threats to America are not in Iraq. They are worldwide. Al-Qaida has global reach, and we have not yet finished hunting down and destroying their operatives. The proliferation of nuclear weapons is a worldwide problem with both Iran and North Korea on the precipice. We have yet to develop an effective strategy to counter their nuclear ambitions.

The protection of our homeland is an ongoing challenge. The title of a recent report of the Council on Foreign Relations actively conveyed these challenges: “Emergency Responders: Drastically Underfunded, Dangerously Unprepared.” The bill for these dangers still must be paid regardless of what we do with this legislation. We must be mindful of this as we go forward, and we must be honest and candid with the American people. To sustain this effort, we must follow through on the tasks I have suggested. This bill is just part of that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, today, as has been stated by my colleagues, starts one of the most important debates that we will have in this Congress or any Congress, I believe. And the decision that is going to be made over the next 2 weeks will, in all consequence, be as important as the decision that was made in October a year ago when this body voted to grant the authority to the President to bring us to war, a resolution which I voted against.

At the outset, I want to speak briefly to the amendment before the Senate; that is, the amendment of the Senator from West Virginia separating those items that could be considered reconstruction and rehabilitation, and those items which are directly related to the support of our troops and say why I believe this is so important. That is because we do not have a good idea about what the administration’s policy is on the issues of rehabilitation and the reconstruction in Iraq. We don’t have the plan of the administration.

I don’t say that lightly. I am a member of the Armed Services Committee. Just a week ago we had Ambassador Bremer before us. The members of our committee were sent this document which is called the “Coalition Provisional Authority, Achieving the Vision to Restore Full Sovereignty to the Iraqi People.” It is 28 pages long. The cover page says:

A working document of July 23.

We are now on the 1st of October. We had hearings a week ago. We were given the working document of July 23, these 28 pages. If you review this document about our strategy in Iraq, you will find out on the various pages—take page 9—we will, on the issues of security and giving the goals, August to October, they say in item 4 on that page, locate, secure, and eliminate weapons of mass destruction, from August to October. From November to January, continue to locate and eliminate the weapons of mass destruction. Then, February on, it says continue to locate and secure and eliminate the weapons of mass destruction.

That is the plan. This program is full of those kinds of platitudinous, empty statements and is basically an insult to our troops and to our Congress. During the course of that hearing, the Senator from Michigan asked Mr. Bremer when we would have a more comprehensive document as to what the plan is on the reconstruction and rehabilitation of Iraq. This is his quote on September 25:

I will keep you informed, but I want to keep my hands free as to how I do that.

That was an answer to Senator LEVIN, the ranking minority member of the Armed Services Committee, when he asked Ambassador Bremer: You have submitted this document to us, which is a working document, July 23. When is this going to be updated? When are we going to get the plan?

He said:

I will keep you informed, but I want to keep my hands free as to how I do that.

And we have not had anything since that time. We had one document and that is the 58 or 59 pages that lists the items requested. It is not a plan; it is a budget. It is a budget on various items that are going to be necessary, but no plan.

The administration and the military knew how to win the war. That was never going to be the challenge or the question. But they have had no plan on how to win the peace. They still don't have a plan to win the peace. The Byrd amendment is trying to separate what is called for in terms of the support for our troops to this rehabilitation and reconstruction, to try to get the administration prior to the time we are going to have a final vote to say what is the plan on rehabilitation, what is the plan in terms of reconstruction. But we have not had that. We have not had it in the Armed Services Committee.

We have the long list of items, some of which I will refer to in my comments, but we still don't have the plan. The fact is, it is being made up every single day over in Iraq. As we consider those reports we all see every evening or morning on the Americans who lose their lives over there, we also haven't got a real understanding of what security is like in the major populated areas of that community. As we are reminded in the excellent study that has been done by Mr. Dobbins and RAND, it talks about how historically those individuals who are subject to occupation view those who occupy their country. Perhaps some start off and support them as liberators, but others will never forgive them for occupying their country.

But there is one powerful factor and force, and that is the issue of security. It is security not just out in the streets and the highways between various communities, but it is what is happening in downtown Baghdad every single day and night. The number of people who are getting killed, the numbers who are coming into the morgues, the break-ins taking place in people's houses, and the rapes taking place in those communities have given a sense of insecurity to the people in Baghdad and many other communities. We don't have a plan about how we are going to deal with this. We are told we are training the police—40-some-odd-thousand police—who were there under Saddam Hussein, the great majority of whom were torturers and exterminators. But we have a new view and we are retraining them in some particular way.

I talked with some extraordinarily impressive young Americans who just came from Faluja. I talked with them in Massachusetts, and they pointed out that the Iraqi police trained in their area won't leave the barracks. They are frightened that if they are seen leaving the barracks, something will happen to them or their families.

As we know, as the very important Dobbins document points out, whether you are talking about Algeria, Northern Ireland, or Malaysia in 1958, or the West Bank, or Kosovo—any of these areas—what you need to do is start to train a disciplined police force, and it takes 12 to 15 months—a new force adequately trained and highly motivated and that can move toward the security issues. That is not the case. We are asked to pour billions of dollars in taxpayers' funds into Iraq.

I think any fair reading of these requests would have to say the overall strategy—whatever it is—is a top-down strategy, not a bottom-up one. What we are seeing in the initial reports coming from Iraq is the areas where they are having the greatest progress is where the stakeholders are buying into the efforts in these local communities. Most of the positive reports are coming as a result of the leadership of the military, many of whom have gone through the campaigns in Kosovo and other parts of the world, where they have seen what can work and what is necessary.

So it is appropriate that we have some opportunity to talk about and ask about this amount of resources that are being requested to go to Iraq. There are a number of questions, obviously, that are going to be raised, such as the whole issue of contracting and who is getting the contracting. What are the circumstances of those contracts? What kind of transparency is there over there? Are we taking these contracts with single-bid contracts, with those who have a questionable record in terms of the performance, and overcharging the Defense Department? Are we giving opportunities for contracts to other countries around the world who have had a relationship and know how to be able to reconstruct and rebuild? Are we excluding them? What are the circumstances of this?

These issues are going to be raised, as they should be. It is not clear from what is coming out from the Appropriations Committee that many of these issues have been addressed. I know they will be by my colleagues. It is not just about the administration's policy and its conduct in Iraq. It is about the way we pursue American interests in a dangerous world, about the way our Government makes one of the most important decisions, whether to send young men and women to war.

It is wrong to put American lives on the line for a dubious cause. Many of us continue to believe the war in Iraq was the wrong war at the wrong time. There were alternatives short of a premature rush to a unilateral war, alternatives that could have accomplished our goals in Iraq with far fewer casualties and far less damage to our goals in the war against terrorism.

I commend my friend and colleague, the Senator from Rhode Island, for once again reminding us what Mr. Tenet, who was head of the CIA, reminded the Armed Services Committee

time in and time out—all of last year, up until the period of August—that the greatest threat to the United States was terrorism and, obviously, the increasing concern that all of us have about North Korea, Iran, and the deterioration and spiraling violence in the Middle East.

Our troops deserve a plan that will bring in adequate foreign forces immediately to share the burden of restoring the security and involve the international community in building a new democracy for the future of Iraq.

There is no question the Senate owes it to our men and women in uniform to provide the support they need, to bring the day closer when our troops can come home with dignity and honor, and Iraq will truly be free.

The \$87 billion cannot be a blank check. That is why I support the Byrd amendment. Congress must hold the administration accountable. The American people deserve to know how the money will be spent. Things are out of control in Iraq. We need to stop the downward spiral, protect our interests, and protect the lives of American soldiers.

The administration must tell the country in much greater detail what it intends to do with the \$87 billion and its plans for sharing the burden with our allies and the United Nations to achieve our goals. The American people are entitled to know whether, with all the current difficulties, the administration has a plausible plan for the future instead of digging the current hole even deeper.

Our soldiers' lives are constantly at stake. Patriotism is not the issue. The safety of our 140,000 American service men and women serving in Iraq today is the immediate issue. It is our solemn responsibility to question, and question vigorously, the administration's current request for funds. So far, the administration has failed utterly to provide a plausible plan for the future of Iraq and ensure the safety of our troops.

In its rush to war, the administration failed to recognize the danger and the complexity of the occupation. They repeatedly underestimated the likely cost of this enormous undertaking. Opposing voices in the administration were ignored.

Last September, the chief Presidential economic adviser, Lawrence Lindsey, said that the total cost of the Iraqi involvement might be as much as \$200 billion. His estimate was quickly rejected by White House Budget Director Mitch Daniels who said Mr. Lindsey's estimate was "very, very high" and suggested the cost to be a more manageable \$50 billion or \$60 billion.

I raise this history because in many instances the people who are making the recommendations on the rehabilitation of Iraq are the same ones who miscalculated and misdirected the policy for months in the past. If we are going to take a look at this policy

today, it is only appropriate to see what they had suggested over the past months.

As I mentioned, when Mr. Lindsey was corrected by Mitch Daniels who said Mr. Lindsey's estimate was "very, very high" and suggested the cost would be a more manageable \$50 billion or \$60 billion, the independent analysis indicated the cost might approach \$300 billion, and Secretary of Defense Rumsfeld called that "baloney."

I say that against the background of what Ambassador Bremer, when he was asked, when he was before the Armed Services Committee, about this \$21 billion or \$23 billion, whether we could expect they would be back before the appropriators and asking for more billions of dollars, and said: Don't count us out; don't count us out.

The American people ought to understand this is a downpayment for the administration. This isn't the beginning and the end. This is just the downpayment. We have to ask ourselves, What is the policy?

Last spring, as part of a broader coalition in an effort to win the support of the American people for the military, the administration began to argue that Iraq can pay for its own reconstruction. The war might be costly, we were told, but it would be quick and decisive. The financial obligation of the United States would be limited because the liberated Iraqi people would use their extraordinary wealth from the world's second largest reserves of oil to finance the reconstruction.

What the Nation heard from the Bush administration was clear: Don't worry about the cost. Iraq can pay for their own reconstruction.

Here they are a few weeks later with the \$23 billion request. People ought to ask: Is this the beginning, the middle, or the end? What is the plan?

As the Congress debates the administration's request, we should be looking for better answers from the administration, insisting on at least minimal accountability. Before the war, the administration said, "Trust us," and Congress did. We should have followed President Reagan's wise counsel from years ago: "Trust but verify." Hopefully, it is not too late to verify.

Until this month, no one in the administration, other than Larry Lindsey, who is no longer in the administration, said the war with Iraq and its aftermath would be expensive. The administration's numbers were worse than fuzzy math, and the American people have a right to be furious about the gross disparity with the true costs. And they will be even more furious as they learn more and more about what we are being asked to fund.

The administration, obviously, did at least have one clearly thought-out plan—they didn't have a plan for peace. They want \$400 million for maximum security prisons. That is \$50,000 a bed.

They want \$800 million for international police training for 1,500 officers. That is \$530,000 per officer. Ask

any mayor what it costs them to train a police officer in their community.

They want a fund for consultants at \$200,000 a year. That is double normal pay. They want \$1.4 billion to reimburse cooperating nations for support provided to U.S. military operations. I would love to find out how that money is going to be spent. For what is that \$1.4 billion intended?

The Bush administration went to the United Nations for help last week, hat in hand and wallet open. But so far the response from other nations has been: Why should we help clean up America's mess in Iraq?

Presumably, the negotiating is still continuing over how much authority the U.N. will have, how many contracts other nations will receive, and how many troops they will send. Could this be the most embarrassing week the United States has ever had at the United Nations?

Trust but verify. That is why Congress has to stop writing a blank check for Iraq. That is why Congress needs better answers. That is why we need accountability. Credibility on the war is in tatters both at home and in the United Nations, and our troops are paying for it with their lives.

Our action on this legislation may well be a defining moment for the war on Iraq, for the war on terrorism, for America's role in the world. Cut and run is not an option. Hopefully, a concerned Congress and a chastened administration can work together to set things right on Iraq and right with other nations.

If there is any silver lining to this crisis, let us hope it is that the administration's go-it-alone policy toward the rest of the world is history and we are back on a better and less dangerous course for the future.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I rise to make some remarks about the supplemental appropriations measure before us.

I was struck by the concerns of my colleague from Massachusetts about how bad things are in Iraq. In case some of my colleagues missed it, there was a very telling op-ed piece in this morning's Washington Post by Representative JIM MARSHALL, a freshman Democrat from the Third District of Georgia. He went to Princeton and left to go to Vietnam. He was awarded the Bronze Star and the Purple Heart as a Ranger. He attended Boston University Law School and in 1995 was mayor of Macon, GA. He is in the House. He had a very urgent plea.

He said: "Don't play politics on Iraq," directed at his Democratic colleagues. He said he had heard all of these political charges, using the words and phrases such as "quagmire," "our failure in Iraq," "just another Vietnam," or "the Bush administration has no plan."

He said:

I went to Iraq a couple weeks ago to re-solve for myself the recent contrast between gloomy news coverage and optimistic Pentagon reports of our progress. My trip left no doubt that the Pentagon's version is far closer to reality. Our news coverage disproportionately dwells on the deaths, mistakes and setbacks suffered by coalition forces.

I think this op-ed is worth reading. Madam President, I ask unanimous consent that this op-ed be printed in the RECORD after my remarks for the edification and elucidation of my colleagues.

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

(See exhibit 1.)

Mr. BOND. Madam President, I just came from a very interesting luncheon meeting where we listened to Dr. Chalabi, a member of the Iraqi Governing Council. He had almost the same thing to say. He said: What President Bush has done is magnificent. Our people are victorious; they are not vanquished. Our failure is that the media is not carrying the stories. The antiwar folks who opposed the war from the beginning are talking about the problems of liberation rather than the success of a free people.

He would like to have a chance to tell his story more widely, and I hope he is listened to. He said there are large areas of Iraq where marines are withdrawing, turning the area over to coalition forces from other countries, Macedonia and Spain. He said the Iraqis are in the process of being trained and equipped to go out as police and as military. With the backup of U.S. troops, they will be able to take on more of the responsibilities of defending against armed paramilitary groups and maintaining peace and order.

He said this is a tremendous development. They are setting up a free market in Iraq. They are cutting customs rates and tax rates. I would like some of my colleagues to hear what he says about the need for lower taxes. I think that is important as well.

It is clear we are in a debate. I gather my colleagues on the other side of the aisle, while we all recognize that \$87 billion is a lot of money, they are willing to support the \$66 billion to support our troops in Iraq. It costs us more than \$4 billion a month to maintain our troops in Iraq, and we cannot, as was just said by my colleague from Massachusetts, cut and run.

So what are we going to do to make sure we do not continue to have areas where terrorists are harbored in hostile, tyrannical, authoritarian governments in the Middle East? Well, we are on the path to helping the Iraqis establish a free country. Their ideas of freedom may be different than ours, but basically Iraqis governing Iraqis, providing security for Iraq, and helping us weed out the criminals, the thugs, the paramilitary groups and the terrorists who live over there.

Now, \$21 billion of the President's request is proposed as a grant to help the Iraqis get on their feet. This is a very

important investment. It is a lot of money, but when we look at the costs of 9/11, the cost was horrifying in human terms. Over 3,000 people killed, some of them horrible deaths. It is a day and a picture that none of us will ever forget and we never should forget. These terrorists operated out of safe havens, in countries which were ruled by authoritarian tyrants. We are wiping out those governments. Under President Bush's leadership, we wiped the Taliban out of Afghanistan. Afghanistan is no longer a safe haven for terrorists. By a vote of 77 to 23, we said clean out the terrorists in Iraq, get rid of the Saddam Hussein government. That is the most important step.

Some people want to go back and fight the war. If we want to get back into it and say, why did we go, we can go back into that, but I think it is time we started looking ahead to see what we do. The \$21 billion is absolutely essential to give the Iraqis the startup funds, the seed money to build that free and safe country.

What do we gain from it? Some of my colleagues say it ought to be in the form of loans or we should not spend that much. Well, what we get for it is the opportunity to bring our troops home sooner, to make sure our troops have the ability to work with Iraqi military and police, so we can use the Iraqi people who understand the country and know the language and know what is going on there as our allies.

As I understand it, the pending amendment leaves money in for the troops, but it does not leave money in to restore the electricity, to provide clean water, or to clean up the sewage.

There is a lot that has been done in the country already. I hear carping voices saying we did not have any plans for the peace. Well, we had a lot of plans. We had plans to take out Saddam Hussein's Republican Guard and his elite forces before they used gas or biological weapons. We did it. They had plans to protect the oil wells so they could not turn Iraq into a blazing inferno, and we did that. We had plans to help the Iraqis get on their feet. In less than 5 months, virtually all major Iraqi hospitals and universities have been reopened.

We cleaned out the weapons caches that were there. There are now 70,000 Iraqis being armed and trained. The first ones are graduating the end of this week. It took 14 months to establish a police force in post-war Germany, 10 years to begin training a new German army. We are way ahead.

Commerce is opening up. Five thousand Iraqi small businesses have been opened since liberation. The independent central bank has a new currency announced in just 2 months. Here is a 5 dinar note from the Central Bank of Iraq. The reason I can read it, it is in English. The other side, I will just have to take their word for it. This is the currency they have put out. It took them 3 years in Germany to do it.

The Iraqi Governing Council is making decisions. We listened to Dr.

Chalabi tell us what they plan to do, how they want to move forward, and how the participation by the United States in this next step is vitally important.

To date, our coalition has provided some 8,000 civil affairs projects with their assistance, and we are making progress towards showing the Iraqis and the people in the neighboring countries that there is a better way to do it than to have a Saddam Hussein regime.

The issue before us in this pending amendment is whether we cut reconstruction funds by two-thirds. This was similar to an amendment we debated yesterday in the Appropriations Committee. That amendment just cut out two-thirds of the reconstruction funds, left one-third of the reconstruction funds. We defeated that. This one cuts out all of the reconstruction funds.

The arguments made there, and I guess I will let the people who want to cut out the reconstruction funds make their arguments here, but they say we ought to go to the donors conference and let the donors decide.

What kind of leadership is it for us, on the Senate floor, to take the President's proposal for a \$21 billion reconstruction fund and cut it to \$5 billion? That is leadership? Is that going to cause other countries to step forward and say we are going to make grants?

We want to see a strong, independent, free Iraq. We have to turn on the power. We have to turn on the lights. As of yesterday, I believe we were back up to the power generation of the pre-war era, 4,400 megawatts. That still only supplies about 60 percent of Iraq. We are trying to get the power restored. We are trying to get the water clean so people do not get sick. We are trying to get the sewage cleaned up so they can go about the business of building a civilized government.

Some are saying we can use the oil revenues to collateralize. Well, that does not really work because there is no government in Iraq that can sign a loan. They cannot take out a loan at the World Bank. They have not established a constitution, which is a necessary precedent for making an international loan. If we called it a loan, Ambassador Bremer, our representative on the provisional governing authority, would have to sign it. It would be our loan. We would be making that loan.

They have over \$200 billion of debts outstanding that I hope they will never pay. The interest on those loans would be more than swallowed up by the projected oil revenues. So they are in a position where there is no practical way that they can repay that.

Once we get them up and started and they get a government, then they can go to the World Bank and get loans pledged against future oil revenue, and they can get the capital, but we have to get them over that first hump. Unless and until we do that, there is no government, there is no security. The

Iraqis are not controlling their destiny. We cannot expect them to carry new burdens of debt. They are going to have enough trouble as it is. And we hope to get the oil production up—6 million barrels a day. That is what Dr. Chalabi said. But it is going to require \$38 billion of new investment to do it. That is where the collateral will be pledged to get the Iraqi oil production up.

Do we want to go in and say the reason we came to Iraq was for your oil? That is not why we went. That is not why we went. We went to stop the production of weapons of mass destruction.

The previous administration, President Clinton's administration, and our colleagues on the Democratic side of the aisle, said that, time after time. We went in to stop weapons of mass destruction, to bring some order out of a country that had been terrorized by a ruthless tyrant over the years. Do we want to go in now and tell the people of the Middle East that it really was about oil? We want a claim on your oil?

That would be extremely shortsighted. That is not a sound investment in peace.

When you take a look at the cost of our maintaining troops over there, the cost of another terrorist attack, the cost we are going to have to face if we do not bring peace and stability to a couple of major countries in the Middle East—Afghanistan and Iraq—we are going to spend a lot more time and shed a lot more American blood before we can see an end to this terrorist war.

President Bush said the war against terrorism will be a long one. Unfortunately, he was correct. We are going to have to "bear any burden, pay any price." I believe a well-known Democratic President once said that; I think he was from Massachusetts.

We have to carry on the battle to show the people of the Middle East that there is a better way to protect our people from terrorist attacks.

There is no question that the battle against terrorism is being fought in Baghdad. There are a lot of questions about what went on before. There will be a report coming out of our Intelligence Committee on that. I can't go into it, will not go into that until a report is issued. But I can tell you right now, when you apply the "show me" test that we take in Missouri, the battle against terrorism is going on in Baghdad.

It is like a roach motel. All the terrorists are coming into Baghdad. We have our best trained, we have our best equipped, we have our best prepared troops. We are working to get the best intelligence possible so we can destroy the terrorist cells, kill the terrorists, capture them as many as we can.

We are fighting the battle in Baghdad rather than Boston or Boise or Baldwin, MO, or Burlington, NC.

This is unfortunate, where we have to continue the battle on terrorism. But we are doing it on their territory and our terms. They started this war

on our territory on their terms. This is a mark of genius. This is tremendous leadership that this administration has shown. I am proud that three-quarters of this body supported the President when he said we needed to go in and clean out this nest of vipers, this fountainhead of weapons of mass destruction with the potential of nuclear weapons.

We have won the war against Hussein's government. Now we need to win the peace. I am convinced we can win the peace. But I believe, as Ambassador Bremer said to us in the Appropriations Committee, as Secretary Rumsfeld said, this \$21 billion is the best hope we have of assuring we win the peace in Iraq. Winning the peace in Iraq is vitally important.

We can't walk away now and leave Iraq to fester and let the Baath Party back in again, the remnants of the Republican Guard, the terrorist organizations who threatened their neighbors, oppressed their own people, and threatened our well-being and safety over the years. We cannot let them back in. This \$21 billion is the best investment we can make to bring our troops home, to win the peace.

I hope we will have a strong vote not to try to cut the peace element out of the appropriations bill, moneys that are necessary to make sure we can have our troops there, protect our troops, and maintain order against the terrorists who are in Iraq.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Oct. 1, 2003]

DON'T PLAY POLITICS ON IRAQ

(By Jim Marshall)

My first trip to a combat zone occurred in 1969. I was a 21-year-old staff sergeant, naive as hell, a freshly trained Army Ranger who had left Princeton University to volunteer for ground combat in Vietnam. I vividly recall feeling way out of step with my Ivy League colleagues.

Well, that same out-of-step feeling is back. But this time it's about Iraq and involves some of my professional colleagues, political leaders and activists who are carelessly using words and phrases such as "quagmire," "our failure in Iraq," "this is just another Vietnam," or "the Bush administration has no plan."

I went to Iraq a couple of weeks ago to resolve for myself the recent contrast between gloomy news coverage and optimistic Pentagon reports of our progress. My trip left no doubt that the Pentagon's version is far closer to reality. Our news coverage disproportionately dwells on the deaths, mistakes and setbacks suffered by coalition forces. Some will attribute this to a grand left-wing conspiracy, but a more plausible explanation is simply the tendency of our news media to focus on bad news. It sells. Few Americans think local news coverage fairly captures the essence of daily life and progress in their hometowns. Coverage from Iraq is no different.

Falsely bleak Iraq news circulating in the United States is a serious problem for coalition forces because it discourages Iraqi cooperation, the key to our ultimate success or failure, a daily determinant of life or death for American soldiers. As one example, coalition forces are now discovering nearly 50 percent of the improvised explosive devices

through tips. Guess how they discover the rest.

We not only need Iraqi tips and intelligence, we need fighting by our side and eventually assuming full responsibility for their internal security. But Iraqis have not forgotten the 1991 Gulf War. America encouraged the Shiites to rebel, then abandoned them to be slaughtered. I visited one of the mass graves, mute testimony to the wisdom of being cautious about relying on American politicians to live up to their commitments.

For Iraqis, news of America's resolve is critical to any decision to cooperate with coalition forces, a decision that can lead to death. Newspaper start-up ventures and sales of satellite dishes absolutely exploded following the collapse of Saddam Hussein's regime. With this on top of the Internet, Iraqis do get the picture from America—literally.

Many in Washington view the contest for the presidency and control of Congress as a zero-sum game without external costs or benefits. Politicians and activists in each party reflexively celebrate, spread and embellish news that is bad for the opposition. But to do that now with regard to Iraq harms our troops and our effort. Concerning Iraq, this normal political tripe can impose a heavy external cost.

It is too soon to determine whether Iraqis will step forward to secure their own freedom. For now, responsible Democrats should carefully avoid using the language of failure. It is false. It endangers our troops and our effort. It can be unforgivably self-fulfilling.

Democratic candidates for the presidency should repeatedly hammer home their support, if elected, for helping the Iraqi people secure their own freedom. It is fine for each to contend that he or she is a better choice for securing victory in Iraq. But in making this argument, care should be taken not to dwell on perceived failures of the current team or plan. Americans, with help from commentators and others, will decide this for themselves.

Instead of being negative about Iraq, Democratic presidential candidates should emphasize the positive aspects of their own plans for Iraq. Save the negative attacks for the issues of jobs and the economy. Iraqis are far less likely to support the coalition effort if they think America might withdraw following the 2004 election.

Finally, no better signal of our commitment to this effort could currently be provided than for Congress to quickly approve, with little dissent or dithering, the president's request for an additional \$87 billion for Iraq and Afghanistan. Of course no one wants to spend such a sum. But it is well worth it if it leads to a stable, secular representative government in Iraq, something that could immeasurably improve our future national security.

Mr. BIDEN. Madam President, I listened with great interest to my friend from Missouri. There is much that he had to say with which I agree. Except I wish we would, as they say in my home State—he was using Missouri phrases—I wish he would get real and others would get real about the connection between the likelihood of America's being struck by another terrorist attack and our fighting in Baghdad.

I don't know one security expert who will tell you, including, as quoted by Senator REID earlier today, General Abizaid, that the folks we are fighting in the streets of Baghdad and in Iraq are the ones most likely to strike the United States of America. That is not what our officials tell us.

General Abizaid said, and I am paraphrasing him, that any attack would be organized internationally. It will come from other places. As a matter of fact, the argument can be made, because of a requirement of being so preoccupied and having to devote so many resources to Iraq, we are unable to spend the money we need to spend on homeland security.

For example, we have 106 nuclear powerplants, none of which are secure, in the United States of America.

We have train tunnels in New York where 350,000 people today will ride through them sitting in a car. Those tunnels are not secured; there is no escape, no ventilation, and no lighting.

We are cutting the police program, so we are not going to supply money for local law enforcement. It is not going to be a special forces guy with night vision goggles who is going to come across a terrorist who is about to poison the reservoir in a city or about to plant a bomb in a movie theater or about to do anything else—it is going to be a local cop.

That is not the reason I rose to speak today, but I wish we would get it straight about terror. In the larger sense, we have to deal with the war on terror by dealing with the situation in the Middle East. I don't disagree with that.

As was said in an article written not too long ago by Timothy Ash and how the west could be won, I quote him:

To emerge ultimately the victorious against the war on terrorism it is the peace we have to win first in Iraq and then in the wider Middle East.

In the broad sense of the word, it is affected by what happens in Iraq. But the idea that because we are fighting in Baghdad, we are not likely to be attacked again in the subway, or an aircraft, or whatever, because they are preoccupied is as our British friends say, poppycock.

Many Members in this Chamber and millions of Americans did not support the war in Iraq. The same goes for the millions of people around the world. But I did. I voted to give President Bush the authority to use force in Iraq. For me, the question was not whether we had to deal with Saddam Hussein but when and how, and what we were going to do after we brought him down.

I believed then and I believe now it was the responsibility of the United States and the international community to enforce the solemn obligation Saddam Hussein made when he sued for peace in the gulf war in 1991. Those of us who understand the value of international institutions and rules must also understand that when rules and institutions are flouted, they must be defended, and by force if necessary. That was, in my view, the underlying rationale to go to war in Iraq, a rationale enhanced by the fact that the one flouting the rule was a homicidal tyrant who murdered hundreds of thousands of people and who, if left alone, would have eventually acquired weapons of

mass destruction, although he had none and there was no evidence he had any. But he would have gotten those weapons. That was the reason—not some idea of preemption. We didn't need a new doctrine of preemption to go after Saddam Hussein. He violated essentially a peace agreement he signed in 1991. Had it been 1919 when he was defeated in Kuwait, he would have been in Versailles, in France, signing a peace agreement. Instead, he was representing the United Nations and he signed on to United Nations resolutions, none of which he kept and I believe needed to be enforced.

But I also believed then, as I believe now, that this administration got the when and the how and the what we do the day after dangerously wrong in Iraq. This administration wrongly painted Iraq as an imminent threat to our society, something many of us at the time—not just now—said was not the case. It hyped the intelligence most likely to raise alarm bells of the American people. In speech after speech, television appearance after television appearance, the most senior administration officials told us Iraq was on the verge of possessing a nuclear weapon.

Indeed, at the same time I was on a show, the Vice President on a similar show on a Sunday told us Iraq had reconstituted its nuclear weapons program. I didn't believe then, I don't believe now, and there is no evidence that that is true.

We are told that Iraq had UAVs—unmanned aerial vehicles—that could drop lethal payloads on our shores—payloads of chemical and biological weapons; that Iraq could weaponize its chemical and biological arsenal in just 45 minutes; that the regime had a clear and present tie to al-Qaida, and they implied that they were complicit in the events of 9/11—none of which I believe to be true. Yet I still voted to go into Iraq because it wasn't about if but when we dealt with this guy.

The administration stated each of these allegations as accepted facts when in fact there was deep debate on each and every one of them within our own intelligence community. I believe the administration did this to create a false sense of urgency about the need to act immediately and that as a result we went to war too soon.

There is no reason we could not have waited a month or even 6 months or whatever time it took to build a true international coalition without in any way jeopardizing American security. And we went to war without the rest of the world.

As many of us said at the time—and the record will reflect—we didn't believe we needed a single soldier from another country to win the war. I stood on this floor and said I thought we would win this war in terms of defeating Saddam's government in much less than a month and maybe as little as 2 weeks. I said it at the time. My fight was never with the need for other troops to help us fight the war. But it

was absolutely clear from every expert we spoke to in my committee and folks on the Council on Foreign Relations, folks from Rand, folks from all over this country who are experts on foreign policy, that we were going to need other countries to win the peace—to win the peace—which was going to be considerably harder.

Just to put in perspective what we all know, we have had 313 men and women killed, 1,600 wounded—138 to win the war and 175 dead just starting to win the peace.

On this floor I said if we did not have the support of the international community, somewhere between 2 and 10 body bags a week would be coming home. But this unilateralism, this idea that we didn't need anybody else, was not only misplaced but, for some in the administration, arrogance.

So we went to war with the Brits and a coalition—a coalition which was the most anemic coalition with whom we have ever gone to war, after the Brits; the one without the rest of the world. And as many of us said at the time—and I wasn't the only one. Senator LUGAR said it; Senator HAGEL said it; a number of other Republicans said it—we didn't need a single soldier to win the war, but we needed tens of thousands of soldiers to secure the peace—tens of thousands.

The chief of the Army got sacked because he dared to suggest we were going to need a couple hundred thousand troops to secure the peace when Mr. Rumsfeld—or at least the administration—was implying we wouldn't need more than 30,000 folks and we would be out of there in 6 months.

Just as bad, we went without a plan for the day after.

Don't just take my word for this. Keep in mind that I have been supporting the President, and I will support this appropriation. But there was no serious planning. General Garner said he didn't begin planning and wasn't asked until January 6. I was chairman of the Foreign Relations Committee, and we held hearings in July of 2002. And witness after witness after witness—former Commanders of NATO, former Commanders of CENTCOM—said the plan for peace should be running parallel with the plan for war. During those hearings, we wanted to know what was going to happen not just the day after but the decade after.

The President, I am told, has told people and I have told people. He asked me in front of a half dozen of my colleagues in the Cabinet Room back in September why I wasn't with him enthusiastically about going in and why I was insisting on him going to the United Nations. I went in the Oval Office with him and said, Mr. President, I want to remind you there is a reason your father did not go to Baghdad. And he looked at me like I was going to insult his father, for whom I have great respect. I said, Mr. President, the reason your father didn't go to Baghdad,

he didn't want to stay for 5 years. Are you ready to stay? Obviously, I did not say it in that tone to the President but I asked, Are you ready to stay, Mr. President?

What was the impression given to the American people? The impression was Johnny and Jane were going to come marching home by Christmas. Why are you National Guard folks so angry? Is it because you are not patriotic? Why are the reservists so angry? Is it because they are not patriotic? Heck, no, they are angry because they were led to believe it was not going to cost much, it was not going to take long, and we would be out of there.

Mr. BOND. May I ask if the distinguished Senator from Delaware will yield for a unanimous consent request?

Mr. BIDEN. I am happy to yield.

Mr. BOND. I ask unanimous consent the vote in relation to the Byrd amendment No. 1794 occur at 3:45 today; provided that no amendments be in order to the amendment prior to the vote; provided further that following the vote, Senator MCCONNELL be recognized to offer an amendment. I further ask consent that following the disposition of the McConnell amendment, the next amendment in order to the bill be offered by Senator BIDEN.

Mr. BIDEN. Reserving the right to object, I was told it would be 4:45. I've been waiting for 4 hours to speak and I have at least another 30 minutes to speak. If it is 3:45, I would object.

Mr. REID. How about if we made it 4 o'clock.

Mr. BIDEN. This is fine.

Mr. REID. Mr. President, I ask the distinguished Senator from Missouri amend his request to allow that.

I know Senator SMITH is here to speak. How long do you wish to speak?

Mr. SMITH. Ten minutes.

Mr. BIDEN. I don't think I will take this long, but so I don't get called on it, I will say half an hour.

Mr. REID. Mr. President, that will be 10 minutes before 4 o'clock, so I ask if my friend would be further kind enough to allow Senator BIDEN another 30 minutes, Senator SMITH 10 minutes, Senator BOXER 8 minutes, and then we would vote.

Mr. BOND. Madam President, I so amend the request.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

Mr. BIDEN. Madam President, my committee, the Foreign Relations Committee, pleaded with the administration, month after month, beginning well over a year ago, to share with us plans for reconstruction. We got obfuscation upon obfuscation, a rosy scenario about oil revenues and being greeted as liberators, with most of our troops coming home by Christmas.

When we really pressed—a certain word has worked its way into the lexicon of this administration—we were told the answer was “unknowable.” I have never heard that word used as many times anywhere, let alone by the administration.

In fact, the problems and prescriptions of postwar Iraq were absolutely knowable. From the many hearings Senator LUGAR and I convened over this year as well as the Armed Services Committee, and the work of our leading think tanks and policy experts from within the administration itself, thanks to the State Department Future of Iraq Project, whose detailed postwar plans were apparently ignored by the Department of Defense, much of this was knowable.

We are paying a very high price for those mistakes now. I share the widespread dismay at the miscalculations of this administration. I share the shock of many that the reason the administration says it took us to war, weapons of mass destruction, no longer is of any apparent interest to the most senior administration officials. I share the frustration of Members of Congress that because of the administration's many miscalculations leading up to war, the good options are gone and we are now left to find the least bad of the remaining options.

I understand the sticker shock many of my colleagues feel about the \$87 billion. I suspect my friend from Oregon, who was on this committee, I know for my friend Senator LUGAR, I know for my friend Senator HAGEL, I know for my friend Senator MCCAIN, it came as no shock, none whatever.

To be blunt, the reason there is such consternation in the Congress and the country at the moment is not about the \$87 billion, notwithstanding that is an enormous amount. It is that we have lost faith in the President. It is that we lost our confidence in his ability to prosecute the peace. It is that we have great doubts since there were so many fundamental miscalculations made about what would happen after the regime fell. There is reason people are upset in the Senate. They doubt this administration has its act together.

My Republican friends will deny what the whole world knows publicly and privately acknowledge there is a giant rift in this administration as broad and as deep as the San Andreas Fault. On one side of the administration there is Mr. CHENEY, a fine man, Mr. Rumsfeld, Mr. Wolfowitz, Mr. Feif; on the other side there is the State Department and the uniformed military.

Think about this one little piece, talking about the plan. What was the plan announced in great detail by Mr. Rumsfeld as to what would happen immediately after Saddam fell? There was guy named Jake Garner, a retired general, who was going to be dropped into Iraq along with a guy named Ahmed Chalabi, whom I know well, spent an hour with him alone in my office last night, the head of the Iraqi National Congress, that Garner announced when he hit the ground there would be elections within a couple of months and that he was going to run the show.

How long did it take the President to figure out that was a gigantic mistake?

About 2 weeks. And he should be complimented for it.

All this malarkey about the planning, where is Garner? Where did he go? What happened to the election that was going to take place in a couple months?

The administration got on the ground and realized they did not have a plan. So they got a guy named Bremer, first-rate guy, diplomat. Guess what. That diplomat does not report to the Secretary of State; he reports to the Secretary of Defense. Isn't that kind of interesting?

Assume we have gone in and the planning post-Saddam was as successful as the planning to take down Saddam. Assume we had gone in and the international community was doing what they do in every other circumstance where we are building the peace: We usually supply 25 percent of the money, they supply 75 percent of the money—Bosnia, Kosovo, even Afghanistan, NATO is now in. Assume we were not losing Americans at the rate we are losing now. Assume this guy named Bremer, a former official at the State Department, former comptroller, sent to Iraq by the Secretary of Defense, did not come back and say the window of opportunity to win the peace is closing rapidly in Iraq. Assume he came back and said, the window is wide open. We have time and things are moving. Would people in the Senate be flyspecking the \$87 billion? No.

My friend from Missouri has been in politics as long as I have. Presidents get pretty broad support when what they propose is working. What is happening here—and again, keep in mind, I'm for this money. But I am angry about what happened. I am angry about the refusal to listen. I am angry that we are there alone when we did not have to be.

The administrations's assumptions were dead wrong, and the President told the American people our mission was accomplished when he landed on that aircraft carrier. And it had not even begun. It has not even begun. And you wonder why the American people are mad. You wonder why, when you go home—and those of us who supported it going in are getting our brains kicked in at home—Democrat and Republican, we are wondering why the polls show—what?—57, 58, 60 percent of the American people say: Don't vote for this money.

The reason is, they were not leveled with. It seems to me that explains why there is so much concern on both sides of the aisle about this supplemental. That explains why it is so important that we do more than simply vote yea or nay on this \$87 billion, why we need to have clear assurances from this administration that it understands—not acknowledges—just understands its mistakes to date and has a sensible plan to rectify them.

So for all the errors of the past, we must confront the reality of the present and the imperative of the fu-

ture. The reality of the present is that the window of opportunity is closing on our ability to bring peace to Iraq.

As I said, that is not just my conclusion. It is the conclusion of the former Deputy Defense Secretary, John Hamre, who was sent there by the Defense Department. The imperative of the future is that we cannot afford to lose the peace in Iraq.

Losing the peace in Iraq is not about terror alone. It is so much bigger than that. Losing the peace in Iraq would condemn the United States to deal with the consequences of Iraq: chaos, not just in more terrorism but what will happen.

If we lose Iraq, Iran becomes an incredibly empowered nation; Syria becomes more emboldened; Turkey, an Islamic government, seeing a failed state on their border, becomes more radicalized; Iran, surrounded by the failed states of Iraq and Afghanistan, puts in jeopardy the very existence of Pakistan.

Doesn't it occur to you a little bit why all of a sudden the accusations are the ISI is cooperating with the Pastun warlords in southern Afghanistan? These guys have figured it out. They are hedging their bets. They are hedging their bets. And if the Musharraf falls in Pakistan, we are not talking about an Iraq, we are not talking about an Afghanistan, we are talking about a nuclear power that my friend on the Intelligence Committee knows, as well as I do, is seething—seething—with terror. There is a whole province in northwestern Pakistan that is totally uncontrollable, where most people think bin Laden is and Omar is, that they will not go in and we cannot go in.

So I wish to heck we would stop this stuff about: We are fighting terror in Baghdad. We are, but it is so much bigger than that, and the American people have not been told it.

So we cannot afford to lose the peace.

I will make another outrageous prediction. If we lose the peace in Iraq, you will see at least two of the following countries fall—Jordan, Egypt, or Saudi Arabia. How will King Hussein stand with Iraq in shambles? How will that happen? How will any voice of moderation be willing to speak up anywhere in the Middle East if Iraq falls? And you know why Iraq may fall, beyond our mistakes? Because we have not leveled with the American people, and they may very well say: Bring the boys home.

I know my colleagues think I am a broken record on the Senate floor saying this so many times, but the one thing we all learned from the Vietnam generation—no matter whether we were for or against it, went or did not—is that no foreign policy can be sustained without the informed consent of the American people, their informed consent before we act.

In short, losing the peace would reinforce the view held by the extremists in the Arab and Islamic world that while the United States can project

power, we have no staying power, and that all they have to do is wait us out.

It would confirm the concerns of many moderate Arab regimes expressed before we went to war with Iraq that we would not finish the job.

I think it is fair to say I met with every Arab head of state as chairman of the Foreign Relations Committee. I traveled to the region; I traveled to Afghanistan; I traveled to northern Iraq—all before the war. I did not meet one Arab leader who defended Saddam Hussein. Yet I did not meet a single one who said anything other than what I am about to paraphrase: If you go, make sure you finish the job because if you do not, I am dead.

Our credibility in Iraq and the region and across the globe will be at rock bottom if we do not successfully secure the peace. America and Americans will be far less secure to boot.

We have to show the wisdom and the commitment to help Iraq write a different future so we can have a different future. And this supplemental request is critical to that effort. We have to succeed in transforming Iraq into a stable, unified country, with a representative government. And success in that effort would begin the process of redrawing the strategic map of the region. It could boost the reformers in Iran, Saudi Arabia, Egypt, and elsewhere who have put Syria and its allies and Hezbollah on the defensive, and improve the climate of Israeli-Palestinian peace. It would deal a significant setback to those who argue that the only future for Arabs and Muslims is one of religious extremism, perpetual conflict, economic stagnation, and autocratic governments.

So we are faced with a real choice. I say to my colleagues who opposed the use of force in the first place, who believe there is nothing this administration can do to win the peace, and who have concluded that the dire consequences I have just predicted if we cut and run are outweighed by the consequences of being dragged down into a long, protracted war, I respect their vote to say no. I disagree with them, but I respect it.

I have concluded that the peace is winnable but not without a change of attitude and direction on the part of this administration.

I am convinced that winning the peace is possible if the President keeps to the new course he seemed to set two weeks ago when he finally addressed the American people.

He vowed to make Iraq the world's problem, not just our own, by going back to the U.N. and seeking support of its members for troops, police and money.

And the President began to level with American people about the hard road ahead to win the peace in terms of time, troops and treasure.

If he sticks to that course, tells us how we are going to pay for the \$87 billion, and shows us a clear and coherent game plan, I believe we should give

him, and all of us, one last chance to get it right in Iraq.

Since the President addressed the Nation, I have to admit I have been given many new reasons to be skeptical that the administration has genuinely changed course.

The President's speech to the U.N. missed a crucial opportunity to rally the world to our side, just as he missed opportunities to get the world with us before the war and in its immediate aftermath.

He should have made clear our willingness to bridge the differences with our allies on a new U.N. resolution and to grant the U.N. real authority. He should have laid our some specifics, and asked—asked—for help.

So I am left questioning the sincerity of the President's midcourse correction.

If we want the world to share the burden, we have to share authority in Iraq in meaningful way.

The payers want to be players.

And I can't believe we can't find a compromise that meets our rightful concerns about the premature transfer of power. But that also empowers the U.N. and starts to put more power in the hands of the Iraqi people.

I am also skeptical that the President will continue to level with the American people about what it is going to take to win the peace. Being open and honest about the commitment we must make to Iraq is the only way to sustain public support. But the administration's approach to the supplemental concerns me on this account too.

The administration itself estimates the total cost of reconstruction in Iraq to be about \$60 to \$70 billion over the next 4 to 5 years. And I and others predict the final tab will be higher still.

The supplemental request covers \$20 billion of that total. That begs a critical question: Where is the remaining \$40 to \$50 billion coming from? Will it come from the international community? Normally, that would be a reasonable expectation. The United States typically covers about 25 percent of postconflict reconstruction costs. By that ratio, we could expect about \$60 billion from the international community for Iraq.

But we so poisoned the well in the lead up to this war and in its aftermath that no one expects the international community to provide more than \$2 to \$3 billion at the donors conference next month. That is a terrible indictment of our foreign policy and a harsh example of the price of unilateralism.

Will the missing money be generated by Iraq's oil revenues? That is what the administration led the American people to believe, and unfortunately even some Members of Congress now believe that is true.

In fact, if we are lucky, oil exports will generate about \$14 billion next year—just enough money to pay for the government's operating costs and salaries for public sector workers, the po-

lice and the army. Forget about oil paying for reconstruction.

Will the missing money be generated by others parts of the Iraqi economy? Secretary Rumsfeld recently promoted the potential of Iraq's tourism industry. The banks of the Tigris may replace the Outer Banks as a destination of choice someday, but not any day soon.

Or maybe the missing money will come from taxpayers when the administration comes back to Congress next year or the year after to ask for more. If that is the plan, tell us now.

For today, this Congress must deal with the money that is being requested.

Let me be clear, we must invest more in the effort to secure the peace in Iraq. I support the supplemental request. It is necessary and it is in our national security interest.

But that does not mean we should accept it on its face. The large number of proposed amendments to the supplemental are evidence that Republicans and Democrats alike don't have the confidence to take the administration at its word.

We need to build in strict reporting requirements—the kind Senator LUGAR and I tried to add to the original congressional authorization to use force.

We need to know how the administration will pay for this supplemental. We need to know how the money will be spent. And we need to see a coherent, detailed plan for success.

The first critical question that must be answered is: How are we going to pay for this \$87 billion? It seems to me there are three options: We can turn the money for reconstruction from a grant to a loan, to be recouped from Iraq when its economy gets going again. That sounds attractive. Why shouldn't the Iraqis pay for their own future.

But here's the problem. Iraq already owes the international community a crippling amount—some \$200 billion in debt and compensation claims. Adding to that debt will add to the dead weight holding back Iraq's recovery.

The creditors are mostly European and Arab countries—the very countries we are encouraging to contribute more to Iraq's reconstruction. And we are lobbying them to forgive or reschedule the debt Iraq owes them.

How can we add to Iraq's debt, put ourselves first in line to be paid back, kick the other creditors out of line—and ask them to contribute more and assume our debt? It won't work.

Second, we can do what the President is proposing: add to the deficit, which is already close to \$600 billion and pass along the bill to our children and grandchildren. That, to me, is unacceptable.

Or third, we can call on the patriotism of the American people, and ask them to help finance the \$87 billion the President has asked for. The President was right in saying that success in Iraq requires all of us to sacrifice. But he

squandered the opportunity to rally the most fortunate among us to the cause to help provide for our troops and meet the goal of achieving security and stability in Iraq.

The bottom line is: The President doesn't seem to have a plan to pay for troop support and reconstruction in both Afghanistan and Iraq. After squandering an annual Federal budget surplus in excess of \$200 billion upon taking office, and running up annual deficits estimated at nearly \$500 billion in less than 3 years, it would be fiscally irresponsible for this administration to pass on the cost of our security to our children and grandchildren. That gets it exactly backwards.

We must step up to pay for our own security and that of future generations. In fact, as the President said in his State of the Union Address:

This country has many challenges.

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

We will confront them with focus and clarity and courage.

In keeping with that view, the most obvious, fiscally responsible approach is to reconsider a small portion of the \$690 billion tax cuts targeted for Americans with incomes in the top 2 percent—people with incomes exceeding \$360,000 and averaging \$980,000 per year.

Cutting taxes responsibly in the middle of a jobless recovery, especially for the middle class, makes good sense. But never has any administration summoned Americans to war and, at the same time, pushed through the biggest tax cuts in history, all in the face of already historically high deficits.

The result is a mixed message to the American people, who are left to wonder: How can we wage the fight against terrorism without paying any price? In fact, the administration's thinking reflects a woeful misunderstanding of the character of the American people.

I this post 9/11 period, Americans have been waiting to be asked to do great things for this Nation.

Two years after that dark day, we have yet to tap into the surge of patriotism deeply felt by every American. Imagine if the President's address to the Nation had included the following request:

To all of you in the top one percent—those fortunate Americans whose average income is more than \$1 million a year . . .

I am asking you to forgo a small part of your tax cut.

Instead of getting \$690 billion of cuts, you will have to make do with only \$600 billion in cuts so we can pay for peace in Iraq, security in Afghanistan, and the war against terrorism.

Would a single American watching on television have said: "No way. That's not fair." Of course not.

Reducing a small part of the tax cuts for those in the top 1 percent of income will have no bearing on an economic recovery. But it would restore a sense of national purpose and unity that is our country's greatest strength.

I hope the President will support an amendment to do just that—a bipartisan amendment to the supplemental that Senator KERRY and I will offer, along with Senators CHAFEE, CORZINE, and FEINSTEIN.

I think Americans would support the idea of paying for this mission from the \$1.8 trillion in tax cuts enacted in the last 3 years.

Let's look at the numbers. Americans in this bracket make, on average, \$1 million a year. They are being asked to give up a single year's worth of their \$690 billion 10-year tax cut, and do it gradually.

For example, in a single year, 2008, the tax cuts going to the top 1 percent will total \$87.7 billion—virtually the same amount of money the President is requesting.

In my view, the most fortunate Americans surely would respond favorably to such an idea. What we are saying is: They are no less patriotic than anyone else. But also they have the best ability to contribute because their tax cut is so much greater than everyone else's.

The top 1 percent will get a cumulative 10-year tax cut of nearly \$690 billion. What I am proposing leaves them with a \$600 billion tax cut. That is clearly not punitive. If someone proposed today that the richest 1 percent get a tax cut of \$600 billion, it would sound outrageous given the circumstances we now face, with growing deficits, and growing security needs.

In making this proposal, I am not arguing about the fairness of that distribution. I have already stated my position on that when I voted against the tax cuts. But, whatever one thinks of the fairness of the tax cuts themselves, it is clear which Americans are in the best position to give up a small part of what they are getting to pay for our mission in Iraq. And that, unfortunately, is the price we have to pay for the unilateral foreign policy and the missed opportunities of this administration.

If we give the administration the money it is seeking for Iraq's reconstruction, it must give us a clear and coherent plan for succeeding where it has failed so far.

The No. 1 priority must be to inject a sense of urgency to our efforts. I don't want to minimize how hard this is, nor do I want to minimize the successes we have already achieved: Standing up the Iraqi Governing Council, opening schools and hospitals, establishing local councils across the country. But all of this progress is jeopardized by our failure thus far to get it right in two fundamental areas: security and basic services.

If the Iraqi people do not soon see their living conditions improve, they will begin to turn against us. Once that happens, the insecurity we are seeing today will look mild by comparison.

In my judgment, there are five urgent priorities in Iraq.

We need a detailed gameplan to address them. And that plan should be de-

veloped in close consultation with the Iraqi Governing Council.

First, we must improve the security situation on the ground for our soldiers and for the Iraqi people. Over time, an Iraqi army can and should take the place of our troops. But it will take time to train such a force 1, 2, 3 years.

In the meantime, the best way to take some of the heat off of our forces is to bring other countries in on the deal.

That is one reason a new U.N. resolution is important. If we had done this right from the start, we would have been able to secure 60,000 or 70,000 foreign troops. I doubt we will get more than another 10,000. But every single foreign soldier helps.

For Iraqis, law and order has broken down in large parts of the country, especially in Baghdad and central Iraq. Murder, carjackings, theft, and rape are taking place at an alarming rate. Criminal gangs are organizing at a rate far faster than we are fielding trained Iraqi police.

We have heard a lot of talk about whether the number of foreign military forces on the ground is adequate. What does not receive nearly enough attention is the urgent need to recruit international police forces to train and work alongside the Iraqi police. Our own officials tell us that we urgently need over 5,000 international police to train and patrol with Iraqis. We should have deployed them over 5 months ago when Baghdad fell. We should have started recruiting them 12 months ago, just as President Clinton personally got on the phone to world leaders to recruit police months before we went into Haiti. Yet, to my knowledge, less than 10 percent of the international police forces we need are on the ground.

Only Iraqis can effectively police Iraq. They know their country better than any foreigner. But we also know that the police under Saddam were corrupt and sadistic. They maintained order through fear and coercion. We have to start from scratch in recruiting and training an Iraqi police force. But that effort can't occur on a large scale until we get trainers in from abroad. And we can if the President builds an effective coalition, if he reaches out to our allies, and recruits those forces.

The second priority is to restore basic services—particularly electricity, water, and telephone service.

Ambassador Bremer set the end of September as a deadline for restoring electricity to its prewar level of 4,400 megawatts. This is enough to meet about two-thirds of countrywide demand.

While falling temperatures will ease demand in coming weeks, toward the end of October, the month of fasting or Ramadan will begin. Iraqis will expect to have electricity available during the evening meal when they break their fast. If they don't, we should expect their discontent to grow. It will take huge investments to bring the electricity grid up to the level where it can

meet full demand countrywide. Ambassador Bremer estimates \$13 billion. Another official in Baghdad puts the price tag at a total of \$21 billion.

The third urgent priority is a strategic communications plan. The United States has the most advanced media industry in the world, yet we are being beaten on Iraqi airwaves by the likes of al-Jazeera and Iranian TV and radio. The messages these outlets are broadcasting do not cast the United States in a positive light.

The quality of our broadcasts in Iraq makes public access TV look good. It is hard to imagine succeeding in Iraq if we cannot succeed at getting our message out.

Few Iraqis have a sense of the priorities, plans, and progress of the United States. We need to communicate effectively and directly with them. They need to hear us acknowledge their problems. They need to hear us describe our plans for fixing them. They need to hear timetables. It is not that complicated.

Our fourth urgent priority is helping to rebuild Iraq's economy. The Iraqi economy is broken. It was destroyed by 35 years of mismanagement, wars, sanctions, and extensive looting that followed Iraq's liberation. It will take several years to recover.

Unemployment is over 60 percent. By contrast, at the height of the Great Depression, our unemployment was just over 25 percent. A hot, poor, unemployed, and well-armed population is not a good combination. We need to get people off the streets and involved in their country's reconstruction.

The final priority is to establish a clear timeline for handing power back to the Iraqis. There is a legitimate debate going on with the French over the pace of "Iraqi-ization" and the timing of elections. All of us want to see sovereignty restored to Iraq as quickly as possible. But none of us want a process that is so rushed that it ends in failure.

Today, the best organized forces in Iraq are extremist religious groups and ex-Baathists. They have the most to gain from early elections.

Building a strong, democratic center and the institutions of civil society will take time. We should seek a compromise at the U.N. that creates a representative—perhaps partially elected—body that would draft the new Iraqi constitution by early next year. That constitution should be put before the people of Iraq in a referendum, and elections should follow by next summer.

The administration should submit a detailed plan with specific benchmarks and timelines in each of these areas I have mentioned.

The administration also must show us that, in working toward these goals, it will spend the tax payers' money wisely. I have looked closely at the budget request, as have most of my colleagues. And we have a lot of questions. To cite just three examples:

Why does the administration propose to spend \$33,000 apiece for pickup

trucks when you can get a new pickup here in the U.S. for \$14,000? Our Iraqi friends deserve AC—but not leather seats and a CD changer.

Why does the administration propose to spend \$10,000 per student for a month-long business course—more than double the monthly cost of Harvard Business School?

Why does it propose to spend \$50,000 per prison bed—double the average cost in the U.S.?

The bottom line is that we have an obligation to closely scrutinize the President's request, to ensure we spend taxpayer dollars wisely and effectively. But we must face up to our foreign policy and national security obligations as well. We cannot meet our national security needs on the cheap, or by playing off domestic constituencies against our need to get it right in Iraq.

The stakes are too high, and an entire region's future—one that is critical to America's security—is in the balance. Let's not take our eye off the ball. Let's do the difficult thing, but the right thing.

Madam President, I just sum up by telling you what is in my heart. We have three stark, basic choices. It is real simple. Given the facts—the fact is, it is going to take years to build, not a democracy, just a representative republic in Iraq. Never in history—never in history—even in countries with a tradition of western values and democracy, has a representative democratic government been built in a short amount of time—never. I challenge you to challenge your staffs to give me an example where that has occurred.

So, No. 1, it is going to take a long time. It is going to take tens of billions of dollars beyond this. Mr. Bremer has begun to level, and level first with us. He says after this \$20 billion downpayment for reconstruction, it is a minimum of \$50 to \$75 billion more—more—over the next 4 years or so to do the essentials, to rebuild Iraq. Other think tanks have said it is \$100 billion. The World Bank says \$75 billion or so. That is another essential fact.

The third fact is this country has never been a country—never. It was the outgrowth of a deal made after World War I. So we are putting together not a Germany, which was heterogenous, not a France, not a defeated or victor in the last war, or big war; we are putting together a country that has never been a country, other than held together by a dictator or an autocrat or a colonial power. It is going to take a lot of time.

Here is where we are. It is very simple. It is going to cost—everybody knows—billions of more dollars beyond this supplemental. It is going to take thousands of somebody's troops beyond those that are there. And it is going to take a long time.

The choices are clear. We continue in our unilateral ways to take 95 percent of the casualties, pay 99 percent of the bill. One of the things my colleagues know is that the Poles are being paid

for by us. God love them, they are there; we are happy they are there. Those other 20 nations are being paid for by us, but for Great Britain. So we get 95 percent of the deaths. We pay 90 percent of the bill, and we take 99 percent of the responsibility. That is one option.

The second option is—and which I predict this administration will do if this does not go right—declare victory and leave and see chaos ensue. Some Democrats will suggest that. Some in the administration will suggest that.

Or there is a third option. We get someone else to pay the bill with us. We get someone else to pay.

There is a fourth option that is not a real option. The Iraqis could pay. Let's get this straight about Iraqi oil. No one before the war or after the war is predicting in the next 5 or 6 years there will be more than an excess of \$5 to \$10 billion a year to be able to pay for reconstruction after the cost of paying for the government. Read Bremer's report. So this is poppycock about Iraqi oil will pay our way out.

We are left with the last option: We get the rest of the world to jump in the tank with us. At the beginning of this process, the President tried to impudently the Indian foreign minister to send a division. The Secretary of State and others said we are likely to get that. The Turks were talking about a division. We were looking for 50 to 60,000 troops. Guess what. They ain't coming, folks.

Here is the deal, and it is real simple. The President can genuinely internationalize this by sharing not only the responsibility but sharing the authority. We continue to act like Iraq is a prize we won. We continue to challenge the world to help us.

I went to the head of the European Union not long ago and I said: Javier, what do we have to do to get your help?

He looked at me, held my shoulders, and said: Joe, ask. Not demand, not challenge, ask. Ask. Ask.

There is not a major newspaper in America that didn't think the President of the United States blew that opportunity when he recently spoke to the United Nations. I am beginning to doubt—and I hope I am wrong—that the United States is genuinely sincere about the U-turn he has made and wanting to engage the international community. I pray he means that.

Mr. BOND. Will the Senator from Delaware yield for a question.

Mr. BIDEN. Surely.

Mr. BOND. I am taken with the world view and the view of the peace by the Senator from Delaware, but when he talks about the United Nations, as a member of the Foreign Relations Committee, I wonder if he recalls this discussion with the Secretary of State: Last week you engaged in tireless diplomatic efforts to seek such unity against Iraq. Oddly, other members of the Security Council continue to indulge the fantasy that Saddam would suddenly begin listening to reason.

Members of Congress do not share that delusion. We look forward to receiving the President's recommendations with regard to the need to use force to contain, if not destroy, Iraq's capability to produce weapons of mass destruction.

Is my colleague familiar with that?

Mr. BIDEN. I think you are quoting one of the most articulate men who has ever served in the Senate. I wonder who you are talking about?

Mr. BOND. I am referring to the distinguished Senator from Delaware—

Mr. BIDEN. I thought that is who you were talking about.

Mr. BOND. Who I understood made this statement to the Foreign Relations Committee.

Mr. BIDEN. The Senator is absolutely right. If he wants to read the rest of the statement, he will point out we in fact should have continued to try to get the rest of the world to come along after the fact. Can you imagine if the President of the United States had said, the day after the statue of Saddam fell, if he went on national television and made the following speech: My fellow Americans, I tell you that our fighting men and women have bravely defeated the present government, but we have much to do. It will cost billions of dollars and take tens of thousands of troops for the foreseeable future. Toward that end, I am going to ask our valued allies who disagreed with us, whose democratic processes I respect but they disagreed with us, to now step in and help us, ask them to participate in rebuilding Iraq and share the responsibility of forming a new government and dealing with the aftermath of Saddam. Toward that end, I have convened a meeting with Mr. Chirac, Mr. Schroeder, the European Union, et cetera. What do you think would have happened?

But what did we say? We said the same thing we said in Afghanistan. When the French offered to send 5,000 of their marines, when Schroeder risked a vote of confidence by one vote, he succeeded in voting for sending 1,000 German marines to Afghanistan, Mr. Rumsfeld and company said: We don't need them. And they stiff-armed them.

Senator LUGAR and I contacted the President and said: Please, please accept their forces.

We don't need them. We don't need them.

Technically we may not need them. But I would argue that is the nadir of diplomacy that I have witnessed in this body, and I am now the seventh most senior Member. The diplomacy has been so incredibly ham-handed that we have to continue this foolish response. We have hamstrung ourselves in a way that makes it almost impossible to do what everybody on this floor knows we need to do.

It is real simple. If you think we can secure the peace in Iraq all by ourselves without anybody else's help, then have at it. Go to it. I don't know any reason why Bremer should not be dual-hatted like we are in Bosnia. I

don't know any reason why we should not be saying to the French, the Germans, the European Union, and the U.N., you help us form this government. I don't know any reason why we didn't have them in there in the first place, beginning the electoral process, why we stiff-armed them. I don't get it.

I do know the result. Whether you agree with me or not, somebody has to pay the bill. All my friends who don't like international institutions, all my unilateralist buddies who like to eat freedom fries and engage in their little pettiness, have fun, but go home and explain to your people why only Americans are dying. Go home and explain to your people why only American taxpayers are paying the bill. Go home and explain to your people why we have close to 200,000 troops in the region and 140,000 troops there. Bravo. Bravo. Aren't we tough.

It is about time we wake up. By the way, I will be seeking the floor later today with an amendment. This President has come along and said: We need \$87 billion and, by the way, just add it to the deficit. Add it to our tab. Put it on the tab. Our kids will pay for our security.

So the budget deficit is going to approach \$600 billion. Can anybody name a time for me in American history when a President took us to war and, after taking us to war, a war that I supported his going to, said: It is going to be a long sacrifice, and, by the way, here is the largest tax cut in the history of the United States of America, as we go?

Can anybody name any time in American history when that has ever happened? Isn't it kind of strange?

So, Madam President, I will not take the time to talk about how we should pay for this now. But I will suggest—is there any time left?

The PRESIDING OFFICER. There are 2 minutes 24 seconds.

Mr. BIDEN. Madam President, to me, this is real basic. If we want people to share the burden, we have to be willing to have people share the responsibility. Why does the administration propose—by the way, we have every right to look at the details of this \$87 billion.

Why does this administration propose to spend \$33,000 apiece for pickup trucks when you can get a brand new pickup in the U.S. for \$14,000? Our Iraqi friends deserve AC—but not leather seats and a CD changer.

Why does the administration propose to spend \$10,000 per student for a month-long business course—more than double the monthly cost of the Harvard Business School?

Why does it propose to spend \$50,000 per prison bed, which is double the average cost of a U.S. prison bed?

The bottom line is we have an obligation to closely scrutinize the President's request, to ensure that taxpayers' dollars are spent wisely and, most importantly, that this administration has changed its course because literally the future of our children is at stake if they don't get it right.

I thank my colleagues and I yield the floor.

Mr. FEINGOLD. Madam President, today I have voted in support of Senator BYRD's amendment to strike \$15.2 billion in reconstruction aid from the supplemental appropriations bill. I supported this amendment not because I oppose the overall intent of some of this spending—helping Iraqis establish order and setting the country on a path to stability and development—but because it is clear that there has been insufficient planning and insufficient explanation as to how this \$15.2 billion in reconstruction assistance would be spent.

This portion of the request needs careful consideration and, frankly, this portion of the policy desperately needs improvement. It makes sense to sever this portion from the rest of the request to allow for that process without delaying action on all of the issues before us.

Mr. BINGAMAN. Madam President, I rise today to explain my support for Senator BYRD's amendment No. 1794 to S. 1689. While I support funding the reconstruction of Iraq, I believe in the necessity to consider these two very important issues funding for Iraqi security and Iraqi reconstruction separately.

The purpose of the Byrd amendment was to separate the reconstruction portion from the security portion of S. 1689. Had Senator BYRD's amendment passed we would have been able to take immediate action on the security portion of S. 1689 and passed that portion before we left town this week. We could have then, upon our return, looked more closely at the President's request for reconstruction funding and taken the time to give thorough scrutiny to the administration's request and better examine the ways in which we are prioritizing the spending requests of this bill.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, I failed, and it is certainly my oversight—prior to a vote on the Byrd amendment, the managers should be recognized. They have both agreed to 8 minutes each.

I ask unanimous consent that the managers have 8 minutes each prior to the vote on the Byrd amendment.

Mr. STEVENS. Reserving the right to object, that is on the Byrd pending amendment?

Mr. REID. Yes.

Mr. STEVENS. To occur now?

Mr. REID. Yes, but first Senator SMITH will speak, and then Senator BOXER will speak for 8 minutes, and you and Senator BYRD will have 8 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, before my friend Senator BIDEN leaves the floor, I tell him that I think he is on the wrong

side of short-term politics, but he is on the right side of history to support the President's request for \$87 billion. He has made many points where the administration could have done this or that better. Some of them are valid.

I think it is important that we remind ourselves what this is really all about. What are the bigger issues at play here? I have believed throughout my life as a child of the cold war that American foreign policy is something to be proud of. Born in the early 1950s, I remember the nuclear bomb drills, where we would get under our desks and practice how to survive a nuclear bomb. I remember great leaders such as Eisenhower, Kennedy, Nixon, and then Reagan, standing up for the principles of the American Constitution at home and abroad.

I ask myself, what are the values of the American foreign policy? I believe they are the spread of democracy. I believe they are the defense of human rights. I believe they are the expansion of prosperity and engaging in trade. The world doesn't need to fear the United States of America as long as those values are intact. I believe they are very much intact. When I came to this body in 1997, I was privileged to serve on the Foreign Relations Committee with Senator BIDEN. I remember during the Clinton administration a feeling that our foreign policy was very well intentioned, but there was uncertainty about what to do with it. We were attacked at the World Trade Center; we were attacked at the Khobar Towers; we were attacked in our ship in a port in Yemen; our embassies were blown up. In each case, our response was to hit them with a cruise missile, but not the commitment to actually go get them.

I joined Senator BIDEN and others on the Democratic side in supporting President Clinton in Kosovo, believing that the defense of human rights included stopping genocide on a massive scale in Bosnia. I remember when many Republicans criticized President Clinton for not coming with a plan—planning for peace, having every jot and tittle accounted for in the expenditures in Kosovo.

I suspect if we look up what we have spent in Kosovo on a per-capita basis, it is about the same as President Bush is proposing to spend in Iraq. As important as Kosovo was in terms of our strategic interests, Iraq is infinitely more important.

Now I believe America's best days are still ahead. I believe our role in world leadership is more important now than ever before. I believe after the Second World War America was laden with debt and our people wanted to go home, and President Truman came to this place and said we have to have a Marshall Plan to save Europe. It was one of the most beneficent acts ever by a government over a continent that had been conquered and suffered much tyranny.

I believe that Roosevelt, Truman, Eisenhower, MacArthur, and other lead-

ers helped to save the free world in that act. But if you added it up at the time, as many did, and tried to make sense of it, it didn't make sense. But as I say, JOE BIDEN is on the right side of history because America has been called to a new sphere of responsibility, just like our parents were in Europe and in Asia.

I talked about the spread of democracy being one of the pillars of American foreign policy. Democracy is setting its roots everywhere on the planet except in Arabia. The Arab peoples have suffered mightily because of its absence, not having the rule of law. All you have to do is go look at the mass graves in Iraq to understand that. All you have to do is look at his people and his neighbors, the Iranians, who have suffered the effects of weapons of mass destruction from Saddam Hussein to understand his danger. All you have to do is understand where Hamas got its money to blow up the people of Israel; they got it from Saddam Hussein.

I believed this President when he came to us and asked for our support. He said the threat was not imminent, but after 9/11 we could no longer wait until it is imminent when we are dealing with a madman like Saddam Hussein.

Many of my colleagues criticize President Bush for not planning for the peace. Well, frankly, we, the Republicans, criticized President Clinton for not planning sufficiently for the peace in Kosovo. I am not sure how well you can plan for the peace, but I know every time a chief executive, Republican or Democrat, comes here and says I have a plan for the peace, we have many of our colleagues simply say we cannot pay for the peace. We can pay to win a war, but we want to go home when it is time to win the peace.

The American people, I know, are tired of paying, but world leadership and American interests in relationship to that are priceless, and sometimes we cannot tote it all up. But I ask you what kind of a world we will live in if we succeed in this vision of establishing a democracy in Iraq. Think what that means to Arabia, to Israel; think what that means to our country if we can avoid a future 9/11.

It will make the pricetag for peace in Iraq look like a good price, and it will mean that while some will complain we have created a breeding ground for terrorists in Iraq, in the Middle East, we can answer, yes, we have, but the ground is there; it is not here. That is what I think President Bush is trying to do.

So when we criticize our leaders for bold vision, just as Republicans criticized Roosevelt for Yalta, understand Roosevelt tilted the ship of state in the right direction so we could ultimately win. Understand that Truman laid the groundwork for democracy in Europe so we are not constantly fighting between Germans and French. And understand that what President Bush is now saying is, after 9/11, no more of them. If

they want to fight, it is there, not here, and we have to go and win the peace. It falls to us now to pay for it.

I say JOE BIDEN is on the wrong side of short-term politics but JOE BIDEN is on the right side of history, just as Republicans were when they supported Truman with the Marshall plan. We are being asked to do something that is historic. If the time of the Americans is over with the cold war, vote no. If the time of the Americans and American leadership is still present, vote yes, for this appropriation. Vote against the amendments that would gut it because I believe our place in the world, democracy's future on this planet, is in large measure determined by what leadership we give to the world.

I wish I had more confidence in international organizations. I think we should stay in them, but I don't believe we should ever have our interests and our values subordinated to the veto of the Security Council of the United Nations. That would be a mistake. And if we had ever done that, we would never have defended Europe in the cold war, we would never have defended our allies in Asia, because we never could have gotten support of the Security Council for such things. So it does require American leadership, and sometimes, with allies such as the British, we have to go it nearly alone.

I believe the time of the Americans is still now, and I think we need to support this President because I think the peace of the world and the spread of democracy are dependent upon it.

I thank the Chair.

The PRESIDING OFFICER (Mr. CORNYN). The assistant Democratic leader.

Mr. REID. Mr. President, I ask unanimous consent that the agreement now in effect be amended to allow the Senator from California to speak for 10 minutes rather than 8 minutes.

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

The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague. It is because I prize America's leadership in the world that I will be proudly supporting Senator BYRD's amendment because Senator BYRD's amendment will allow us to really look at what we are doing in Iraq. It is because I also prize this country and I respect and honor the needs of our people that I am supporting Senator BYRD's amendment.

If we look at what we spend in a year on items most important to the people in this country, and we compare it to what they are about to spend in Iraq reconstruction which we were told would never fall to American taxpayers, we will see that our people are being shortchanged.

Senator BYRD's amendment allows the funds for the military to move forward and even \$5 billion of reconstruction for the Iraqi police to move forward, but it withholds the \$15 billion because he prizes America's leadership, because he doesn't want us to look

foolish, because he as well as I and many others are tired of reading in the newspaper comments from the Iraqis.

For example, this is one from USA Today. It tells of an Iraqi businessman who was surprised to see the \$100 million estimate to build a complex that will house more than 3,000 people. He said: I could build this for \$10 million.

If someone comes to the floor and says Senator BYRD is turning his back on America's place in the world because Senator BYRD wants to protect the people of this country and their taxpayer dollars so that when and if we do build housing or shopping malls in Iraq, it is done in the right way, I say the people who question him are on the wrong track.

I have another quote. A member of the Iraqi Governing Council—appointed by this administration, I might say—saying to WAXMAN staff over on the House side that non-Iraqi contractors had charged about \$25 million to refurbish 20 police stations in Basra, a job that he said Iraqis could have done for \$5 million. This is a disaster.

My friend talked about President Roosevelt. Let me tell you what FDR said about this during World War II:

I don't want to see a single war millionaire created in the U.S. as a result of this world disaster.

He was talking about war profiteering. Maybe my colleagues are sanguine about the scandals we have already seen with no big contracts in the back room to firms that have connections to the Vice President of the United States. I am not sanguine.

The Byrd amendment is saving us from the embarrassments that will flow, because they will flow. I have been in the area of military procurement reform for a very long time. I served in the House for 10 years. I served on the Armed Services Committee. I discovered a lot of problems with military procurement, and you ain't seen nothing yet when you already have Iraqis saying we are charging so much.

What Senator BYRD is saying to us is, before we send hard-earned American tax dollars over there for a rebuilding, if you will—actually, it is not even a rebuilding; it is a building because a lot of the things they never had before—before we do that, we need to look at this situation.

When I see that the administration, the President, is asking for \$33,000 apiece for 80 pickup trucks when here they cost \$14,000, I say thank you, Senator BYRD.

When I see a \$3.6 million request for satellite phones at an average cost of \$6,000 and we are told by the Iraqis that they paid on May 12 \$900 each, I say thank you, Senator BYRD.

And \$2 million for museums and memorials when the Iraqis say they are tired of memorials. That is all Saddam ever gave them. They don't want more memorials. I say thank you, Senator BYRD, for calling attention to the fact that they want to build two prisons at

a cost of \$50,000 per prison bed where in America it cost \$25,000 per prison bed.

Others have talked about the cost of a 4-week business course in Iraq at a cost of \$10,000 per student when in Harvard it is \$4,000. I say thank you, Senator BYRD.

Where is the money going? Into somebody's pocket where it doesn't belong over there or over here? It doesn't matter; it is taxpayers' dollars.

Look at what we spend one year on drug enforcement, \$1.6 billion, and our kids are dying of overdoses, and we don't have the money, and this administration won't give us the money for education.

This President cut afterschool programs in half, throwing 1 million kids out on the street. Thank goodness we restored some of it. I say thank you, Senator BYRD.

You can make the most lofty statements you want about America's leadership. America's leadership doesn't move forward one iota when we are not careful and we don't look at what we are doing.

I think it is extraordinary: \$9 million for a state-of-the-art Iraqi postal service. Per capita, this amount is greater than the Federal Government spends on the U.S. Postal Service. Tell that to our constituents who are told they may not get Saturday mail deliveries.

My constituents are perplexed by this request. The President will not pay for it. He is adding to an already overblown deficit. If we do not count the Social Security trust fund, it is up to \$700 billion. He will not pay for it. The numbers do not add up. They do not make sense.

My people want us to do our share to help the Iraq people, but they were told a different story from this administration. Press Secretary Ari Fleischer:

Iraq has tremendous resources that belong to the Iraqi people. And so there are a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction.

Ari Fleischer, the spokesman for the President, said that in February of this year. In March of this year, Deputy Defense Secretary Paul Wolfowitz:

There's a lot of money to pay for this that doesn't have to be U.S. taxpayer money, and it starts with the assets of the Iraqi people.

He also said:

We're dealing with a country that can really finance its own reconstruction, and relatively soon.

This is what my constituents were told, and now they are told they are supposed to blink their eye at tens of billions of dollars going for things that cost half the price in this country.

How about Secretary Rumsfeld, the leader of this war:

I don't believe that the United States has the responsibility for reconstruction.

Let me say that again. The top person in the Defense Department, Secretary Donald Rumsfeld:

I don't believe that the United States has the responsibility for reconstruction.

That is not BARBARA BOXER speaking. That is not ROBERT BYRD speak-

ing. That is not Senator MURRAY speaking or Senator STABENOW.

This is what the American people were told, and Senator BYRD is saying to this administration that they did not tell us the truth about this.

It goes deeper than that. This administration has been wrong down the line on this policy, and suddenly we are supposed to write this enormous check for this reconstruction. I look at it as a blank check—when one sees the numbers they have put forward. They were wrong on the weapons of mass destruction. They were wrong on what would happen after the war. They were wrong when they failed to predict that the terrorists would move in and fill the void. They were wrong on what the rebuilding would cost. They were wrong on the state of Iraq's ability to recover economically. They were wrong on how many troops would be needed. They were wrong on the oil revenues. They were wrong on how much other countries would contribute.

I know it is hard to listen to this. I know some of my colleagues on the other side do not really want to listen to this, but these are the facts. We are not operating from a lack of experience. What Senator BYRD is saying—and he is making a plea to colleagues on both sides of the aisle—is that we need to take a further look at these requests, especially at a point in time when we are told by this administration that they cannot even meet our homeland defense needs.

I have an amendment to try to protect commercial aircraft from shoulder-fired missiles. Let's support Senator BYRD. He is doing the right thing for America.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, there will now be a period of 16 minutes equally divided between the Senator from West Virginia and the Senator from Alaska.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I assume this will be an up-or-down vote. I am pleased to make my statement first and let the Senator close. That would put people on notice that we should be voting in 15 minutes.

I have said repeatedly that the President's supplemental must be considered as a complete package. This is one of the key votes on this bill. If we try to separate even a portion of the package of the \$20.3 billion, we will delay the return of our troops.

We are in a situation where the quicker the Iraqi people can get control of their own affairs—or even greater control of their own affairs, I should say—the better off we will be and the sooner we will start bringing our forces home.

Support for our forces is directly linked to the funds for security, infrastructure repair, and freedom in Iraq. All of the witnesses who appeared before us from the military, the State Department, and Ambassador Bremer,

representing both in Iraq, have indicated to us there is no question that the safety of our people is linked to these funds for reconstruction and restoration of Iraq.

Our colleagues have said they support the military money, but the military money must be increased greatly if the forces are not forthcoming from the Iraqi people to provide security and police. They can provide their own people at much less cost than we can. To provide security in a military concept will mean bringing a great many more military people to Iraq to provide the security that is necessary to deal with the situation, particularly in the triangle around Baghdad.

Our troops on the ground become greater targets the more the dissidents increase their control over the Iraqi people. The dissidents really are those who are unhappy about their own lack of necessities, their own security, their own lack of fuel and electric power.

These costs for reconstruction are high, there is no question about it. If we compare it to other engagements we have had in the world, they are not high on a per capita basis. We are dealing with many more people in Iraq than we were in Bosnia, and many more than we were in Kosovo. In both of those countries, we ended up with a period of long occupation that would have been unnecessary if we had moved into the concept of aiding the people there to provide their own government and their own security and their own basic future.

I do hope the Senate will vote against the Byrd amendment. It is the first test really of the intention of this Senate to approve the request of the President of the United States, which has been supported by every person who is in authority in our Government today.

I wish I had with me some of the letters I have received, that have been read to me, from our military people in Iraq. Those who are serving there have done a magnificent job, and they know it. They are writing their parents and telling them how proud they are of what they have done and how proud they are to be helping these people have permanent freedom in their own country.

I urge that this amendment be defeated.

I do want to point out that what we are dealing with is the question of splitting this supplemental. The supplemental is in two parts. One is military, and one is for reconstruction and restoration of the Iraqi people. To split off any part of it is to defeat the purpose of the administration and to defeat the goals we sought to achieve by committing our forces to the cause of liberating Iraq.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, first I thank my colleague, Senator STEVENS, for his courtesy. I want to tell him again that my association with him is not so fragile as to be injured by any differences we may have between us on this amendment or any other question.

The American people have only recently been exposed to some of the details of the \$15.2 billion in funds that the President has requested for the reconstruction of Iraq. The more the public learns about this request, the more the people will want Congress to take a closer look at this request.

My amendment would strike \$15.2 billion in reconstruction funding for Iraq. But it does not touch 1 cent of the security-related funding in this \$87 billion appropriations bill. My amendment would allow the Senate to go back to the drawing board and consider an entirely new bill that would only contain funds for rebuilding Iraq.

A vote for the Byrd amendment is a vote for taking a fresh look at \$15.2 billion in Iraqi reconstruction spending. A vote for the Byrd amendment is a vote for more hearings, more hearings about why these funds are needed, more hearings about your money. I have heard that expression so much when it has been used by our friends on the other side, talking about the tax cuts, saying: It is your money. It is your money. It is the people's money that we are talking about here. A vote for the Byrd amendment is a vote for more hearings about why these funds are needed.

Are there reasons to vote against my amendment? There sure are. There sure are reasons to vote against my amendment. If Senators want to spend \$10 million to hire 48 bureaucrats for Iraq at the cost of \$208,333 per pencil pusher, that is a good reason to vote against my amendment.

If Senators want to support \$9 million for creating new ZIP Codes in Iraq, vote against my amendment. That is a good reason. That is a dandy reason to vote against it.

Let me say that again. If Senators want to support \$9 million for creating new ZIP Codes in Iraq, vote against my amendment. Go to it.

If Senators want to buy 80 pickup trucks at \$33,000 when pickup trucks at a car dealership in any town in the USA start at just \$14,000, vote against my amendment. Go to it. Vote against my amendment.

A vote against the Byrd amendment to strike \$15.2 billion in aid to Iraq is a vote for a padded bill. Go to it. A padded bill. The questionable items funded by this bill go on and on and on.

The President's request contains \$3.6 million for 600 radios and telephones at \$6,000 each. How about that? According to the Business Week of May 12, Iraqi merchants sold satellite phones during the war for \$900 each.

This bill has \$20 million to send Iraqis to a 4-week business school course at a cost of \$10,000 per month. How about that? That must be a great

education. That must be a great education because tuition at Harvard Business School is less than \$4,000 per month.

As long as we are talking about education, the administration also wants to spend \$30 million for English classes, at a cost of \$1,500 per student. How about that? Thirty million dollars for English classes at a cost of \$1,500 per student. Similar English programs in the United States reportedly cost just \$500 to \$1,000 per student. And there is more. There is more.

There are more reasons to vote against my amendment. For example, there is also \$2 million for museums and memorials. Is this money really an emergency? Is it? Some Iraqis don't think so. On September 29, USA Today quoted a car dealer in Iraq as saying about this money:

OK, garbage collection I can understand, but statues? After Saddam, we are fed up with statues.

If Senators support this kind of excessive spending, then vote against the Byrd amendment. But I think the Senate must take a new look at the \$15.2 billion in reconstruction spending proposed by the administration. Interestingly, just yesterday, members of the Iraqi Governing Council told the leadership of the Senate that they had not been consulted in putting together this budget request for the reconstruction of Iraq. We need to make sure there is a coherent plan for how this money is to be spent.

I do not yet have any confidence that the administration has a solid plan for how it plans to spend this money, and the lack of a plan could leave working Americans on the hook for billions of dollars more for many years.

I also do not yet have confidence that the administration has a plan for bringing in the international community to the occupation and reconstruction effort in Iraq. Some have argued that, if this reconstruction spending is delayed, it will result in increased danger to the troops. I simply don't understand how creating new ZIP Codes in Iraq, how hiring more bureaucrats for Iraq, how purchasing more pickup trucks for Iraq will make American troops any safer. What they need is a plan and an exit strategy, which includes getting troops and money from the international community.

Vote for the Byrd amendment to strike this \$15.2 billion and let the Senate take a new look at how we can share the cost of this reconstruction spending with the international community.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—38

Akaka	Edwards	Lincoln
Baucus	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Harkin	Nelson (FL)
Breaux	Hollings	Pryor
Byrd	Inouye	Reed
Chafee	Jeffords	Reid
Conrad	Johnson	Rockefeller
Corzine	Kennedy	Sarbanes
Daschle	Kohl	Schumer
Dodd	Lautenberg	Stabenow
Dorgan	Leahy	Wyden
Durbin	Levin	

NAYS—59

Alexander	Crapo	McCain
Allard	Dayton	McConnell
Allen	DeWine	Miller
Bayh	Dole	Murkowski
Bennett	Domenici	Nelson (NE)
Biden	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Cantwell	Gregg	Snowe
Carper	Hagel	Specter
Chambliss	Hatch	Stevens
Clinton	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Kyl	Thomas
Collins	Landrieu	Voivovich
Cornyn	Lott	Warner
Craig	Lugar	

NOT VOTING—3

Graham (FL)	Kerry	Lieberman
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The amendment (No. 1794) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, under the previous order Senator MCCONNELL will be offering a sense-of-the-Senate amendment on the troops. We are currently working on an agreement to set up the vote for that for tomorrow morning. Therefore, we will have no more votes tonight. Senator BIDEN tonight will also be offering an amendment later. There will be no more votes tonight. We will be announcing when we will be voting tomorrow morning a little bit later this evening.

The PRESIDING OFFICER (Ms. COLINS). The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I know the Senator from Louisiana is interested in talking for a few minutes as in morning business. I ask unanimous consent the Senator from Louisiana

be recognized for 4 minutes as in morning business, after which I be allowed to send my amendment to the desk. The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana. (The remarks of Senator LANDRIEU and Senator CRAIG are located in today's RECORD under "Morning Business.")

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Madam President, I will shortly offer an amendment that should be supported by everyone in the Senate. It seems to me it is time we had such a vote. It is an opportunity to set aside the rancor that has occasionally occurred during the consideration of this underlying measure, both in the Appropriations Committee and since, and agree that the Armed Forces of the United States have performed brilliantly in Operation Enduring Freedom in Afghanistan and in Operation Iraqi Freedom in, of course, Iraq.

Since October 7, 2001, when our Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, our soldiers and allies have removed the Taliban regime, eliminated Afghanistan's terrorist infrastructure, and captured significant and also important and numerous members of al-Qaida.

Since March 19, 2003, when the Armed Forces of our country and its coalition allies launched military operations, designated as Operation Iraqi Freedom, our soldiers have removed Saddam Hussein's regime, eliminated Iraq's terrorist infrastructure, ended Iraq's illicit and illegal programs to acquire weapons of mass destruction, and captured significant international terrorists.

During all of this time, during the heat of battle, our soldiers have acted with all the efficiency that wartime commands, but all the compassion and understanding that an emerging peace requires. They have acted in the finest tradition of U.S. soldiers and are to be commended by this Senate.

AMENDMENT NO. 1795

Mr. MCCONNELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1795.

Mr. MCCONNELL. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To commend the Armed Forces of the United States in the War on Terrorism)

At the appropriate place, insert the following:

SEC. COMMENDING THE ARMED FORCES FOR EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

Recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations.

Whereas the September 11, 2001, terrorist attacks on the United States, which killed thousands of people from the United States and other countries in New York, Virginia, and Pennsylvania, inaugurated the Global War on Terrorism;

Whereas the intelligence community quickly identified Al Qaeda as a terrorist organization with global reach and the President determined that United States national security required the elimination of the Al Qaeda terrorist organization;

Whereas the Taliban regime of Afghanistan had long harbored Al Qaeda, providing members of that organization a safe haven from which to attack the United States and its friends and allies, and the refusal of that regime to discontinue its support for international terrorism and surrender Al Qaeda's leaders to the United States made it a threat to international peace and security;

Whereas Saddam Hussein and his regime's longstanding sponsorship of international terrorism, active pursuit of weapons of mass destruction, use of such weapons against Iraq's own citizens and neighboring countries, aggression against Iraq's neighbors, and brutal repression of Iraq's population made Saddam Hussein and his regime a threat to international peace and security;

Whereas the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully;

Whereas on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure, and the capture of significant and numerous members of Al Qaeda;

Whereas on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

Whereas in those two campaigns in the Global War on Terrorism, as of September 27, 2003, nearly 165,000 members of the United States Armed Forces, comprised of active, reserve, and National Guard members and units, had mobilized for Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and the military and irregular forces of the friends and allies of the United States;

Whereas the support, love, and commitment from the families of United States service personnel participating in those two operations, as well as that of the communities and patriotic organizations which provided support through the United States Organization (USO), Operation Dear Abby, and Operation UpLink, helped to sustain those service personnel and enabled them to eliminate significant threats to United States national security while liberating oppressed peoples from dictatorial regimes;

Whereas the civilian employees of the Department of Defense, through their hard work and dedication, enabled United States military forces to quickly and effectively achieve the United States military missions in Afghanistan and Iraq;

Whereas the commitment of companies making their employees available for military service, the creativity and initiative of contractors equipping the Nation's Armed Forces with the best and most modern equipment, and the ingenuity of service companies assisting with the global overseas deployment of the Armed Forces demonstrates that the entrepreneurial spirit of the United States is an extraordinary valuable defense asset; and

Whereas the Nation should pause to recognize tributes and days of remembrance the sacrifice of those members of the Armed Forces who died or were wounded in Operation Enduring Freedom and Operation Iraqi Freedom, as well as all who served in or supported either of those operations: Now, therefore, be it

Therefore, the Senate

(1) conveys its deepest sympathy and condolences to the families and friends of the members of United States and coalition forces who have been injured, wounded, or killed during Operation Enduring Freedom and Operation Iraqi Freedom;

(2) commends President George W. Bush, Secretary of Defense Donald H. Rumsfeld, and United States Central Command Commander General Tommy Franks, United States Army, for their planning and execution of enormously successful military campaigns in Operation Enduring Freedom and Operation Iraqi Freedom;

(3) expresses its highest commendation and most sincere appreciation to the members of the United States Armed Forces who participated in Operation Enduring Freedom and Operation Iraqi Freedom

(4) commends the Department of Defense civilian employees and the defense contractor personnel whose skills made possible the equipping of the greatest Armed Force in the annals of modern military endeavor;

(5) supports the efforts of communities across the Nation—

(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those service members killed or wounded during those operations.

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members in Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommits the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists,

and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

Mr. MCCONNELL. Madam President, we will have further debate and a vote on that amendment in the morning.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Madam President, I ask unanimous consent that the pending amendment be temporarily laid aside so I may offer an amendment.

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

AMENDMENT NO. 1796

Mr. BIDEN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. KERRY, Mr. CHAFEE, Mr. CORZINE, Mrs. FEINSTEIN, and Mr. LAUTENBERG, proposes an amendment numbered 1796.

Mr. BIDEN. Madam 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 provide funds for the security and stabilization of Iraq by suspending a portion of the reductions in the highest income tax rate for individual taxpayers)

At the end of title III, add the following:

SEC. ____ (a) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE FOR INDIVIDUAL TAXPAYERS.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by adding at the end the following new subsection:

“(j) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE.—

“(1) IN GENERAL.—In the case of any taxable year beginning in 2005, 2006, 2007, 2008, 2009, and 2010, the 35 percent rate of tax under subsections (a), (b), (c), and (d) shall be adjusted to the percentage determined by the Secretary to result in an increase in revenues into the Treasury for all taxable years beginning in 2005, 2006, 2007, 2008, 2009, and 2010 equal to \$87,000,000,000.

“(2) ADJUSTMENT OF TABLES.—The Secretary shall adjust the tables prescribed under subsection (f) to carry out this subsection.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning in 2005.

Mr. BIDEN. Madam President, I promise I am not going to keep you long. I plan on speaking in more detail to this tomorrow, but I wanted to lay this amendment down tonight.

With the help of Senator KERRY, Senator CHAFEE, Senator CORZINE, and Senator FEINSTEIN, we have a simple

and we believe a very commonsense amendment to pay for the President's request for funding the supplemental for the war in Iraq.

For my bona fides here, I want to make it clear at the outset, No. 1, I voted to give the President the authority to go to Iraq, and I believe it was the correct vote. I am not at all happy with the way the administration failed to plan for the fall of Saddam, notwithstanding the importuning on the part of myself and many others—Republicans and Democrats in the Congress—but nonetheless, I do not come at this as someone who is opposed to the idea the American public is going to be asked to spend more money to win the peace in Iraq. We are going to be asked to spend more money. It is inevitable.

I might add, even if we had every other nation in the world with us, our share would still be in the tens of billions of dollars to win the peace in Iraq. We would still have tens of thousands of American troops there.

I am, as I stated earlier today, very—I should not have said it probably—angry with the failure of this administration to abandon the assumptions they had which were dead wrong. It is understandable; we all make mistakes, but they were dead wrong what we would find in Iraq after Saddam fell.

My colleague from Maine knows a great deal about American foreign policy, both in her incarnation as a senior staff person and now as a serious United States Senator. She knows from her experience on the Armed Services Committee and she knows from her experience on intelligence matters of what I speak. I am not suggesting she agrees with me; I am just suggesting she knows how much is at stake in winning the peace in Iraq.

What I am about to say some will use an ad hominem argument and say the reason BIDEN is doing this is because he is against funding the peace in Iraq. Wrong. I want to amend what the President sent us. I want to refine it.

For example, I voted against the Byrd amendment. The Byrd amendment really was designed to say we should deal with getting the money to the troops right away and then let's talk about the remainder for rebuilding. I was likely to support that when it looked like we were not going to be allowed to offer any amendments. I will have amendments to this legislation.

For example, we are spending something like \$50,000 or \$55,000 for every prison bed we are going to build in Iraq. They need to build prisons. It is in our interest they do that. We spend half that in the United States. Why in the devil should we be spending twice as much in Iraq? One of three things: We either have not calculated correctly or we are padding contractors who are going to go in and do the job, or Bremer and others are looking for some cushion to have money to do other things. In any of the three cases, it is the wrong way to go about it.

I will be offering an amendment that says we are going to cut part of the money for rebuilding Iraq; that we are only going to pay \$30,000 per prison bed like we do here. We are talking about spending on education programs twice what we pay a student to go to Harvard Business School. There are a lot of things in the supplemental that require accountability. I am going to try to hold the administration accountable—not accountable for their sins, accountable so the American public and we know what they are doing.

My friend from Maine—I do not want to get her in trouble, but I think she and her colleagues were empathetic at least to the initial proposal, the so-called Biden-Lugar amendment before the war as to what the conditions of going to war were. On the amendment, which we never got to, because Mr. GEPHARDT reached a deal with the President and the House of Representatives and rendered our efforts moot, we had, I am told, over 20 Republicans prepared to vote for it and 40 Democrats to vote for it.

What did that amendment have in it that the authorization we finally passed did not have? It had reporting requirements. The President was required to report on a regular basis what he was doing, how the war was going, whether or not we were doing the following things. So I think there should be reporting requirements tied to this \$87 billion, and more. I will not bore you with what else.

The point I am trying to make is this is not a veiled attempt to somehow undercut or defeat the President's request for significant economic and military aid in Iraq. We have to do it, in my view.

The second point I want to make at the outset is I voted against the President's tax cuts. I think they were excessive. I think they were dangerous. I think they did not take into account the exigencies which we are facing. I said so at the time. And I think they massively contribute to the deficit. A lot of us disagree. Half a dozen of my Democratic friends voted for it and most of my Republican friends voted for it. I am not in any way impugning their vote with what I am about to try to do.

Further, the fact I was against the amendment—this is not a back-door way to try to rescind the tax cut. My colleagues at this point will have to take that on faith, and hopefully, as I debate my amendment, you will understand what I am trying to do. Some will say the Biden, Kerry, Chafee, et cetera, amendment is designed to rescind the President's tax cut. That is not what this is about.

I was listening to the President and, I might add, the President, I think, were he to be asked—and there is no reason why he would be—and the administration, including Dr. Rice and the Secretary of State, will tell you the last 6 months I have been saying to the President: Tell the American peo-

ple what it is going to cost. Tell them it is going to be billions of dollars. Tell them it is going to take tens of thousands of troops for an extended period of time because, Mr. President, if you don't, you are going to lose their support. They are going to be angry when they find out Johnny and Jane are not going to be marching home by Christmastime. They are going to be angry when they find out we are going to have to devote billions of dollars—tens of billions of dollars—to prosecute the peace, as we have already spent tens of billions of dollars, over \$70 billion, to prosecute "the war." And the President was reluctant to do that. I think his failure to level with the American people early on is a serious mistake.

By the way, conservative senior Republicans, such as my friend Senator DOMENICI, have used words such as "level with the American people," or "the administration should level." Senator LUGAR has been saying that for 6, 8, 10 months. So this is not a partisan attack on the President. This is just pointing out the President has to, to keep these folks in the deal so we don't leave our troops over there stranded, in effect, so we don't divide this Nation—the only similarity between this and Vietnam, in my view, is this has the potential to divide the Nation. Not in the sense it is a quagmire. It is in a sense that it will divide the Nation, and we cannot afford a divided Nation because if we lose the peace in Iraq—in a sense it is silly me saying this to you, Madam President, because you know this better than most—if we lose the peace in Iraq, we will significantly strengthen Iran.

We will significantly undermine the moderates in Iran. We will put incredible pressure on Musharraf in Pakistan, a nuclear power. We will put incredible pressure on the new Islamic party in Turkey that wants to become part of the European Union. We will probably cause every moderate and modernizing voice in the Middle East to shut down. That is a big problem well beyond terror.

If tonight the Lord Almighty came down and sat in this chair and said: I guarantee all of you Senators there will not be a single additional terrorist attack anywhere against American or American interests in the world for the next 10 years, does anybody think we still do not have a multibillion dollar problem in Iraq? Does anybody think we still do not have a multithousand troop problem in Iraq?

This is a country that has never been governed as a participatory republic, ever. This is a country that is not a country. This is not the old Babylon. This is not the Babylonian Empire. This is a polyglot of elements of the Middle East that were put together by the colonial powers, Mr. Churchill, after World War I. It has never been a country.

Look how long it took to rebuild Germany, a unified, ethnically coherent country—as a matter of fact, too ethnically coherent in a sense.

So this is going to take a long time. My effort is like that of Senator REED of Rhode Island. We have to do more, not less. So this is not designed to undercut the effort to rebuild Iraq. Nor is it designed as a back-door way of eliminating the President's tax cut. Let me tell my colleagues what it is designed to do. It is designed to pay for what we need to do. There is the \$87 billion we are about to—I believe, I predict—at least the bulk of that we will vote for. The President will sign it into law. The question is: What happens? How is that \$87 billion, in effect, recorded on the books?

Well, the President's proposal is very simple and straightforward. It increases the deficit to almost \$600 billion. Just add the \$87 billion on top of the roughly \$500 billion deficit for next year, and that is it.

Put another way, my granddaughters Naomi, Finnegan, and Roberta Mabel will pay for my security. They will pay for reconstructing Iraq. Now where I come from, I thought it was the other way around. I thought we were supposed to pay for our children's and our grandchildren's security.

It is really simple. This is not hyperbole. This is not some great insight. If it is added to the deficit, our children and grandchildren pay for it. The pages will pay for my security, if we succeed in Iraq.

So that is one thing we can do. We can do the President's proposal. The other way we can do it is some Members of both parties—I believe, although I am not certain, but I think the Senator from Texas still has the view and some colleagues on my side, Senator DORGAN and others, believe there is so much oil in Iraq we can have them pay us back for this \$87 billion. So we can make it in the form of a loan.

There will be a vote on that. Someone will offer an amendment saying this is a loan, not a grant. That is going to be very appealing to everybody listening to this little talk of mine. All my folks back home are saying: Joe, why would you not be for that? That is just fair. They have all this money, all this oil. They should pay for the reconstruction. They should pay for us liberating them.

Well, if they could, they should, but the fact of the matter is Iraq already owes in hard debt and reparations well over \$100 billion to the international community, debts accumulated under Saddam Hussein. People lent them money. There were claims against their assets by those who were hurt by the invasion into Kuwait. There are indemnification claims against them, almost \$200 billion, we are told.

Everybody is big these days on using historical analogies, historical examples, and as hopefully a relatively informed student of history, I will use a comparison. We can either choose the World War I model of reconstruction or the World War II model. In World War I, the world defeated Germany and concluded at Versailles that the whole war

was Germany's fault and Germany should pay for its own reconstruction and Germany should pay reparations to France, England, and others for the damage they did.

So the new government came along and we said, have at it, establish a democracy, rebuild your economy but, by the way, pay this overwhelming debt first.

What happened? We ended up with Germany collapsing, the economy collapsing, people using wheelbarrows full of deutsche marks to buy bread, and Hitler, the demagog, racist, no good son of a gun, playing on the angers, fears, and frustrations of the Germans, and we had World War II.

We can use the World War II model. The World War II model, to vastly oversimplify it—thank God your mother and father and my mother and father were a lot smarter than their mothers and fathers—they came along and said, the leadership of Republicans like Vandenberg and Democrats like Truman, the World War I model did not work. If we try to set up a new government in Germany, and in other parts of Europe, and we say to them, first of all, you Germans caused 400,000 Americans to die and over a million to be wounded and the debt, all of which is accurate, and you have to pay us off for the war first, does anybody believe we would have a democratic republic in Germany now?

What did we do? We did the exact opposite. After over a year of debate, we did the exact opposite. A guy named Marshall made a speech at the university—he was a Secretary of State and former general—and we had the Marshall Plan. Some little bit of that was loans, but the vast majority was grants, to give this fledgling new democracy, with the Adenauers of the world, the opportunity to grow, because there has never been a place where democracy has been able to take root without economic growth. It has never happened.

So we did the opposite. We rebuilt Germany. Guess who benefited the most. The United States. It started the greatest economic expansion in the history of the United States of America.

There is a third model—a fourth model we can use. That is instead of indemnifying them, how do we go out and say to the rest of the world, look, here is the deal? The deal is we want you, the rest of the world, to come up with \$50 or \$60 billion over the next couple years. We want you to send 50,000 or 60,000 of your troops, which will cost other billions of dollars, to be in Iraq. We want you to forgive the debt the old Iraqi Government owes you, and, by the way, our \$20 billion we are putting in, we are going to indemnify against Iraqi oil, but not you.

That is what they call in some parts of my State being a penny wise and a pound foolish. We may indemnify our \$20 billion but we are sure not going to get anyone else to put in any money.

So this is a very appealing bad idea. This is the "painted, tainted rose" of

the song. This is not a good idea. This is the siren song. It sounds great.

I am going to have trouble explaining at home why I would not vote to have Iraq pay their way. The reason I won't is it will cost the American taxpayers more, because no one else will get in the game if we do it and we will have to do it all.

The last way we can do this is we can pay for it. The President himself used these words in the State of the Union. He said:

This country has many challenges. We will not deny, we will not ignore, we will not pass along our problems to other Congresses, other Presidents, or other generations.

This is a sentiment that is a principle we can all support with regard to Iraq. I would like to hold the President to his commitment. Mr. President, do not pass on to my children and grandchildren the cost of this war. Let us pay for it.

How do you pay for it? The amendment I have sent to the desk would take a small share, less than 5 percent of the \$1.8 trillion tax cut we enacted in the last 3 years, to cover the \$87 billion emergency supplemental for Iraq. That would put the burden of paying for our mission in Iraq on Americans today, not our grandchildren, which, despite the fine words I just quoted, is exactly what the President is doing.

This \$87 billion request will be added to the mountains of debt we have already piled up. From a projected 10-year surplus of \$5.6 trillion when the President came to office, this administration has, by a kind of reverse alchemy, turned gold into lead. We face a \$480 billion deficit this year alone, and that is not counting the \$164 billion we will borrow from Social Security. There is no one in this Chamber who is a better expert on Social Security than the Presiding Officer, so she knows the real deficit is actually \$644 billion.

So what do I do? I believe the fair, equitable way to deal with paying for this is to say to the wealthiest Americans, the top .7 percent, instead of you getting a total tax cut of \$690 billion over the term of this tax cut, you are only going to get \$600 billion.

I tried this out on wealthy Americans, and wealthy Delawareans. Can you imagine if the President of the United States, when he announced this \$87 billion supplemental, said: And because of this, I am going to ask the wealthiest 1 percent of you—which means you have to be making at least \$360,000 to get into that category of income. The average person in that category makes \$1 million per year—I am asking you to forgo 1 year of your tax cut; not the whole tax cut, just 1 year of the 10 years of the tax cut you are getting.

The reason this will have no impact on economic recovery, for those who say the tax cut is causing economic recovery, the way it works is, this will be paid from the year 2005 to 2010. It instructs the Commissioner of Internal Revenue to find this \$87 billion from

that category over a 5-year period. There is not a serious economist in the world who would say to you it would have any impact on recovery—none.

Do you know the interesting part about it? Wealthy people are prepared to do this. They know it is the right thing to do. They know it is the right thing to do. What frustrates me about some in your party and my party is, some in your party think only the wealthiest in the Nation have any brains, and some in my party think everything is class warfare.

The truth is, wealthy Americans are as patriotic as the poorest American, as patriotic as middle class Americans. They have not been asked to do anything yet. And to ask them to pay, give up 1 year of the 10 years of their tax cut, about which I will go into details tomorrow—for someone making \$360,000 a year would be something like, what is it, \$1,400 per year for 5 years. That is a sacrifice?

Some have said to me on the shows I have been on—the television shows—Why don't you do it for all Americans? The truth is, middle-class Americans need a tax break. Second, I am not taking away the tax break. Instead of getting 100 times what the middle-class American gets, you are only going to get 60 times.

Do you know what. I have not found a single wealthy American—I challenge anyone who is making in that .7 percent, making over \$360,000, to write me a letter—this is on C-SPAN—telling me you don't think it is fair for you to give up 1 year of your tax cut out of 10, spread over 5 years.

I think the President vastly miscalculates the character of the American people and the character of the wealthiest people among us.

So tomorrow, when we actually bring this up for debate, I will have much more detail to say. I promised you I would not keep you long. But I believe—and I sincerely believe this—this is the right thing to do. The wealthiest people I am talking about I believe think it is the right thing to do. I hope we have the courage to do it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, just over 2 years ago, our lives were forever changed when terrorists attacked the World Trade Center and the Pentagon, claiming the lives of nearly 3,000 Americans and declaring war on freedom and democracy everywhere.

In the aftermath of the tragic events of September 11, it became very clear that we would be engaged in a war against terrorism that would span

years rather than months and require the full attention of the United States and our allies.

On September 12, 2001, I spoke on the Senate floor regarding the challenge before America. I said:

Our determination to winning the war on terrorism must have the same high priority that we gave to winning World War II, and we must engage our allies in this war. We should make the same preparations that we made for D-day and the world's entry into the Persian Gulf war.

I also said:

Our actions must be ongoing and relentless, and be dedicated to excising the cancer of terrorism wherever it raises its ugly head. Our efforts cannot be another catharsis after a national tragedy, and they must not fade away with time and business as usual. We owe it to yesterday's victims and their families, especially their children and grandchildren, most of all we owe it to the American people and the world community, to bring an end to terrorism everywhere and forever.

Exactly one year ago this week, I spoke in the Senate as we considered a resolution authorizing the President to use military force to disarm Saddam Hussein and liberate the Iraqi people should our diplomatic efforts fail. At that time, I said:

Saddam Hussein poses a clear threat to peace in the world, to America and our interests, to regional stability and to his own people.

That is why I voted in favor of a resolution expressing the conviction of Congress that the United States should exhaust all diplomatic options first, but if Iraq resisted diplomatic solutions the President would be authorized to use all necessary means to enforce U.N. Security Council resolutions in Iraq.

Though we all hoped and prayed the growing crisis would not have to be settled with military action, Iraq's 12-year defiance of the world community ultimately left no other action. Joined by members of the international community, a United States-led coalition engaged in a campaign against the Iraqi dictator, and as I stand before you 12 months later, the reign of terror of Saddam Hussein is no more. People in Iraq and people in the world can breathe easier now that Iraq is rid of a tyrant who used weapons of mass destruction to kill thousands of his own people, an enemy of humanity who shunned democracy and balked at the rule of law. Saddam Hussein was a dangerous threat to his own people, his regional neighbors, and the international community.

In an effort to perpetuate the fear on which his power was based, he used his own people as test subjects for the development of weapons of mass destruction. He depended on torture chambers as a method of coercion. Operation Iraqi Freedom has annihilated this vile oppression. This is significant not only for the well-being of the Iraqi people, but it is also crucial for our national security and the future of our children and grandchildren.

This is as much about us, and our war against terrorism, and the security of the American people, as it is about Iraq. I repeat: This is as much about us, our war against terrorism and the security of the American people, as it is about Iraq.

We now have a chance of a lifetime to create a new paradigm of democracy in the Middle East and to do for this part of the world what we did for Germany and Japan in the aftermath of World War II. Today, 58 years after the Second World War, Japan is a strong ally in Asia, and Germany is no longer a threat but instead our partner in NATO and partners with its neighbors in the European Union.

We spent billions of dollars during the Cold War in anticipation that one day our brothers and sisters behind the Iron Curtain and the Berlin Wall would enjoy the freedom we have now enjoyed. Now the Wall is down, the Curtain is torn, and we see democracy growing in that part of the world. Many of us believed it would never happen.

Today we find ourselves with another historic opportunity to promote a new era of peace, stability, and democracy in Iraq and the Middle East. As Ken Pollack writes in his book "The Threatening Storm":

This is our one opportunity to create a stable, prosperous, self-sufficient Arab state that could serve as a model for the region. This is our one opportunity to turn Iraq from a malignant growth helping to poison the Middle East into an engine for change for the entire region, and we must not let it slip away from us.

I could not agree more. We have a chance to cultivate an important friendship in the Middle East. By helping Iraq, we send an important message not only to those who seek to undermine stability in Iraq but to the entire world. By extending support to help stabilize and strengthen a new democratic Iraq, our actions will demonstrate more than any rhetoric could that we are genuinely interested in supporting humane reconstruction in Iraq as we did following World War II. It will show that we will take the necessary steps and devote the resources required to secure a bright future for Iraq, especially for the young people, and stabilize that part of the world.

Today we begin discussion of the President's critical request for an additional \$87 billion to support ongoing military operations and reconstruction efforts in Iraq and Afghanistan. In testimony before both Houses of Congress last week, the head of the coalition provisional authority, Ambassador Bremer, outlined the resources that will be required to enhance security and restore essential services in Iraq, which total of \$20.3 billion. Secretary of Defense Donald Rumsfeld also testified regarding the funding that is required to support ongoing military operations in Iraq and Afghanistan and other parts of the world, which totals roughly \$66 billion, nearly two-thirds of the total request.

The funding is urgently needed, both for military operations and reconstruction. The portion to sustain military operations will support the nearly 130,000 American soldiers on the ground, and it goes hand and glove with the \$20.3 billion requested for reconstruction in Iraq. It is imperative that we act now to restore essential services, build infrastructure, and improve life for the Iraqi people.

As Ambassador Bremer remarked last week:

Early progress on restoring basic infrastructure gives us an edge against the terrorists.

Ambassador Bremer also said if we fail to act soon, "the consequences for American troops and American interests will be severe."

What I am saying is that the \$20.3 billion they are asking for infrastructure is just as important to the safety of our men and women in harm's way as the \$69 billion that has been called for in the rest of the request.

This investment will also support our troops. The sooner Iraq is up and running on its own, the sooner our troops will be able to come home. United States-led coalition forces on the ground continue to encounter on a daily basis those who seek to undermine our efforts to ensure a free and democratic future for Iraq. We saw this last weekend when facilities used by U.N. officials and other members of the international community came under attack. There are those who would like to see us fail, and they are working to undermine our efforts with the expectation that our resolve is weak and that with enough violence we will leave. That is why we must act now.

This is a considerable sum of money, and Congress has an obligation to carefully consider this spending request in the broader context of other domestic needs. I understand while Iraq is in need of funding for security and infrastructure projects, we also have urgent spending needs here at home. Congress and the administration should address these priorities for the State of Ohio, my State, and cities and towns across America and make a renewed commitment to invest in our Nation's critical infrastructure, including our highways, bridges, drinking water, wastewater treatment facilities, and other water resources.

As a member of the Senate, I believe Congress should work to move critical infrastructure bills such as reauthorization of the surface transportation program, water infrastructure funding legislation, the Water Resources Development Act.

I have also urged the administration to create an emergency jobs bill much like the emergency jobs bill that President Reagan created in 1983 while I was mayor of the city of Cleveland and lobbying the Reagan administration to help my city, county, and State.

But while action on these items is important, it should not keep us from doing what we need to do to finish the

job in Iraq. We must address the spending request before us today as a separate issue. They are disconnected.

From the very beginning, it has been my belief that it will take a considerable amount of time, manpower, and money to do what must be done to truly secure a better future for the Iraqi people.

Again, I just want to mention, the money we spent in Japan, the money we spent in Germany after World War II, and the money that we spent during the Cold War—we spent billions of dollars. These were grants; these were not loans. We did it because we thought it was important to our national security. And we did it because we thought it was important for world peace.

Our military campaign to topple the Iraqi regime was accomplished swiftly and successfully. However, much of our work, as I said, has just begun, and it is not going to be done overnight, nor is it best done alone.

In February, prior to the onset of military action to disarm Saddam Hussein, I raised this point as a member of the Foreign Relations Committee with Under Secretary of State Marc Grossman and Under Secretary of Defense Doug Feith when they testified before our committee. I said then, and I believe now, if we are going to be successful in our efforts in Iraq, it will require not only the long-term commitment of the United States but our partners in the United Nations and other members of the international community.

At that time, I underscored the importance of building the broadest international coalition possible, and I urged the administration to lay the groundwork with the American people regarding the number of troops that would be required to win the peace in the aftermath of a military campaign, how long they might be needed, and what this would cost the U.S. taxpayers.

The answers to these questions are becoming even more critical as we find ourselves assessing the resources that will be required now to finish the job in Iraq. Our men and women in uniform are serving their country proudly, but they are spending increasing amounts of time away from their families. We must do everything we can to give them the tools they need to do what we have asked them to do, and then bring them home as quickly as possible.

One of the ways we can do that is to improve the Iraqi civil defense operations themselves. We have some 55,000 people in place, and we are trying to train another 20,000, I think, as Paul Wolfowitz said to us. They are now taking over the border patrol and other civil and security functions in Iraq. We need to move on that. Part of the funding included in the \$20.3 billion is to be used for that purpose.

I am pleased President Bush addressed the United Nations General Assembly last week, and it is my sincere hope Secretary of State Colin Powell will be successful in securing a U.N. resolution that will allow for enhanced

support from other countries, both in terms of military forces and financial resources to help build Iraq.

In order to achieve our goals in Iraq and take care of important needs here at home, it is essential we do all we can to make our efforts in Iraq a shared responsibility, calling on other countries and international organizations to invest in a free and democratic future for Iraq. Our human and financial resources will stretch further when they are supplemented by funds from our friends and allies abroad.

This was evident during the Persian Gulf War in 1991, when other countries made significant contributions to the war and the reconstruction effort. It has been estimated the Gulf War cost between \$60 and \$80 billion. Members of the international community contributed approximately \$70 billion to aid in the gulf war. The largest donations came from Saudi Arabia, Kuwait, Japan, Germany, and a smaller one from the United Arab Emirates.

In all, approximately 40 countries contributed either financial or military resources. In addition to the countries I have just listed, another 35 countries together contributed an additional \$10 billion to the effort. We need a similar commitment right now.

Like many of my colleagues, I strongly believe we should provide the resources necessary to restore essential services in Iraq. The funding for reconstruction requested by the President and reflected in this spending bill is an important part of the process. However, Ambassador Bremer has indicated it will take considerably more than \$20 billion, perhaps as much as \$70 billion, to meet Iraq's infrastructure needs in the years ahead. Therefore, I believe it is particularly important to step up our efforts to secure contributions from our friends and allies and build the economy of Iraq as soon as possible so they can use their resources to rebuild their own country.

As we look to increase contributions from the international community, I think this funding must be in the form of a grant and not a loan. While I initially thought this should be a loan, after carefully considering the situation and listening to the points raised by Ambassador Bremer and our colleagues, I have concluded this funding must be in the form of a grant. It is important for several reasons.

No. 1, if we tell the American people we are going to loan this money and that it is going to be paid back somewhere down the road, many of them will be very cynical about whether or not we will get the money back. I think we ought to level with them and say, this initial grant is a grant.

Second, it should be a grant in an effort to encourage other countries to make financial commitments for the reconstruction of Iraq. How can we ask them to come forward with money if we say that we are going to loan that \$20.3 billion to Iraq? We will be going to the Donors' Conference in Madrid

later this month. If we make U.S. funds for infrastructure projects contingent upon a loan, I do not think they are going to be willing to come to the table and support money for Iraq.

Third, Iraq's debt is already mountainous, totaling nearly \$200 billion in debts and reparations. As Ambassador Bremer has pointed out, Iraq can hardly service its existing debt, let alone take on more. As a matter of fact, as one member of the Iraqi Governing Council has said, in his opinion, those loans are morally repugnant to the Iraqi people because they were made to a dictator who killed thousands of their brothers and sisters and who made them live under a 35-year reign of terror.

I would suggest to those who have made loans to the former regime in Iraq that they step up quickly and waive those loans because I believe it would be the smartest thing for them to do in terms of reaching out rather than waiting until later on to have a new Iraq government say to them: You know what, folks, we are not going to honor those loans you made to Saddam Hussein.

Fourth, as we encourage other countries to eliminate their debt, we should not saddle Iraq with any more loans. Countries that chose to do business with Saddam should, as I said, eliminate that debt as a way to share in the task of rebuilding a democratic Iraq.

In the past, the United States has also engaged in efforts to help ease the debt burden incurred by rogue regimes. This was the case in the former Yugoslavia, as the U.S. Government worked with the Paris Club to reduce the amount of debt the Federal Republic of Yugoslavia, now Serbia and Montenegro, owed to its creditors after Slobodan Milosevic was removed from power. We did everything we could to work with the World Bank, and with the IMF and the Paris Club, and we said: Get the debt off the back of Yugoslavia—Serbia and Montenegro—because we want them to get back on their feet, and this debt is killing them. This was an important and necessary step as the country attempted to move forward with democratic reforms after years of authoritative rule.

Finally, providing assistance to Iraq at this time in the form of a grant is the right thing to do. We must contribute all necessary resources to finish the job that has been started, while working together with our friends and allies.

I submit to the desk an amendment that would encourage the administration to step up efforts to gain support from the international community, call on other countries to eliminate debt that was incurred during Saddam Hussein's regime, and examine the feasibility of repayment of funds spent on infrastructure projects. I submit the amendment and will call it up later.

The PRESIDING OFFICER. The amendment is submitted.

Mr. VOINOVICH. I thank the Chair.

Specifically, this amendment would require the President to report to Congress within 4 months on the following items:

First, the amendment calls for an assessment of U.S. efforts to enhance financial contributions from other countries and international organizations to assist in the reconstruction of Iraq, including a list of those countries contributing and the amount of their contribution. As we move forward with our efforts, additional support from other countries and organizations would be extremely helpful.

Second, the amendment requires an assessment of the impact that debt incurred by the regime of Saddam Hussein has on the country's ability to move forward with efforts to rebuild infrastructure and restore essential services such as health care and education. It also calls for an analysis of the impact that forgiveness of such debt would have on Iraq's ability to move forward with reform, and it would require a detailed list of countries that have eliminated their debt and the amounts.

Finally, my amendment calls for an assessment of the feasibility of Iraq's ability to repay the United States for a portion of American funds spent on infrastructure projects in Iraq. Although I think we must now provide funds in the form of a grant, we should look at the possibility of any further help in terms of possible repayment.

I urge my colleagues to join me in support of this amendment which underscores the importance of working together with our friends and allies abroad to promote security and improve the quality of life for the Iraqi people. While I believe we should encourage support from foreign countries and international organizations as we move forward in Iraq, I support the funding requested by the President, both the military portion and the funds for reconstruction in Iraq and Afghanistan.

We have a golden opportunity to guarantee a new era of freedom and democracy for the people in Iraq. It is one we cannot afford to miss. This is an investment in a better future for Iraq, the Middle East, and the world at large. It is an investment for our children and our grandchildren. I believe it is the right thing to do. I hope this body has the courage to rise to the occasion and take advantage of this wonderful opportunity that could ensure that our children and grandchildren are going to live in a peaceful world and not be threatened by terrorism, the cancer that has newly appeared on the face of the world.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I spoke yesterday on the floor and also in the Appropriations Committee in support of having the \$20 billion which the administration has asked for the reconstruction of Iraq to be in the form of loans or loan guarantees instead of grants. I have made that suggestion in an effort to be helpful to the administration.

I analogize the situation in Iraq to a company, an enterprise, an entity in bankruptcy. Iraq is supposed to have some \$200 billion in obligations. By analogy to a bankruptcy proceeding, those obligations are to be discharged. General creditors come last in line and, in the absence of any assets, they receive nothing.

The situation for the United States in advancing funds for the reconstruction of Iraq, it seems to me, ought to be in loans or loan guarantees because Iraq has substantial potential for its oil revenues, sitting on the second largest pool of oil in the world. I reject the contention that this would discourage other donor nations from helping Iraq. It seems to me if the United States is to come in and make a gift, a grant, that just encourages other nations to say: Well, let's let the United States do it.

If we at least refrain from taking a position until the donors conference on October 23 in Madrid, then we might use our situation to leverage funds from other countries.

The argument has also been advanced that if we make a loan or a loan guarantee, it will confirm to the Arab nations the contention that we are just there for Iraq oil. But that is a specious contention because we are not taking the money for ourselves or our military operations but using it only for the rebuilding of Iraq which is for the benefit of the people of Iraq.

Since I made the statements yesterday, a very able staff member, my general counsel David Brog, has researched the subject and has found a Security Council resolution which is very relevant to this proposition, a resolution which was enacted on May 21 of this year. The resolution is No. 1483, and it provides that there is to be a fund created. And the fund, under the control of the United States and the United Kingdom, may be used to pay for the rebuilding of Iraq. So that when we are searching for multilateralism and when we are searching for United Nations approval, not just what the United States might want to do or the United States and Great Britain might want to do, this U.N. Resolution 1483 provides that authority.

It also is of substantial assistance in answering a legal question which I had raised yesterday, which posed some difficulty, and that is: To whom would the United States loan the money? Who would be the contract party when there is no government in Iraq at the present time?

The U.N. resolution which establishes this fund has a reference to U.N.

participation, International Monetary Fund participation, World Bank participation, and auditing which is to be done by many countries, including Arab countries, so that the fund, in and of itself, it seems to me, as a legal proposition, has sufficient status as an entity to be a contracting party. So that when the revenues are realized from Iraqi oil, or they go into the fund, the United States may deal with the fund, with the other parties present—as I say, the World Bank, International Monetary Fund, the U.N., and auditing countries—having some status with the fund to give extra assurances of fairness that the contract is really in the interest of the Iraqi people.

Mr. President, I ask unanimous consent that the text of U.N. Resolution 1483 be printed in the CONGRESSIONAL RECORD following my statement.

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

(See exhibit 1.)

Mr. SPECTER. Mr. President, I have further extracted an analysis of this U.N. resolution, which is hard to follow if you just pick up the resolution and read it. The analysis establishes the approach I have just summarized. One clause, which is denominated Roman numeral I—first, I ask unanimous consent that this addendum be printed in the RECORD following my statement.

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

(See exhibit 2.)

Mr. SPECTER. Roman numeral I is the clause which recognizes the United States and the United Kingdom as the authority.

Roman numeral II establishes the Development Fund for Iraq, including establishing the International Advisory and Monitoring Board to audit in the Development Fund.

Roman numeral III from the U.N. resolution gives the authority and power to disburse the funds in the Development Fund for Iraq.

Roman numeral IV establishes that the Development Fund for Iraq must be used, among other things, for the economic reconstruction and repair of Iraq's infrastructure.

Roman numeral V mandates that 95 percent of the proceeds received from export sales of petroleum, petroleum products, and natural gas must be deposited into the Development Fund for Iraq until an Iraqi government is properly constituted. The other 5 percent is to be deposited into the Compensation Fund, which was set up, per U.N. Resolution 687 in 1991, to compensate those who suffered losses or damages as a result of Iraq's invasion and occupation of Kuwait.

In effect, this Security Council resolution anticipates the precise issue which the Congress is now facing. It is necessary to have these funds for the rebuilding of Iraq, but there is no good reason it ought to be a grant or a gift. When Iraq has the resources—the oil—to pay for the reconstruction of Iraq and to take care of the rebuilding of

Iraq; and with the authority of the U.N. it eliminates any concern about the United States acting unilaterally or in conjunction with the United Kingdom—acting with the two countries unilaterally—because this has been sanctioned by the United Nations. Creating this fund, there is an entity to look to, to provide the repayment, as the U.N. resolution calls for 95 percent of the fund to be used for the rebuilding of Iraq.

There is significant concern in the Congress—I have heard it among my colleagues—as to how these funds are to be advanced. The administration has taken the position that they want grants or gifts. From my soundings in Pennsylvania and from what I hear from my colleagues in other States, the American people are very concerned about what is going on in Iraq generally, they are very concerned about the casualties and fatalities.

We honor and respect and praise the Armed Forces for the military victory which has been achieved. We are concerned about our military personnel there not really being police officials, hopeful that there will be U.N. assistance on other forces being there, looking for an Iraqi police force to be trained. But when it comes to the issue of the advancement of funds, this Security Council resolution sets parameters, sets the procedures, which authorizes and authenticates the propriety of having the loans made or loan guarantees so that the United States can be repaid.

I hear considerable concern among my constituents, and I hear it from my colleagues in the Senate, about the tightness of our budget, the difficulties of providing important discretionary funding. In September, I managed the bill on Labor, Health and Human Services, and Education. Notwithstanding that \$136.6 billion is really insufficient funds to take care of all of our educational, health, and worker safety needs, I think it is appropriate and reassuring to the American people that where we can avoid adding to the deficit and to the national debt, we take steps to do just that.

EXHIBIT 1

Analysis of the UN Resolution 1484 as it pertains to the Development Fund for Iraq

(adopted by the United Nations on May 21, 2003 by a vote of 14-0, with Syria not participating)

I. THE FOLLOWING CLAUSE RECOGNIZES THE UNITED STATES AND THE UNITED KINGDOM AS THE "AUTHORITY" (UN RESOLUTION 1484, PG. 2 ¶13)

Noting the letter of 8 May 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) and recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states as occupying powers under unified command (the "Authority"),

II. THE FOLLOWING CLAUSE ESTABLISHES THE DEVELOPMENT FUND FOR IRAQ, INCLUDING ESTABLISHING THE INTERNATIONAL ADVISORY AND MONITORING BOARD TO AUDIT THE DEVELOPMENT FUND. (UN RESOLUTION 1484, PG. 4, ¶12)

12. Notes the establishment of a Development Fund for Iraq to be held by the Central Bank of Iraq and to be audited by independent public accountants approved by the International Advisory and Monitoring Board of the Development Fund for Iraq and looks forward to the early meeting of that International Advisory and Monitoring Board, whose members shall include duly qualified representatives of the Secretary-General, of the Managing Director of the International Monetary Fund, of the Director-General of the Arab Fund for Social and Economic Development, and of the President of the World Bank;

III. THE FOLLOWING CLAUSE GIVES THE "AUTHORITY" THE POWER TO DISBURSE THE FUNDS IN THE DEVELOPMENT FUND FOR IRAQ. (UN RESOLUTION 1484, PG. 4, ¶13)

13. Notes further that the funds in the Development Fund for Iraq shall be disbursed at the direction of the Authority, in consultation with the Iraqi interim administration, for the purposes set out in paragraph 14 below;

IV. THE FOLLOWING CLAUSE ESTABLISHES THAT THE DEVELOPMENT FUND FOR IRAQ MUST BE USED, AMONG OTHER THINGS, FOR THE ECONOMIC RECONSTRUCTION AND REPAIR OF THE IRAQ'S INFRASTRUCTURE. (UN RESOLUTION 1484, PG. 4, ¶14)

14. Underlines that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq;

V. THE FOLLOWING CLAUSE MANDATES THAT 95% OF THE PROCEEDS RECEIVED FROM EXPORT SALES OF PETROLEUM, PETROLEUM PRODUCTS, AND NATURAL GAS MUST BE DEPOSITED INTO THE DEVELOPMENT FUND FOR IRAQ UNTIL AN IRAQI GOVERNMENT IS PROPERLY CONSTITUTED. (THE OTHER 5% WILL BE DEPOSITED INTO THE COMPENSATION FUND, WHICH WAS SET UP, PER UN RESOLUTION 687 (1991), TO COMPENSATE THOSE WHO SUFFERED LOSSES OR DAMAGES AS A RESULT OF IRAQ'S INVASION AND OCCUPATION OF KUWAIT). (UN RESOLUTION 1484, PG. 6, ¶20)

20. Decides that all export sales of petroleum, petroleum products, and natural gas from Iraq following the date of the adoption of this resolution shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and Monitoring Board referred to in paragraph 12 above in order to ensure transparency, and decides further that, except as provided in paragraph 21 below, all proceeds from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative government of Iraq is properly constituted;

EXHIBIT 2

(From the United Nations Security Council, 21 May 2003.)

SPAIN, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND UNITED STATES OF AMERICA: DRAFT RESOLUTION

The Security Council,
Recalling all its previous relevant resolutions,

Reaffirming the sovereignty and territorial integrity of Iraq,

Reaffirming also the importance of the disarmament of Iraqi weapons of mass destruction and of eventual confirmation of the disarmament of Iraq,

Stressing the right of the Iraqi people freely to determine their own political future and control their own natural resources, welcoming the commitment of all parties concerned to support the creation of an environment in which they may do so as soon as possible, and expressing resolve that the day when Iraqis govern themselves must come quickly,

Encouraging efforts by the people of Iraq to form a representative government based on the rule of law that affords equal rights and justice to all Iraqi citizens without regard to ethnicity, religion, or gender, and, in this connection, recalls resolution 1325 (2000) of 31 October 2000,

Welcoming the first steps of the Iraqi people in this regard, and noting in this connection the 15 April 2003 Nasiriyah statement and the 28 April 2003 Baghdad statement,

Resolved that the United Nations should play a vital role in humanitarian relief, the reconstruction of Iraq, and the restoration and establishment of national and local institutions for representative governance,

Noting the statement of 12 April 2003 by the Ministers of Finance and Central Bank Governors of the Group of Seven Industrialized Nations in which the members recognized the need for a multilateral effort to help rebuild and develop Iraq and for the need for assistance from the International Monetary Fund and the World Bank in these efforts,

Welcoming also the resumption of humanitarian assistance and the continuing efforts of the Secretary-General and the specialized agencies to provide food and medicine to the people of Iraq,

Welcoming the appointment by the Secretary-General of his Special Adviser on Iraq,

Affirming the need for accountability for crimes and atrocities committed by the previous Iraqi regime,

Stressing the need for respect for the archaeological, historical, cultural, and religious heritage of Iraq, and for the continued protection of archaeological, historical, cultural, and religious sites, museums, libraries, and monuments,

Noting the letter of 8 May 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) and recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states as occupying powers under unified command (the "Authority"),

Noting further that other States are not occupying powers are working now or in the future may work under the Authority,

Welcoming further the willingness of Member States to contribute to stability and security in Iraq by contributing personnel, equipment, and other resources under the Authority,

Concerned that many Kuwaitis and Third-State Nationals still are not accounted for since 2 August 1990,

Determining that the situation in Iraq, although improved, continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. Appeals to Member States and concerned organizations to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq in accordance with this resolution;

2. Calls upon all Member States in a position to do so to respond immediately to the

humanitarian appeals of the United Nations and other international organizations for Iraq and to help meet the humanitarian and other needs of the Iraqi people by providing food, medical supplies, and resources necessary for reconstruction and rehabilitation of Iraq's economic infrastructure;

3. Appeals to Member States to deny safe haven to those members of the previous Iraqi regime who are alleged to be responsible for crimes and atrocities and to support actions to bring them to justice;

4. Calls upon the Authority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future;

5. Calls upon all concerned to comply fully with their obligations under international law including in particular the Geneva Conventions of 1949 and the Hague Regulations of 1907;

6. Calls upon the Authority and relevant organizations and individuals to continue efforts to locate, identify, and repatriate all Kuwaiti and Third-State Nationals or the remains of those present in Iraq on or after 2 August 1990, as well as the Kuwaiti archives, that the previous Iraqi regime failed to undertake, and, in this regard, directs the High-Level Coordinator, in consultation with the International Committee of the Red Cross and the Tripartite Commission and with the appropriate support of the people of Iraq and in coordination with the Authority, to take steps to fulfil his mandate with respect to the fate of Kuwaiti and Third-State National missing persons and property;

7. Decides that all Member States shall take appropriate steps to facilitate the safe return to Iraqi institutions of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from the Iraq National Museum, the National Library, and other locations in Iraq since the adoption of resolution 661 (1990) of 6 August 1990, including by establishing a prohibition on trade in or transfer of such items and items with respect to which reasonable suspicion exists that they have been illegally removed, and calls upon the United Nations Educational, Scientific, and Cultural Organization, Interpol, and other international organizations, as appropriate, to assist in the implementation of this paragraph;

8. Requests the Secretary-General to appoint a Special Representative for Iraq whose independent responsibilities shall involve reporting regularly to the Council on his activities under this resolution, coordinating activities of the United Nations in post-conflict processes in Iraq, coordinating among United Nations and international agencies engaged in humanitarian assistance and reconstruction activities in Iraq, and, in coordination with the Authority, assisting the people of Iraq through:

(a) coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies and non-governmental organizations;

(b) promoting the safe, orderly, and voluntary return of refugees and displaced persons;

(c) working intensively with the Authority, the people of Iraq, and others concerned to advance efforts to restore and establish national and local institutions for representative governance, including by working together to facilitate a process leading to an internationally recognized, representative government of Iraq;

(d) facilitating the reconstruction of key infrastructure, in cooperation with other international organizations;

(e) promoting economic reconstruction and the conditions for sustainable development, including through coordination with national and regional organizations, as appropriate, civil society, donors, and the international financial institutions;

(f) encouraging international efforts to contribute to basic civilian administration functions;

(g) promoting the protection of human rights;

(h) encouraging international efforts to rebuild the capacity of the Iraqi civilian police force; and

(i) encouraging international efforts to promote legal and judicial reform;

9. Supports the formation, by the people of Iraq with the help of the Authority and working with the Special Representative, of an Iraqi interim administration as a transitional administration run by Iraqis, until an internationally recognized, representative government is established by the people of Iraq and assumes the responsibilities of the Authority;

10. Decides that, with the exception of prohibitions related to the sale or supply to Iraq of arms and related materiel other than those arms and related materiel required by the Authority to serve the purposes of this and other related resolutions, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq established by resolution 661 (1990) and subsequent relevant resolutions, including resolution 778 (1992) of 2 October 1992, shall no longer apply;

11. Reaffirms that Iraq must meet its disarmament obligations, encourages the United Kingdom of Great Britain and Northern Ireland and the United States of America to keep the Council informed of their activities in this regard, and underlines the intention of the Council to revisit the mandates of the United Nations Monitoring, Verification, and Inspection Commission and the International Atomic Energy Agency as set forth in resolutions 687 (1991) of 3 April 1991, 1284 (1999) of 17 December 1999, and 1441 (2002) of 8 November 2002;

12. Notes the establishment of a Development Fund for Iraq to be held by the Central Bank of Iraq and to be audited by independent public accountants approved by the International Advisory and Monitoring Board of the Development Fund for Iraq and looks forward to the early meeting of that International Advisory and Monitoring Board, whose members shall include duly qualified representatives of the Secretary-General, of the Managing Director of the International Monetary Fund, of the Director-General of the Arab Fund for Social and Economic Development, and of the President of the World Bank;

13. Notes further that the funds in the Development Fund for Iraq shall be disbursed at the direction of the Authority, in consultation with the Iraqi interim administration, for the purposes set out in paragraph 14 below;

14. Underlines that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq;

15. Calls upon the international financial institutions to assist the people of Iraq in the reconstruction and development of their economy and to facilitate assistance by the broader donor community, and welcomes the readiness of creditors, including those of the

Paris Club, to seek a solution to Iraq's sovereign debt problems;

16. Requests also that the Secretary-General, in coordination with the Authority, continue the exercise of his responsibilities under Security Council resolution 1472 (2003) of 28 March 2003 and 1476 (2003) of 24 April 2003, for a period of six months following the adoption of this resolution, and terminate within this time period, in the most cost effective manner, the ongoing operations of the "Oil-for-Food" Programme (the "Programme"), both at headquarters level and in the field, transferring responsibility for the administration of any remaining activity under the Programme to the Authority, including by taking the following necessary measures:

(a) to facilitate as soon as possible the shipment and authenticated delivery of priority civilian goods as identified by the Secretary-General and representatives designated by him, in coordination with the Authority and the Iraqi interim administration, under approved and funded contracts previously concluded by the previous Government of Iraq, for the humanitarian relief of the people of Iraq, including, as necessary, negotiating adjustments in the terms or conditions of these contracts and respective letters of credit as set forth in paragraph 4(d) of resolution 1472 (2003);

(b) to review, in light of changed circumstances, in coordination with the Authority and the Iraqi interim administration, the relative utility of each approved and funded contract with a view to determining whether such contracts contain items required to meet the needs of the people of Iraq both now and during reconstruction, and to postpone action on those contracts determined to be of questionable utility and the respective letters of credit until an internationally recognized, representative government of Iraq is in a position to make its own determination as to whether such contracts shall be fulfilled;

(c) to provide the Security Council within 21 days following the adoption of this resolution, for the Security Council's review and consideration, an estimated operating budget based on funds already set aside in the account established pursuant to paragraph 8(d) of resolution 986 (1995) of 14 April 1995, identifying:

(i) all known and projected costs to the United Nations required to ensure the continued functioning of the activities associated with implementation of the present resolution, including operating and administrative expenses associated with the relevant United Nations agencies and programmes responsible for the implementation of the Programme both at Headquarters and in the field;

(ii) all known and projected costs associated with termination of the Programme;

(iii) all known and projected costs associated with restoring Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992); and

(iv) all known and projected costs associated with the Special Representative and the qualified representative of the Secretary-General identified to serve on the International Advisory and Monitoring Board, for the six month time period defined above, following which these costs shall be borne by the United Nations;

(d) to consolidate into a single fund the accounts established pursuant to paragraphs 8(a) and 8(b) of resolution 986 (1995);

(e) to fulfill all remaining obligations related to the termination of the Programme, including negotiating, in the most cost effective manner, any necessary settlement payments, which shall be made from the escrow

accounts established pursuant to paragraphs 8(a) and 8(b) of resolution 986 (1995), with those parties that previously have entered into contractual obligations with the Secretary-General under the Programme, and to determine, in coordination with the Authority and the Iraqi interim administration, the future status of contracts undertaken by the United Nations and related United Nations agencies under the accounts established pursuant to paragraphs 8 (b) and 8 (d) of resolution 986 (1995);

(f) to provide the Security Council, 30 days prior to the termination of the Programme, with a comprehensive strategy developed in close coordination with the Authority and the Iraqi interim administration that would lead to the delivery of all relevant documentation and the transfer of all operational responsibility of the Programme to the Authority;

17. Requests further that the Secretary-General transfer as soon as possible to the Development Fund for Iraq 1 billion United States dollars from unencumbered funds in the accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995), restore Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992), and decides that, after deducting all relevant United Nations expenses associated with the shipment of authorized contracts and costs to the Programme outlined in paragraph 16 (c) above, including residual obligations, all surplus funds in the escrow accounts established pursuant to paragraphs 8 (a), 8 (b), 8 (d), and 8 (f) of resolution 986 (1995) shall be transferred at the earliest possible time to the Development Fund for Iraq;

18. Decides to terminate effective on the adoption of this resolution the functions related to the observation and monitoring activities undertaken by the Secretary-General under the Programme, including the monitoring of the export of petroleum and petroleum products from Iraq;

19. Decides to terminate the Committee established pursuant to paragraph 6 of resolution 661 (1990) at the conclusion of the six month period called for in paragraph 16 above and further decides that the Committee shall identify individuals and entities referred to in paragraph 23 below;

20. Decides that all export sales of petroleum, petroleum products, and natural gas from Iraq following the date of the adoption of this resolution shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and Monitoring Board referred to in paragraph 12 above in order to ensure transparency, and decides further that, except as provided in paragraph 21 below, all proceeds from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative government of Iraq is properly constituted;

21. Decides further that 5 percent of the proceeds referred to in paragraph 20 above shall be deposited into the Compensation Fund established in accordance with resolution 687 (1991) and subsequent relevant resolutions and that, unless an internationally recognized, representative government of Iraq and the Governing Council of the United Nations Compensation Commission, in the exercise of its authority over methods of ensuring that payments are made into the Compensation Fund, decide otherwise, this requirement shall be binding on a properly constituted, internationally recognized, representative government of Iraq and any successor thereto;

22. Noting the relevance of the establishment of an internationally recognized, rep-

resentative government of Iraq and the desirability of prompt completion of the restructuring of Iraq's debt as referred to in paragraph 15 above, further decides that, until December 31, 2007, unless the Council decides otherwise, petroleum products, and natural gas originating in Iraq shall be immune, until title passes to the initial purchaser from legal proceedings against them and not be subject to any form of attachment, garnishment, or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and that proceeds and obligations arising from sales thereof, as well as the Development Fund for Iraq, shall enjoy privileges and immunities equivalent to those enjoyed by the United Nations except that the above-mentioned privileges and immunities will not apply with respect to any legal proceeding in which recourse to such proceeds or obligations is necessary to satisfy liability for damages assessed in connection with an ecological accident, including an oil spill, that occurs after the date of adoption of this resolution;

23. Decides that all Member States in which there are:

(a) funds or other financial assets or economic resources of the previous Government of Iraq or its state bodies, corporations, or agencies, located outside Iraq as of the date of this resolution, or

(b) funds or other financial assets or economic resources that have been removed from Iraq, or acquired, by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on behalf or at their direction,

shall freeze without delay these funds or other financial assets or economic resources and, unless these funds or other financial assets or economic resources are themselves the subject of a prior judicial, administrative, or arbitral lien or judgment, immediately shall cause their transfer to the Development Fund for Iraq, it being understood that, unless otherwise addressed, claims made by private individuals or non-government entities on those transferred funds or other financial assets may be presented to the internationally recognized, representative government of Iraq; and decides further that all such funds or other financial assets or economic resources shall enjoy the same privileges, immunities, and protections as provided under paragraph 22;

24. Requests the Secretary-General to report to the Council at regular intervals on the work of the Special Representative with respect to the implementation of this resolution and on the work of the International Advisory and Monitoring Board and encourages, the United Kingdom of Great Britain and Northern Ireland and the United States of America to inform the Council at regular intervals of their efforts under this resolution;

25. Decides to review the implementation of this resolution within twelve months of adoption and to consider further steps that might be necessary.

26. Calls upon Member States and international and regional organizations to contribute to the implementation of this resolution;

27. Decides to remain seized of this matter.

ALLEGATIONS OF WHITE HOUSE LEAKS

Mr. SPECTER. Mr. President, a considerable controversy has arisen as to the allegations of leaks from the White House with respect to the identification of a CIA operative, or a CIA agent,

and there have been calls for special counsel to be appointed by the Attorney General.

The Attorney General has taken the position that the investigation can be appropriately carried out by the professionals in the Department of Justice and the professionals in the FBI.

I think it is curious that the call for a special counsel has come only after the issue has become a cause celebre with the publication by the Washington Post of the front page story on Sunday. This investigation had been pending for a protracted period of time. It came to light in a newspaper column back in July. But until it had attained notoriety and attracted public attention, nobody came forward to make a suggestion that there ought to be special counsel.

The Congress of the United States decided to allow the independent counsel statute to lapse. We considered it in 1999 in the Governmental Affairs Committee. Legislation was introduced by Senator COLLINS and myself on the Republican side, and Senators LEVIN and LIEBERMAN on behalf of the Democrats. But there was no interest in having the independent counsel statute continued.

I favored the independent counsel because it established a specific procedure as to when there ought to be independent counsel in the event of a prospective conflict of interest, or appearance of conflict; it provided for judicial appointment of independent counsel. But that was rejected by the Congress. And it is interesting to know that of all those on the other side of the aisle among the Democratic Senators, none of them had cosponsored the legislation or, to my knowledge, had spoken in favor of the legislation—except, as I have noted, Senator LEVIN and Senator LIEBERMAN.

In rejecting a call to renew independent counsel, what we had was the judgment of the Congress that the existing institutions were sufficient. That is having it in the Department of Justice and having the procedures established by the Attorney General who was in office during the Clinton administration.

I suggest having decided that, we ought to give the existing institutions an opportunity to function. I think it is important to note that it wasn't the Attorney General who started the investigation, it was one of his subordinates. The matter is being handled by Mr. John Dion, who is a career professional. I had considerable contact with Mr. Dion during the course of the Judiciary Committee oversight when Independent Counsel Starr was in operation.

The matter is being investigated by the FBI and is being kept at the headquarters level to assure greater involvement and control by Director Robert Mueller. It ought to be noted Director Mueller has a 10-year term. His term will not expire for 2½ years after a prospective second term of President Bush. FBI Directors have

been known to be independent and professional. Former FBI Director Louis Freeh had considerable disagreements with President Clinton and refused to give information to the White House at a time when Director Freeh concluded there was a criminal investigation which might involve President Clinton. So we have a standard for professionalism by the Federal Bureau of Investigation, and we have a standard of professionalism by the career people in the Department of Justice.

There is also the oversight by the Judiciary Committee. This is a matter where we took considerable interest in what Independent Counsel Ken Starr did. It is worth noting that there are many members of the Judiciary Committee who have experience as prosecuting attorneys with the attendant responsibilities for investigation.

I was district attorney of Philadelphia for some 8 years. We have on the committee staff other former DAs, attorneys general, U.S. attorneys, so that the Judiciary Committee is in a position to have oversight, our constitutional responsibility, to see to it that the investigation is appropriately carried out.

There may come a time when special counsel would be warranted, but it seems to me that at this stage, there ought not to be politicization of the matter, although I understand the ways of Washington, but it is anomalous that those who are now calling for special counsel had no interest in institutionalizing the independent counsel except, as I say, for Senator LIEBERMAN and Senator LEVIN.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, we know there is concern on the other side of the aisle, and certainly at 1600 Pennsylvania Avenue, regarding problems with leaking information from the White House or someplace in the administration to Robert Novak. We know that causes concern, as it should. To try to cloud this with a lot of legal jargon that there are other lawyers looking at it, that Democrats didn't support this independent counsel statute is evading the question.

We don't have to support an independent counsel statute to have the law as it now applies which allows the appointment of a special counsel.

It seems to me common sense that if an independent counsel was selected to look at Secretary Espy, the Secretary of Agriculture, because he accepted tickets to a football game, which he was not supposed to do, and President Clinton—by the way, an independent counsel was not ordered; he agreed to an independent counsel to investigate his real estate transaction in Arkansas—it seems to me certainly we should have a special counsel look at what has taken place.

We know a crime has been committed by a person or persons. We know that Robert Novak, who I think is an honor-

able person, identified from where that information came. So we know there are criminals there. We know there are people there who have committed crimes. So it seems to me this is a much more direct case than some of the other issues that have taken place in the past; namely, the issue with President Clinton and the situation with Secretary Espy.

The situation here is very clear: Someone leaked the name of a CIA operative, a Central Intelligence Agency operative, a spy, an American spy. They leaked the name of that person to the press by name.

Everyone—I agree—should take a deep breath and let this process go forward. The White House should want a special counsel. In Government, we not only have to do away with what is bad but what looks bad. The American people clearly know this.

ABC and the Washington Post are going to report a poll tomorrow. I will not go into a lot of the details, but one question they asked is: Do you think this investigation should be handled by the U.S. Department of Justice, part of the Bush administration, or should it be handled by an outside investigator or special counsel who is not part of the Bush administration?

About 70 percent of the people believe it should be handled outside the White House, outside the Justice Department.

Another question: If the investigation finds that someone in the White House leaked classified information, do you think that person should or should not lose his job?

Ninety-one percent of the people believe that person or those people should lose their jobs—91 percent of the people.

Another question that will be reported by the American Broadcasting Company in the morning: If the investigation finds that someone in the White House leaked classified information, do you think that person should or should not face criminal charges?

About 85 percent of the people believe that person should face criminal charges.

It is very clear to me this is an effort to cover up a problem. This is not something that I brought up just to be talking. If people are going to come here and try to cover this up, anytime anyone does that, and I am on the Senate floor, I am going to talk about it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I agree with the Senator from Nevada that this is a serious matter. When he quotes the poll, I would say it would go beyond losing jobs. If someone has violated the law, there is a very substantial jail sentence which is proposed. But my comments I do not think constituted legal jargon at all. I think they were taking a look at the fact that the Congress has decided we would not have an independent counsel procedure when we did not renew the law. I fought hard to have that done as a

principal position, regardless of which party is involved.

Now there is an immediate call for special counsel only after this matter becomes highly publicized, only after it becomes an opportunity for political gain—only then. This matter was pending since July when the CIA and part of the administration asked the Department of Justice for an investigation, and the investigation was going forward. Now it has been the subject of a demand for a special prosecutor by people who were indifferent to the institution of Government when independent counsel was considered for renewal.

We have a Department of Justice with professionals. We have an FBI with a Director who has a 10-year term. To repeat, his term will not expire until 2½ years after the end of the prospective second term for President Bush. So far, we have allegations, and they are serious allegations, and they ought to be investigated in due course without an immediate attempt for politicization, once it becomes a matter of high visibility as it has been since last Sunday. It only took until Monday to have a call for the independent counsel, and here we are on Wednesday.

Mr. President, I have been asked to handle the wrap-up material on behalf of the majority leader as the sole remaining standing Republican present on the Senate floor.

AMENDMENT NO. 1795, AS MODIFIED

Mr. SPECTER. Mr. President, I ask unanimous consent that amendment No. 1795 be modified with the language at the desk.

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

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. COMMENDING THE ARMED FORCES FOR EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

(a) PURPOSE.—Recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations.

(b) The Senate finds That the September 11, 2001, terrorist attacks on the United States, which killed thousands of people from the United States and other countries in New York, Virginia, and Pennsylvania, inaugurated the Global War on Terrorism;

That the intelligence community quickly identified Al Qaeda as a terrorist organization with global reach and the President determined that United States national security required the elimination of the Al Qaeda terrorist organization;

That the Taliban regime of Afghanistan had long harbored Al Qaeda, providing members of that organization a safe haven from

which to attack the United States and its friends and allies, and the refusal of that regime to discontinue its support for international terrorism and surrender Al Qaeda's leaders to the United States made it a threat to international peace and security;

That Saddam Hussein and his regime's longstanding sponsorship of international terrorism, active pursuit of weapons of mass destruction, use of such weapons against Iraq's own citizens and neighboring countries, aggression against Iraq's neighbors, and brutal repression of Iraq's population made Saddam Hussein and his regime a threat to international peace and security;

That the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully;

That on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure, and the capture of significant and numerous members of Al Qaeda;

That on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

That in those two campaigns in the Global War on Terrorism, as of September 27, 2003, nearly 165,000 members of the United States Armed Forces, comprised of active, reserve, and National Guard members and units, had mobilized for Operation Enduring Freedom and Operation Iraqi Freedom.

That success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and the military and irregular forces of the friends and allies of the United States;

That the support, love, and commitment from the families of United States service personnel participating in those two operations, as well as that of the communities and patriotic organizations which provided support through the United Services Organization (USO), Operation Dear Abby, and Operation UpLink, helped to sustain those service personnel and enabled them to eliminate significant threats to United States national security while liberating oppressed peoples from dictatorial regimes;

That the civilian employees of the Department of Defense, through their hard work and dedication, enabled United States military forces to quickly and effectively achieve the United States military missions in Afghanistan and Iraq;

That the commitment of companies making their employees available for military service, the creativity and initiative of contractors equipping the Nation's Armed Forces with the best and most modern equipment, and the ingenuity of service companies assisting with the global overseas deployment of the Armed Forces demonstrates that the entrepreneurial spirit of the United States is an extraordinarily valuable defense asset; and

That the Nation should pause to recognize with appropriate tributes and days of remembrance the sacrifice of those members of the Armed Forces who died or were wounded in Operation Enduring Freedom and Operation Iraqi Freedom, as well as all who served in or supported either of those operations: Now, therefore, be it (c) It is the Sense of the Senate that the Senate

(1) conveys its deepest sympathy and condolences to the families and friends of the members of United States and coalition forces who have been injured, wounded, or killed during Operation Enduring Freedom and Operation Iraqi Freedom;

(2) commends President George W. Bush, Secretary of Defense Donald H. Rumsfeld, and United States Central Command commander General Tommy Franks, United States Army, for their planning and execution of enormously successful military campaigns in Operation Enduring Freedom and Operation Iraqi Freedom;

(3) expresses its highest commendation and most sincere appreciation to the members of the United States Armed Forces who participated in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) commends the Department of Defense civilian employees and the defense contractor personnel whose skills made possible the equipping of the greatest Armed Force in the annals of modern military endeavor;

(5) supports the efforts of communities across the Nation—

(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those service members killed or wounded during those operations;

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members in Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommits the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists, and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Iraq supplemental, the Senate then resume consideration of the McConnell amendment, as modified, with the technical changes at the desk; provided further, that there then be 40 minutes equally divided in the usual form; further, that following the use or yielding back of time, the Senate proceed to a vote on or in relation to the amendment, with no amendments in order to the amendment prior to the vote.

Mr. REID. Mr. President, reserving the right to object, I would appreciate it if the Senator would allow a modification: That of the 20 minutes we have on this side, 10 minutes be set aside for Senator BYRD.

Mr. SPECTER. Agreed.

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

MORNING BUSINESS

SUPPORTING AMERICAN JOBS & THE BUY AMERICAN ACT

Mr. FEINGOLD. Mr. President, I rise today for the second in a series of

statements that I plan to deliver about the hemorrhaging of American manufacturing jobs and the steps that I think that we ought to take to stem the flow of manufacturing jobs abroad and to strengthen our deteriorating manufacturing base.

Recently, I talked about how tax policy can help to strengthen American manufacturing. Today, I want to discuss the role of Federal procurement policy in supporting American businesses and American jobs.

The Buy American Act of 1933 is the primary statute that governs procurement by the Federal Government. The name of the act accurately and succinctly describes its purpose: to ensure that the Federal Government supports domestic companies and domestic workers by buying American-made goods.

It only makes sense for the Federal Government to make every effort to purchase goods that are made in America. A law requiring this commonsense approach should not be necessary. Unfortunately, this law is necessary and, even more unfortunately, the law contains a number of loopholes that make it too easy for government agencies to buy foreign-made goods.

I have often heard my colleagues say on this floor that American-made goods are the best in the world. I could not agree more. For generations, Wisconsin has had an economy dominated by manufacturing, and Wisconsinites have proudly made goods under name brands that are known around the country and even around the world brands such as Oshkosh B'Gosh, Harley-Davidson, Snap-On Tools, Masterlock, and S.C. Johnson. Many Wisconsin factories have churned out products for the Federal Government, including for the Department of Defense.

Regrettably, thousands of good-paying manufacturing jobs have left my State—77,000 jobs of this kind in the last 2½ years. Those companies that remain in my State often struggle to compete with cheaper foreign goods that flood into U.S. markets—even when they may be competing for contracts to supply our own Federal Government.

This Congress should do more to ensure that the Federal Government makes every effort to buy American-made goods by strengthening the provisions of the Buy American Act.

Some argue that the Buy American Act has outlived its usefulness in today's global economy. I could not disagree more. I strongly disagree. The act is as relevant today as it was when it was enacted in 1933. The passage of 70 years has not diminished the importance of this act for American manufacturing companies or for those who are employed in this crucial sector of our economy.

In fact, a strong argument can be made that this act is even more necessary today than it was 70 years ago. With American jobs heading overseas

at an alarming rate, the Government should be doing all it can to make sure that U.S. taxpayer dollars are spent to support American jobs.

Some argue that the Buy American Act is protectionist and anti-free trade. I disagree. Supporting American industry is not protectionist; it is just common sense. The erosion of our manufacturing base needs to be stopped, and Congress should support procurement and trade policies that help to ensure that we do not continue to lose jobs in this vital segment of our economy.

Recently I introduced the Buy American Improvement Act, which would strengthen the existing act by tightening its waiver provisions. Currently, the heads of Federal Departments and Agencies are given broad discretion to waive the act and to buy foreign goods. We should ensure that American companies are given a fair chance to compete for Federal contracts.

Companies in Wisconsin tell me that they do not mind having to compete for Federal and other contracts. In fact, they welcome the chance to compete and to put their high-quality products up against the best that the United States and the world has to offer. What they are concerned about is an uneven playing field that tilts in favor of foreign companies, which enjoy advantages including government subsidies, lower labor costs, little environmental regulation, and devalued currencies.

My constituents are also concerned about the prospect of certain types of industries leaving the United States completely, thus making the Federal Government dependent on foreign sources for goods, such as plane or ship parts, that our military may need to acquire on short notice.

In order to get a better picture of how often the Federal Government buys foreign goods, my bill also would expand annual reporting requirements regarding the use of Buy American Act waivers that currently apply only to the Department of Defense to include all Federal Departments and Agencies. I am pleased that the Senate has adopted amendments based on this provision that I have offered to a number of appropriations bills, thus putting the Senate on record in support of increased public disclosure regarding the use of Buy American Act waivers.

I am also pleased that my legislation is supported by a broad array of business and labor groups including: Save American Manufacturing, the U.S. Business and Industry Council, the International Association of Machinists and Aerospace Workers, the national and Wisconsin AFL-CIO, and the International Brotherhood of Boilermakers.

In addition, I believe that the Senate itself should lead by example and make every effort to purchase American-made goods. For that reason, I recently sent a letter to the chairman and ranking member of the Senate Committee on Rules and Administration asking

them to support strengthening current law governing Senate procurement to clarify that the Senate should comply with Buy American requirements.

My letter also asks that the Rules Committee direct the Secretary of the Senate and the Sergeant at Arms to provide to the Senate an annual report, beginning at the end of the current fiscal year, describing the dollar value of any articles, materials, or supplies purchased that are manufactured outside of the United States, outlining the reasons for such foreign purchases, and providing a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. This report is consistent with the annual report already required of the Pentagon. I think we in the Senate ourselves should comply with the same requirement we impose on the Pentagon.

As I have repeatedly noted, Congress cannot simply stand on the sidelines while all these American jobs continue to be shipped overseas. While there may be no single solution to this problem, I believe that one way in which Congress should act is by strengthening the Buy American Act. I will continue to come to the floor to discuss other ways in which we can work to strengthen this crucial segment of our economy in the coming weeks.

ANGELS IN ADOPTION

Ms. LANDRIEU. Madam President, last night the Senator from Idaho, Mr. CRAIG, and I were pleased to host, as cochairs of the Congressional Coalition on Adoption—with two of our colleagues from the House, Congressman OBERSTAR and Congressman CAMP, and with the help of over 70 congressional offices—a celebration of the fifth annual Angels in Adoption Campaign.

I wanted to take a few minutes to speak about what a wonderful evening it was. Last night there were angels surrounded by stars on Pennsylvania Avenue as we celebrated and honored 165 individuals from 48 States for their work on behalf of children. Seventy Members of Congress and a total of almost 1,000 individuals were there as we awarded the national awards to Mohammad and Lanni Ali, who appeared in person. He is challenged with his physical abilities right now so we were so pleased to have him. Bruce Willis, who is the national spokesperson for foster care children, as asked by President Bush, was also with us.

The Angels in Adoption Campaign is a very powerful way of celebrating the miracle of adoption. We do work right on the Senate floor, through all of our work individually and collectively, to make the dream of adoption possible for so many children in the United States, as well as internationally.

From Louisiana we were pleased to be joined by Beverly Lewis of Alexandria. She was nominated and received an award because she, as a single moth-

er but with a wonderful career, adopted three children from Russia and is now fostering an 8-year-old girl. Pam Bolke of Baker was nominated by my colleague, Senator BREAUX. After reading a newspaper article about two young girls who had been abused, she and her husband stepped up and adopted the two little girls. Although they were filled with rage, they are now growing to be beautiful, loving little girls because they have unconditional love.

Louise Bourne of Lafayette was nominated by CHRIS JOHN from our State. And I will submit the details of that for the RECORD. And Karen Caldwell of New Orleans, who was nominated by Congressman DAVID VITTER, joined us last night.

As you can see, we had from the State of Maine many individuals, and from almost every State in the Union, because the Senators in this Chamber took it upon themselves—the Senator from Nevada joined us; Senator BILL FRIST from Tennessee was with us—to seek out someone in their State, ordinary individuals but doing extraordinary work. Truly it was a wonderful evening to celebrate.

I will submit for the RECORD all of the angels, 165 individuals from 48 States, who were honored. They all received, besides a standing ovation from all of us, the beautiful angels pin I am wearing today and went home inspired and encouraged to do more for adoption.

It is an area on which we can agree, Democrats and Republicans. There is little disagreement among us on this issue. We have thousands of children in the United States waiting to be adopted, children whose rights have been terminated or the parental rights have been terminated. We have waiting in the United States over 100,000 children of all ages. I will submit those numbers for the RECORD.

I see my colleague from Idaho, Senator CRAIG. I thank him publicly for all of his leadership and the great work he did to make last night and the work that our coalition does truly bipartisan and truly effective.

Mr. CRAIG. Will the Senator yield?

Ms. LANDRIEU. I will.

Mr. CRAIG. Let me thank my colleague from Louisiana. She and I have worked so very closely together over the last several years to move the issue of adoption and the development of the congressional coalition and now the Congressional Coalition on Adoption Institute. All that she says about last evening is so true. It was a gala event, well beyond our expectations, when we started this whole effort a good number of years ago. Tonight, let me challenge every Senator who has not yet participated with us in the congressional coalition itself and in the institute to come on board and to be a part of what is truly a wonderful and worthwhile activity. Both Mary and I are adoptive parents, and we know what that has meant in our lives.

Now to facilitate the smoothing out of public policy, to make adoption

truly an option of the right form in taking children into loving and caring and safe environments to grow and to mature into sound adults is a role all of us ought to be a part of. If you cannot do it as actively as both Mary and I do, then you should be with us in spirit and legislation and participation but help us to grow this marvelous movement.

Last night, with nearly 1,000 people and with the Alis and with Bruce Willis and a good many others, we were very pleased to honor these angels from across the country who Mary has so aptly described as caring, giving, and loving people.

I thank the Senator for yielding and for her great work in this area.

Ms. LANDRIEU. We look forward to a great year.

Madam President, I ask unanimous consent to print in the RECORD the following information which I referenced in my remarks.

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

ANGELS IN ADOPTION 2003

Alabama: LaGretta Ratliff, Philip and Gina Richards.

Arizona: Joanne Karolzak, Peter and Pat Likens, David and Diana Lucas, Lance and Barb Trella.

Arkansas: Jan Scholl, Lisenne Rockefeller.

California: Jesse and Linda Barela, Cecil and Pamela Ellis, Audrey Foster, Reverend Paul and Linda Hoyt, Karen Lane, Susan Lobo, Dave and Debbie Magnusen, Dr. David Sanders, Shasta County Adoptions Program, Ed and Judy Shrader, Sierra Adoptions Services, Karen Ullman.

Kim Matsunaga, Joshua and Lily Nie.
Connecticut: Anthony and Jacquelyn Barrows, Angel Torres.

District of Columbia: Linda Clausen.

Florida: Susana Huaman Dragosavac, Family Services of Central Florida, Foster Children's Project Legal Aid Society of PBC, Inc., A.J. and Susan Fremer, Marilyns Llanos, Bill and Patricia Manning, James and Betsy Seifert.

Georgia: Truett Cathy, Amanda Davis, James Outman, Joe Woods.

Hawaii: Steven and Renee Saito.

Idaho: Meri Brennan, Jay and Sally Hilderbrandt, John and Denise Martin.

Illinois: Adoption Information Center of Illinois, Dan and Lynn Dempsey, Ben and Sherna Jennings, Sherri Nestmann, Cyndi Norton, Gary and Marla Ringger.

Indiana: Loving Shepherd International, Owino Wodomony and Dalia Owino, James and Verdell Releford.

Iowa: Dr. Rebecca Brandt, Ken and Char Kuhns, Terri and Bruce Lippert.

Kansas: Allan Hazlett, Chuck and Ann Vanasse.

Kentucky: James and Judith Green, Saint Joseph Children's Home.

Louisiana: Pam Bolke, Louise Bourne, Karen Caldwell, Beverly Lewis.

Maine: Jennifer Sylvester.

Maryland: Kim and Carol Cormany, Barbara Ann Dorsey, Susan Faro, Mark McDermott.

Massachusetts: Loretta Cahill in memoriam, Nancy Hendrie, Margaret O'Grady, Craig and Jane Pixley, Robert and Shirley Siff, Carolyn Smith, Kathleen Teahan.

Michigan: Charlie and Jerry Brown, Jaclyn Hope Champnella, Linda Cromartie, Sandra Jones, Kevin and Mary Julien, Paul and Sherry Petroelje, Alan and Kristine Yeadon.

Minnesota: Becky and Gladys Abbott, Susan Freivalds, Larry and Arlyce Morrell, North American Council on Adoptable Children, Brad and Sandy Powers.

Mississippi: Nancy and Drew McDowell.

Missouri: George and Cyrilla Bender, Joan Bystrom, Dean and Sheila Dutton, Randy and Linda Koenig, Laurie Murphy.

Montana: Claire and Patty Walker.

Nebraska: Dr. Edward and Sandy Kolb, Patrick and Patrice Lappert, Patrick and Cindy Seitz, Eugene and Cindy Ulmer.

Nevada: Letha Davies, Steve and Kayleen Fotheringham, Rene Phillips.

New Jersey: Eileen Crummy, Janet Farrand, Pamela Hasegawa, Monsignor James J. McGovern, Debra Supnick.

New Mexico: Frank and Donna Payne, Ken and Fran Sullivan.

New York: Rose Marie Battisti-Bruce, Karen Eckert, Family Focus Adoption Services, New Directions Youth and Family Services, Thomasena Newton, Dr. Natasha Shaginian, Sloane Jaclyn Tabisel, Margaret Tomasicchio.

North Carolina: Raymond and Debbie Abrams, Harriet McCarthy.

North Dakota: Lorelei Klitzke.

Ohio: Arden and Diana Brooks, Kevin and Wendy Hoodlebrink, Dorothy Klemm, Rita Soronen.

Oklahoma: Amy Eldridge, David and Kathy Frost, Tom and Jennifer Rudolph.

Oregon: Susan Cox, Franklin Hunsaker, Portland Metro Korean Lions Club, Deborah Radcliffe.

Pennsylvania: Jeffrey and Lydia Buck, Maxine Chalke, Susann Hoke, Marjorie McKeone, Myron and Sally Stoltzfus, Kelley Strieb, Three Rivers Adoption Council, Hanna D. Wallace.

Rhode Island: Chris Cotatgis.

South Carolina: Hal and Diana Stevenson.

South Dakota: Harold and Sharon Holder, Jeff and Dori Nelson.

Tennessee: Dr. Paul Heil, Davis and Sherry Lundy, Claude and Bernadette Whatley, Pamela Wolf.

Texas: Jean Boyd, Barry and D'Wanna Finkel, Suzanne Faske and Karen Hall, Anna James, Dorothy Le Pere, Lutheran Social Services of the South, Rodney and Renee Nolen, Judge Peter Sakai, Snow Wu.

Utah: Christena Christensen.

Vermont: Diane Dexter.

Virginia: Bethany Christian Services of Fredericksburg, Bethany Christian Services of Hampton Roads, Chris and Christy Craig, Ronald Federici, Mara Kamen, Dr. Patrick Mason.

West Virginia: Mildred Mairs.

Wisconsin: Mark and Faith Richter KuFahl.

Wyoming: Carol Burman Lindly.

Past Angels in Adoption Award Recipients (1999-2002).

LOUISIANA DATA

Number of children in State custody as of year end by age—State fiscal year 03: 0-1, 434; 2-4, 692; 5-9, 929; 10-17, 2,252. Total number of children in foster care—4,307. (Note that in the previous State fiscal year the number was 4416.)

Number of children adopted out of State custody by age—State fiscal year 03: 0-1, 34; 2-4, 152; 5-9, 199; 10-17, 127. Total number of children adopted out of foster care—512. (Note that in the previous State fiscal year the number was 471.)

Number of children reunited with birth families by age—State fiscal year 03: 0-1, 219; 2-4, 326; 5-9, 405; 10-17, 664. Total number of children reunited—1614. (Note that in the previous State fiscal year the number was 1,552.)

Number of children freed for adoption and awaiting placement—State fiscal year 03: 0-

1, 26; 2-4, 110; 5-9, 178; 10-17, 368. Total waiting children—682. (Note in the previous State fiscal year the total was 868.)

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in New Haven, CT. On May 9, 2003, Jessica Mercado, a transgender Latina, was brutally murdered. She was stabbed multiple times and then her body was burned. Her murder is believed to be a hate crime and her murder a result of the homophobia of her attackers.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CHARLES TAYLOR AND LIBERIA

Mr. LEAHY. Mr. President, I rise today to voice my strong support for a provision included by Senator GREGG in the Commerce-Justice-State portion of the emergency supplemental which provides \$2 million for rewards to anyone who brings Charles Taylor before the Special Court for Sierra Leone.

I commend the senior Senator from New Hampshire for his strong leadership on this issue. Just a few months ago, when the Special Prosecutor for Special Court unsealed his indictment against Charles Taylor, he and I came to the Senate floor together to commend this strong and decisive action.

In that colloquy and in other floor statements, I described why it is so important for West Africa, as well as the cause of international justice, to bring Charles Taylor before the Special Court, I will not repeat all of that here today, but I just want to make a couple of additional points. Since his exile to Nigeria, press reports have revealed that Charles Taylor continues to try to foment chaos and instability in Liberia. There is no doubt that he wants to return, and will do so if given the opportunity.

Charles Taylor needs to come before the Special Court. This needs to happen immediately. Allowing him to remain in Nigeria is wrong. It is impeding peace and prosperity in a region that has endured tremendous suffering over the past decade.

The provision included in the supplemental can help get him before the Special Court. I look forward to working with Senators GREGG and HOLLINGS

to keep this provision in the final version of the supplemental conference report.

I also want to point out that a humanitarian disaster continues to exist in Liberia, where thousands are without food, shelter, or basic medical care. Even after emergency needs are addressed, Liberia will require substantial amounts of additional assistance, as three-fourths of its citizens are impoverished, the unemployment rate is 85 percent, and seven out of ten of combatants involved in recent fighting in Liberia are child soldiers.

I am worried that the world's attention is focused elsewhere and we will simply forget about the plight of Liberia's people. In the coming weeks, I hope that we can find some money in this supplemental to address these critical needs. Even a tiny percentage of the more than \$87 billion in this bill would save many lives.

REMEMBERING MOTHER TERESA

Mr. ALLARD. Mr. President, Mother Teresa will soon be beatified by Pope John Paul II in Rome, and I would like to take this opportunity to honor the model that she was for the world by promoting love and respect for all.

We in Congress often get overwhelmed with the amount of work and issues that we are faced with each day, but Mother Teresa put into perspective our mission when she said, "We ourselves feel that what we are doing is just a drop in the ocean, but the ocean would be less because of that missing drop."

Mother Teresa embodied the ultimate spirit of public service by giving a 100 percent of herself to her constituents: the poor, the hungry, the homeless and, most of all, the unloved. Her determination to make the world a better place has left its mark on history and humanity.

"It is not how much we do, but how much love we put into doing. It is not how much we give, but how much love we put into giving," said Mother Teresa. Let us not forget this valuable wisdom as the world honors Mother Teresa next month.

ADDITIONAL STATEMENTS

75TH ANNIVERSARY OF NEWARK LIBERTY INTERNATIONAL AIRPORT

• Mr. LAUTENBERG. Mr. President, I rise today to celebrate Newark Liberty International Airport's 75th Anniversary. On October 1, 1928, the New York metropolitan region's first major airport was built by the great city of Newark on 68 acres of marshland just 16 miles from midtown Manhattan. Soon those 68 acres became the world's busiest commercial airport. The U.S. Army Air Corps operated the Airport during WWII, and in 1948, the Port Authority of New York and New Jersey assumed

control of it. The Port Authority has operated this airport ever since.

Today, some 30 million passengers use the airport annually. And international airlines offer direct service to many destinations around the world from Newark Liberty. It is also one of only two truly intermodal air-rail connections in the country. Passengers can take a train from any city on the Northeast corridor and transfer at the airport for a flight. In some cases, they can even book the entire air/rail trip all at once. This should serve as a shining example of how our national transportation system can work.

Over 24,000 people are employed at the Newark Liberty International Airport. The airport contributes \$11.3 billion in economic activity to the New York/New Jersey metropolitan region, including \$3.3 billion in wages for some 110,000 jobs resulting from airport activity. In addition, the original 68 acres of marshland has grown to more than 2,000 acres.

Newark Liberty International Airport's 75th birthday deserves more than just a brief nod. As a former Port Authority Commissioner, I am pleased to point out that the airport has been a leader in aviation technology. Newark, for instance, was the site of our great Nation's first air traffic control tower. The very same airport had the first paved runway, the first runway with lighting, which permitted nighttime operations, and the Nation's first airport weather station.

So, today I congratulate the Port Authority of New York and New Jersey, Chairman Anthony Coscia, Executive Director Joseph Seymour, Mayor of Newark Sharpe James, Aviation Director Bill DeCota, Airport General Manager Susan Baer, her staff, and all others who have made Newark Liberty International Airport the world class facility it is today, and I look forward to celebrating 75 more years of safe, efficient operations.●

REMEMBERING RED PURSLEY

• Mr. MILLER. Mr. President, I rise today to note with deep regret the passing of a true American hero, entrepreneur, and fellow serviceman, Lewis "Red" Pursley.

Red Pursley's journey through life came to a quiet and peaceful end on September 30, 2003, at a hospice facility near his home in Douglasville, GA. A veteran of World War II and of the battlefields of corporate commerce, as well as a loving father and pillar of his local community, Mr. Pursley embodied the virtues that define the term American citizen.

As a young man in Clover, SC, Red Pursley heeded his country's call when he was needed most, like so many others of what history would later call the "greatest generation." Entering into active service in late 1942, Mr. Pursley and his comrades knew the dangerous nature of their duty, but attacked it with the confidence that their services

were necessary to the allied effort and conducted in the name of a righteous cause.

A flight engineer and top turret gunner on a B-17 bomber crew based in England with the 8th Army Air Corps, Sergeant Pursley and the other 9 members of his crew flew 14 successful missions over Northern Europe before being shot down while on a mission over Frankfurt on January 29, 1944. Of the 10 crewmembers onboard, four died in the air and two escaped capture, but Sergeant Pursley and three others were taken prisoner by the Germans.

For the next 16 months, Sergeant Pursley, along with thousands of his fellow servicemen, endured long marches, malnutrition, and despair in a number of Nazi prison camps, before he was liberated on May 6, 1945, just four days shy of the end of the European Campaign. Though his health suffered throughout the heroic ordeal, Sergeant Pursley's sense of pride in his service and faith in his cause never wavered.

For his service, Mr. Pursley earned numerous decorations including the Silver Star and the Purple Heart. Upon his return from Europe and separation from the Army Air Corps, Mr. Pursley moved to Georgia and, in 1957, started Redrock Carpet, a commercial carpet company that he has run ever since with his son. Mr. Pursley excelled as a businessman and the products that he manufactured have been used to carpet such notable locales as Air Force One and the private residence quarters in the White House.

Red Pursley was a man we all should admire, as it was efforts of men like him that helped forge our present greatness. He took an active part in the last half century as a soldier and a citizen, as a community leader and a businessman, and as a living link to our past. His distinguished career, both in the service of his country and in the private sector, is a demonstration of the highest standards of integrity, professionalism, and patriotism.

Red died on the morning of September 30, 2003, at the age of 82 after succumbing to a long bout with cancer. He leaves behind his loving wife and partner of nearly 61 years, Catherine Robinson Pursley, two children, three grandchildren, and four great-grandchildren. Red also leaves behind an indelible mark on his Douglasville, GA community and on the lives of all of those that he touched. He will be missed, but as long as the legacy of the greatest generation lives on, so too will he.●

MID-MISSOURI ENERGY

• Mr. TALENT. Mr. President, I rise today to commemorate the upcoming groundbreaking on Saturday, October 4, 2003, for construction of Missouri's third farmer-owned ethanol plant, Mid-Missouri Energy Ethanol Plant, which will be located in Malta Bend, MO.

Mid-Missouri Energy, the farmer-owned cooperative that is building the

plant, began its grassroots efforts in early 2002 and has since added over 720 farmer-investors. This plant will process 15 million bushels of corn each year, producing 40 million gallons of ethanol annually, creating more than 35 new jobs in Saline County. It will boost the value of locally grown corn and generate revenue for the farmers who have invested in the cooperative. In addition, the site preparation and construction of the plant will provide a boost to the area's economy. This plant is being built at a cost of \$60 million, and it is expected to be in operation by Spring 2005.

The technology for ethanol-blended fuel will only get better as the distribution network continues to grow. Ethanol is already marketed in a number of places at the same price as gasoline, and its increased use will reduce our dependence on foreign oil and help agricultural producers. There are currently 73 ethanol plants in the country, with the capacity to produce 2.9 billion gallons annually. The Malta Bend plant is one of 13 new plants under construction, which represent more than 400 million gallons per year of new ethanol production. I am confident the energy bill that emerges from the Congress will retain the Renewable Fuels Standard, which will double the production and use of ethanol over the next ten years.

I am proud of the hard work and commitment that the farmers of Mid-Missouri Energy have shown in getting this plant built. Their efforts are crucial to helping our agricultural industry in Missouri and providing jobs and growth for the Missouri economy. I am pleased to congratulate them, as well as the farmer-investors of Missouri's two operative ethanol plants, Northeast Missouri Grain, LLC and General Triangle Energy Cooperative, for all that they have done to support Missouri job creation and economic growth.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of September 30, 2003, the Secretary of the

Senate, on September 30, 2003, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3146. An act to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

Under the authority of the order of September 30, 2003, the enrolled bill was subsequently signed by (Mr. TALENT).

At 11:44 a.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 570. An act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1882. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office".

H.R. 2075. An act to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building".

H.R. 2086. An act to reauthorize the Office of National Drug Control Policy.

H.R. 3011. An act to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office building".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 159. Concurrent resolution declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day.

H. Con. Res. 282. Concurrent resolution honoring the life of Johnny Cash.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3146) to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes."

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1882. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office"; to the Committee on Governmental Affairs.

H.R. 2075. An act to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2086. An act to reauthorize the Office of National Drug Control Policy; to the Committee on the Judiciary.

H.R. 3011. An act to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building"; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 159. Concurrent resolution declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day; to the Committee on Veterans Affairs.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 282. Concurrent resolution honoring the life of Johnny Cash.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4485. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Farm Bill Regulations—Commodity Supplemental Food Program (CSFP)—Allocation of Administrative Funds" (RIN0584-AD33) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4486. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Denomination of Customer Funds and Location of Depositories" (RIN3038-AB31) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4487. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of the New York Mercantile Exchange, Inc. and the Intercontinental Exchange, Inc., Petitions for Treatment of Floor Brokers and Floor Traders as Eligible Commercial Entities Pursuant to Section 1a(1)(C) of the Commodity Exchange Act" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4488. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Performance Data and Disclosure for Commodity Trading Advisors" (RIN3038-AB39) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4489. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Foreign Futures and Foreign Options Transactions" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4490. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Foreign Futures and Options Transactions" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4491. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Account Identification for Bunched Orders" (RIN3038-AB93) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4492. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment to Appendix C of Part 40 and Redesignation as Appendix D of Part 30" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4493. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Washington Mutual, Inc. and its Various Subsidiaries Request for Relief" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4494. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Review by the National Futures Association of Disclosure Documents Required to be Filed by Commodity Pool Operators for Publicly-Offered Commodity Pools" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4495. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Commodity Pool Operators" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4496. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of the New York Mercantile Exchange, Inc. Petition for Interpretation Pursuant to Section 1a(12)(C) of the Commodity Exchange Act" received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4497. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Customer Identification Programs for Futures Commission Merchants and Introducing Brokers" (RIN3038-AB90) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4498. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Additional Registration and Other Regulatory Relief for Commodity Pool Operators and Commodity Trading Advisors; Past Performance Issues" (RIN3038-AB97) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4499. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled "Sugar Beet Disaster Program" (RIN0560-AH04) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4500. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled "Outside Storage of Extra Long Staple Loan Cotton" (RIN0560-AH03) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4501. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the

report of a rule entitled "2003 Agricultural Assistance Act—Crop Disaster Program and Livestock Assistance Program" (RIN0560-AG95) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4502. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, the fiscal year 2003 Commercial Activities Report for the Department of Defense; to the Committee on Armed Services.

EC-4503. A communication from the Air Force Federal Register Liaison Officer, Plans and Policy Directorate, Department of the Air Force, transmitting, pursuant to law, the report of a rule entitled "Title 32—National Defense, Chapter VII—Department of the Air Force Part 809a—Installation Entry Policy, Civil Disturbance Intervention and Disaster Assistance" (RIN0701-AA64)

EC-4504. A communication from the Principal Deputy, Office of the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, the Department's Report on the Family Subsistence Supplemental Allowance Program; to the Committee on Armed Services.

EC-4505. A communication from the Director, Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report on the experience under the fiscal years 1999 and 2000 revitalization pilot programs in exercising authorities provided for the administration of programs to demonstrate improved efficiency in the performance of research, development, test, and evaluation functions of the Department; to the Committee on Armed Services.

EC-4506. A communication from the Acting Under Secretary of Defense, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4507. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a letter notifying the Senate of the intention of Foreign Comparative Testing (FCT) to fund several Fiscal Year 2004 projects; to the Committee on Armed Services.

EC-4508. A communication from the Principal Deputy, Office of the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, a notice of the Department's intention to close the combined commissary and exchange stores at Homestead Air Reserve Base, FL and Fort McClellan, AL; to the Committee on Armed Services.

EC-4509. A communication from the Deputy Chief of Naval Operations, Manpower and Personnel, Department of the Navy, transmitting, a report of a decision to implement performance by the Most Efficient Organization (MEO) of Base Support Services of Naval Surface Warfare/Weapons Centers in Carderock, MD and Philadelphia, PA; to the Committee on Armed Services.

EC-4510. A communication from the Assistant Secretary of the Army, Office of the Assistant Secretary, Financial Management and Comptroller, transmitting, a copy of the Army's Annual Financial Statement report for fiscal year 2002; to the Committee on Armed Services.

EC-4511. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a report on direct spending related to combating terrorism dated September 18, 2003; to the Committee on Armed Services.

EC-4512. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quinoxifen; Pesticide Tolerance"

(FRL#7318-2) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4513. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sethoxydim; Pesticide Tolerance" (FRL#7328-6) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4514. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indian Meal Moth Granulosis Virus; Exemption from the Requirement of a Tolerance" (FRL#7328-8) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4515. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glufosinate Ammonium; Pesticide Tolerance" (FRL#73278-9) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4516. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethomorph; Pesticide Tolerances" (FRL#7327-3) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4517. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorfenapyr; Pesticide Tolerance" (FRL#7320-8) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4518. A communication from the Deputy Secretary, Division of Investment Management, transmitting, pursuant to law, the report of a rule entitled "Custody of Funds or Securities of Clients by Investment Advisers" (RIN3235-AH26) received on September 25, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4519. A communication from the Associate General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Loan Interest Rates, 12 CFR Part 701" received on September 25, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4520. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Paperwork for Late Season Migratory Bird Hunting Regulations" (RIN1018-AI93) received on September 25, 2003; to the Committee on Environment and Public Works.

EC-4521. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2003-04 Late Season" (RIN1018-AI93) received on September 25, 2003; to the Committee on Environment and Public Works.

EC-4522. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds" (RIN1018-AI93) received on September

25, 2003; to the Committee on Environment and Public Works.

EC-4523. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2003-04 Early Season" (RIN1018-AI93) received on September 25, 2003; to the Committee on Environment and Public Works.

EC-4524. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Revision to Regulations for Control of Air Pollution by Permits for New Construction or Modification" (FRL#7564-5) received on September 25, 2003; to the Committee on Environment and Public Works.

EC-4525. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Nonattainment as of November 15, 1999 and Reclassification of the Atlanta 1-Hour Ozone Nonattainment Area; State of Georgia" (FRL#7563-4) received on September 25, 2003; to the Committee on Environment and Public Works.

EC-4526. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL#7563-8) received on September 25, 2003; to the Committee on Environment and Public Works.

EC-4527. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District" (FRL#7562-8) received on September 25, 2003; to the Committee on Environment and Public Works.

EC-4528. A communication from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA-135-FOR) received on September 26, 2003; to the Committee on Energy and Natural Resources.

EC-4529. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—October 2003" (Rev. Rule 2003-107) received on September 25, 2003; to the Committee on Finance.

EC-4530. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Special Depreciation Allowance" (RIN1545-BC19) received on September 25, 2003; to the Committee on Finance.

EC-4531. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2003-89) received on September 25, 2003; to the Committee on Finance.

EC-4532. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2003-63) received on September 25, 2003; to the Committee on Finance.

EC-4533. A communication from the Acting Chief, Publications and Regulations Branch,

Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—July 2003" (Rev. Rule 2003-103) received on September 25, 2003; to the Committee on Finance.

EC-4534. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Obsolete Split Dollar Rulings" (Rev. Rule 2003-105) received on September 25, 2003; to the Committee on Finance.

EC-4535. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Qualified Community Development Entity Loan Purchases" (Notice 2003-68) received on September 25, 2003; to the Committee on Finance.

EC-4536. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Investments Through Multiple Qualified Community Development Entities" (Notice 2003-64) received on September 25, 2003; to the Committee on Finance.

EC-4537. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Amyotrophic Lateral Sclerosis" (RIN0960-AF95) received on September 25, 2003; to the Committee on Finance.

EC-4538. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 68 FR 49371" (44 CFR 67) received on September 25, 2003; to the Committee on Finance.

EC-4539. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 68 FR 49365" (44 CFR 65) received on September 25, 2003; to the Committee on Finance.

EC-4540. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Clarification of Rules Involving Functional Capacity Assessments; Clarification of Use of Vocational Experts and Other Sources at Step 4 of the Sequential Evaluation Process; Incorporation of "Special Profile" Into Regulations" (RIN0960-AF37) received on September 25, 2003; to the Committee on Finance.

EC-4541. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Payments for Paid Feeding Assistants in Long Term Care Facilities (CMS-2131-f)" (RIN0938-AL04) received on September 26, 2003; to the Committee on Finance.

EC-4542. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Preferential Treatment of Brassieres Under the Caribbean Basin Economic Recovery Act" (RIN1515-AD24) received on September 25, 2003; to the Committee on Finance.

EC-4543. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of a certification of a proposed license for the export of major defense equipment and defense

services in the amount of \$25,000,000 or more to Greece; to the Committee on Foreign Relations.

EC-4544. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, Office of Management and Budget, Office of Federal Procurement Policy, received on September 25, 2003; to the Committee on Governmental Affairs.

EC-4545. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC-4546. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, transmitting, pursuant to law, the report of a rule entitled "Special Demonstration Programs—Model Demonstrations to Improve the Literacy and Employment Outcomes of Individuals with Disabilities" (RIN1820-ZA29) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4547. A communication from the Secretary of Health and Human Services, transmitting, a Report on the Community Services Block Grant Discretionary Activities: Community Economic Development Program projects funded during Fiscal Years 1998 and 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-4548. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted in Feed and Drinking Water of Animals; Selenium Yeast" (Doc. No. 1998F-0196) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4549. A communication from the Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Seat Belts for Off-Road Work Machines and Wheeled Agricultural Tractors at Metal and Nonmetal Mines" (RIN1219-AA98) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4550. A communication from the Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Standards for Sanitary Toilets in Coal Mines" (RIN1219-AA98) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4551. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, transmitting, pursuant to law, the report of a rule entitled "Special Demonstration Programs—Model Demonstration Programs—Mentoring for Transition-Age Youth and Young Adults With Disabilities" (RIN1820-ZA28) received on September 25, 2003.

EC-4552. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Sucrose Oligoesters" (Doc. No. 98F-0717) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4553. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4554. A communication from the Director, Regulations Management, Board of Veterans' Appeals, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Speeding Appellate Review for Aging Veterans" (RIN2900-AL08) received on September 25, 2003; to the Committee on Veterans' Affairs.

EC-4555. A communication from the Director, Regulations Management, Board of Veterans' Appeals, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Rules of Practice—Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error: Advancement on the Docket" (RIN2900-AJ85) received on September 25, 2003; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 861. A bill to authorize the acquisition of interests in undeveloped coastal areas in order to better ensure their protection from development (Rept. No. 108-158).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments and with an amended preamble:

S.J. Res. 16. A joint resolution to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia", and the "Compact of Free Association as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands", and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023, and for other purposes (Rept. No. 108-159).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Army nomination of Lt. Gen. George W. Casey, Jr.

Navy nomination of Rear Adm. David C. Nichols, Jr.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. BOND):

S. 1690. A bill to amend the Workforce Investment Act of 1998 to provide for integrated workforce training programs for adults with limited English proficiency, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 1691. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

By Mr. SUNUNU:

S. 1692. A bill to designate the facility of the United States Postal Service located at 38 Spring Street in Nashua, New Hampshire, as the "Hugh Gregg Post Office Building"; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1693. A bill to amend section 35 of the Internal Revenue Code of 1986 to allow individuals receiving unemployment compensation to be eligible for a refundable, advanceable credit for health insurance costs; to the Committee on Finance.

By Mr. BROWNBACK:

S. 1694. A bill to amend title 38, United States Code to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing to be provided health care for illness without requirement for proof of service-connection; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. CRAIG, Mr. DURBIN, Mr. SUNUNU, and Mr. REID):

S. 1695. A bill to provide greater oversight over the USA PATRIOT Act; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself and Mr. INOUE):

S. 1696. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes; to the Committee on Indian Affairs.

By Mr. DODD (for himself, Mr. SARBANES, and Mr. REED):

S. 1697. A bill to establish the elderly housing plus health support demonstration program to modernize public housing for elderly and disabled persons; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENZI (for himself, Mr. GREGG, Mr. BOND, and Mr. SANTORUM):

S. 1698. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 1699. A bill to amend the Head Start Act to require parental consent for non-emergency intrusive physical examinations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mrs. FEINSTEIN, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mr. SCHUMER, Mr. WARNER, Mr. DURBIN, Mr. CAMPBELL, Mr. KOHL, Mrs. CLINTON, Ms. CANTWELL, Mrs. MURRAY, and Ms. LANDRIEU):

S. 1700. A bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collec-

tion and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, and Mr. BIDEN):

S. Res. 237. A resolution welcoming the public apologies issued by the President of Serbia and Montenegro and the President of the Republic of Croatia and urging other leaders in the region to perform similar concrete acts of reconciliation; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 139

At the request of Mr. LIEBERMAN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 139, a bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangeably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances.

S. 333

At the request of Mr. BREAU, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 767

At the request of Mr. SMITH, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 767, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits.

S. 894

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 1019

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr.

ROBERTS) was added as a cosponsor of S. 1019, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1083

At the request of Mr. LUGAR, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1083, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1177

At the request of Mr. KOHL, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1177, a bill to ensure the collection of all cigarette taxes, and for other purposes.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1394

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1394, a bill to establish a demonstration project under the medicaid program to encourage the provision of community-based services to individuals with disabilities.

S. 1431

At the request of Mr. LAUTENBERG, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1431, a bill to reauthorize the assault weapons ban, and for other purposes.

S. 1531

At the request of Mr. HATCH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1545

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1629

At the request of Mr. DEWINE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1629, a bill to improve the pal-

liative and end-of-life care provided to children with life-threatening conditions, and for other purposes.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1634

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1634, a bill to provide funds for the security and stabilization of Iraq by suspending a portion of the reductions in the highest income tax rate for individual taxpayers.

S. 1670

At the request of Mr. DAYTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1670, a bill to expand the Rest and Recuperation Leave program for members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom to include travel and transportation to the members' permanent station or home.

S. 1683

At the request of Mr. VOINOVICH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1683, a bill to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees.

S. 1686

At the request of Mr. GRASSLEY, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1686, a bill to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes.

S. CON. RES. 67

At the request of Mr. COCHRAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. Con. Res. 67, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and supporting the designation of a National Brain Injury Awareness Month.

S. RES. 231

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. Res. 231, a resolution commending the Government and people of Kenya.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 1691. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I introduce the Wartime Treatment Study Act. This bill would create two fact-finding commissions: one commission to review the U.S. Government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II and another commission to review the U.S. Government's treatment of Jewish refugees fleeing Nazi persecution during World War II. This bill is long overdue.

I am very pleased that my distinguished colleagues, Senators GRASSLEY, KENNEDY, and LIEBERMAN, have joined me as cosponsors of this important bill. I thank them for their support.

The Allied victory in the Second World War was an American triumph, a triumph for freedom, justice, and human rights. The courage displayed by so many Americans, of all ethnic origins, should be a source of great pride for all Americans.

But, as so many brave Americans fought against enemies in Europe and the Pacific, here, at home, the U.S. Government was curtailing the freedom of some of its own people. While, it is, of course, the right of every nation to protect itself during wartime, the U.S. Government must respect the basic freedoms for which so many Americans have given their lives to defend. War tests our principles and our values. And as our Nation's recent experience has shown, it is during times of war and conflict, when our fears are high and our principles are tested most, that we must be even more vigilant to guard against violations of the Constitution.

Many Americans are aware of the fact that, during World War II, under the authority of Executive Order 9066, our Government forced more than 100,000 ethnic Japanese from their homes into internment camps. Japanese Americans were forced to leave their homes, their livelihoods, and their communities and were held behind barbed wire and military guard by their own government. Through the work of the Commission on Wartime Relocation and Internment of Civilians created by Congress in 1980, this shameful event finally received the official acknowledgement and condemnation it deserved. Under the Civil Liberties Act of 1988, people of Japanese ancestry who were subjected to relocation or internment later received an apology and reparations on behalf of the people of the United States.

While I commend our Government for finally recognizing and apologizing for the mistreatment of Japanese Americans during World War II, I believe that it is time that the government also acknowledge the mistreatment experienced by many German Americans,

Italian Americans, and European Latin Americans, as well as Jewish refugees.

The Wartime Treatment Study Act would create two independent, fact-finding commissions to review this unfortunate history, so that Americans can understand why it happened and work to ensure that it never happens again. One commission will review the treatment by the U.S. Government of German Americans, Italian Americans, and other European Americans, as well as European Latin Americans, during World War II.

I believe that most Americans are unaware that, as was the case with Japanese Americans, approximately 11,000 ethnic Germans, 3,200 ethnic Italians, and scores of Bulgarians, Hungarians, Romanians or other European Americans living in America were taken from their homes and placed in internment camps during World War II. We must learn from our history and explore why we turned on our fellow Americans and failed to protect basic freedoms.

A second commission created by this bill will review the treatment by the U.S. Government of Jewish refugees who were fleeing Nazi persecution and genocide. We must review the facts and determine how our restrictive immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany. The United States turned away thousands of refugees, delivering many refugees to their deaths at the hands of the Nazi regime.

As I mentioned earlier, there has been a measure of justice for Japanese Americans who were denied their liberty and property. It is now time for the U.S. Government to complete an accounting of this period in our Nation's history. It is time to create independent, fact-finding commissions to conduct a full and thorough review of the treatment of all European Americans, European Latin Americans, and Jewish refugees during World War II.

Up to this point, there has been no justice for the thousands of German Americans, Italian Americans, and other European Americans who were branded "enemy aliens" and then taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps.

There has been no justice for European Latin Americans who were shipped to the United States and sometimes repatriated or deported to hostile, war-torn European Axis powers, often in exchange for Americans being held in those countries.

Finally, there has been no justice for the thousands of Jews, like those aboard the German vessel the *St Louis*, who sought refuge from hostile Nazi treatment but were callously turned away at America's shores.

Although the injustices to European Americans, European Latin Americans, and Jewish refugees occurred fifty

years ago, it is never too late for Americans to learn from these tragedies. We should never allow this part of our nation's history to repeat itself. And, while we should be proud of our Nation's triumph in World War II, we should not let that justifiable pride blind us to the treatment of some Americans by their own government.

I urge my colleagues to join me in supporting the Wartime Treatment Study Act. It is time for a full accounting of this tragic chapter in our Nation's history.

I ask that the text of the Wartime Treatment Study Act be printed in the RECORD.

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

S. 1691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wartime Treatment Study Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States successfully fought the spread of Nazism and fascism by Germany, Italy, and Japan.

(2) Nazi Germany persecuted and engaged in genocide against Jews and certain other groups. By the end of the war, 6,000,000 Jews had perished at the hands of Nazi Germany. United States Government policies, however, restricted entry to the United States to Jewish and other refugees who sought safety from Nazi persecution.

(3) While we were at war, the United States treated the Japanese American, German American, and Italian American communities as suspect.

(4) The United States Government should conduct an independent review to assess fully and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(5) During World War II, the United States Government branded as "enemy aliens" more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification, limited their travel, and seized their personal property. At that time, these groups were the two largest foreign-born groups in the United States.

(6) During World War II, the United States Government arrested, interned or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to hostile, war-torn European Axis nations, many to be exchanged for Americans held in those nations.

(7) Pursuant to a policy coordinated by the United States with Latin American countries, many European Latin Americans, including German and Austrian Jews, were captured, shipped to the United States and interned. Many were later expatriated, repatriated or deported to hostile, war-torn European Axis nations during World War II,

most to be exchanged for Americans and Latin Americans held in those nations.

(8) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(9) The wartime policies of the United States Government were devastating to the Italian Americans and German American communities, individuals and their families. The detrimental effects are still being experienced.

(10) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(11) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 3. DEFINITIONS.

In this Act:

(1) **DURING WORLD WAR II.**—The term "during World War II" refers to the period between September 1, 1939, through December 31, 1948.

(2) **EUROPEAN AMERICANS.**—

(A) **IN GENERAL.**—The term "European Americans" refers to United States citizens and permanent resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) **ITALIAN AMERICANS.**—The term "Italian Americans" refers to United States citizens and permanent resident aliens of Italian ancestry.

(C) **GERMAN AMERICANS.**—The term "German Americans" refers to United States citizens and permanent resident aliens of German ancestry.

(3) **EUROPEAN LATIN AMERICANS.**—The term "European Latin Americans" refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

TITLE I—COMMISSION ON WARTIME

TREATMENT OF EUROPEAN AMERICANS

SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) **IN GENERAL.**—There is established the Commission on Wartime Treatment of European Americans (referred to in this title as the "European American Commission").

(b) **MEMBERSHIP.**—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) **TERMS.**—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II that violated the civil liberties of European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21-24), Presidential Proclamations 2526, 2527, 2655, 2662, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportment of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A review of United States Government action with respect to European Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21-24) and Executive Order 9066 during World War II, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportment, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of all temporary detention and long-term internment facilities.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be better protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21-24), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 101(e).

SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected as a result of Public Law 96-317 and Public Law 106-451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 104. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by

reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

From funds currently authorized to the Department of Justice, there are authorized to be appropriated not to exceed \$500,000 to carry out the purposes of this title.

SEC. 106. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

TITLE II—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 201. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this title as the "Jewish Refugee Commission").

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader.

(3) Two members shall be appointed by the Majority Leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 202. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's refusal to allow Jewish and other refugees fleeing persecution and genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee policy relating to those fleeing persecution or genocide, including recommendations for making it easier for future victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 201(e).

SEC. 203. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of Public Law 96-317 and Public Law 106-451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 204. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

From funds currently authorized to the Department of Justice, there are authorized to be appropriated not to exceed \$500,000 to carry out the purposes of this title.

SEC. 206. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

Amend the title so as to read: "A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II."

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1693. A bill to amend section 35 of the Internal Revenue Code of 1986 to allow individuals receiving unemployment compensation to be eligible for a refundable, advanceable credit for health insurance costs; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today I am pleased to introduce, along with Senator BAUCUS, an extension of a bipartisan policy to help reduce the number of people living without health insurance today.

In simplest terms, our bill extends the 65 percent credit offered to people eligible for trade adjustment assistance, and to certain PBGC beneficiaries, to those workers eligible for unemployment insurance.

Is it perfect policy? No. Does it "solve" the problem of the uninsured? It does not.

But it's an important step in the right direction. I do not subscribe to the view that "incrementalism" when it comes to covering the uninsured, is dead.

With census figures showing the number of Americans living without health insurance increasing, even small steps are steps in the right direction.

Incrementalism has made a difference. For example, the few million people we covered with this tax credit in last year's trade promotion author-

ity bill made a difference. The S-CHIP program made a difference. I believe Medical Savings Accounts and the small group market reforms we made in HIPAA all have made a difference in controlling what would otherwise be a much larger number of people without health insurance.

This year, Congress, in a bipartisan way, put \$50 billion into a reserve fund to address the rising number of uninsured. The year is more than almost over, and nothing has been done, or even discussed.

I will not let a bipartisan consensus to spend \$50 billion on improving access to health insurance lay there on the table. Iowans expect us to do get things done.

And to get anything, even something small, done on a problem this big, it's got to be bipartisan. That's why I am glad to be building on my work with Senator BAUCUS and making this important, novel program available to more Americans.

I am looking forward to exploring still more options in the Finance Committee on reducing the uninsured in the weeks and months ahead.

Mr. BAUCUS. Mr. President, I rise today to introduce the Health Care Tax Credit Expansion Act of 2003.

According to the most recent census figures, more than 41 million Americans lack health insurance coverage. More than the population of 23 States, plus the District of Columbia. As premiums sky rocket and the unemployment rate remains high—despite signs of economic recovery—I worry that this number may grow even higher.

For America's uninsured, the consequences of going without health coverage can be devastating.

Put plainly, uninsured Americans are less healthy than those with health insurance. They delay seeking medical care or go without treatment altogether that could prevent and detect crippling illnesses. Illnesses like diabetes, heart disease, and cancer. The uninsured are far less likely to receive health services if they are injured or become ill. They don't fill prescriptions that their doctors recommend.

These factors take an enormous personal toll on the lives of the uninsured. They are sicker and less productive. Their children are less likely to survive past infancy. And they must struggle with the knowledge that a serious injury or illness in their family might push them to the brink of financial ruin.

And there is also the impact on the rest of the U.S. economy that must be taken into account. Because when the uninsured become so sick that they must finally seek emergency treatment, there is often no one to pay for it. No insurance company. No government program.

So who absorbs the cost of uncompensated medical care? We all do. In the form of higher health care costs. Higher and higher premiums at a time when the cost of health care is already rising out of control.

The situation is becoming critical. And I believe the time for talking has ended. It is time for us to examine solutions instead of talking about the problem.

That is why I have joined with my colleague, chairman of the Senate Finance Committee, Senator CHUCK GRASSLEY, to introduce this important piece of legislation.

Our bill would provide health care assistance to the unemployed—one specific category of those without health insurance. And one where we believe there is agreement to move forward.

More specifically, this bill would expand the 65 percent refundable, advanceable tax credit that is currently provided under the Trade Adjustment Assistance program to workers receiving unemployment benefits.

By building on the structure that Congress put in place last year under the Trade Act, we make it more likely that unemployed workers can receive benefits in a timely manner. Without significant implementation and start-up time.

And by building on the historic agreement that we reached last year, we are more likely to have support for the structure and approach.

Let me be clear. This bill is not a major overhaul of the U.S. health care system that several Democratic Presidential candidates have outlined. It was not intended and does not seek to cover everyone in this country without health insurance.

Rather the proposal would use the money set aside in this year's budget for the uninsured—\$50 billion—in a targeted policy that I believe both sides can agree on. It is a practical, principled, incremental solution.

WHY THE UNEMPLOYED?

According to the Labor Department, since February 2001, 2.6 million jobs have been lost. And with those jobs, an awful lot of health insurance has been lost, too.

Despite assertions by economists that the recession has ended and the economy is experiencing signs of improvement, the unemployment rate has remained stubbornly high—6.4 percent in June. In fact, we are hearing more and more talk of the same “jobless recovery” that we heard about following the recession in the early 1990s.

It is true that employment does not immediately improve when an economy emerges from recession. We read repeatedly that even if growth surges and business investment begins to take off tomorrow, the ranks of the unemployed may not thin for months.

Unfortunately, for many, many families, this means more weeks, if not months, of endless job searches. And a longer period of time without health coverage.

An estimated 46 percent of unemployed adults lack health insurance, or about 4 million unemployed workers. Less than one in three unemployed adults receives health coverage through their spouse or other family member.

And while 65 percent may qualify for COBRA continuation coverage, only 7 percent can afford to enroll. This is not surprising. Premiums for this coverage average almost \$700 a month for family coverage and \$250 for individual coverage. A very high price, given the average \$1,100 monthly UI check.

Last year, when we debated the economic recovery package, both Republicans and Democrats proposed to expand health coverage for unemployed workers. There was almost universal agreement that this population deserved help and attention. So I think it's a good place for us to start from this year.

WHY A TAX CREDIT?

There's been a lot of debate about the best way to expand health insurance coverage to the uninsured. Most Democrats favor expanding public programs like Medicaid and CHIP, and harnessing the power of the group insurance market to provide affordable coverage options.

Most Republicans, however, favor a more market-based approach that gives the uninsured tax breaks and allows them to use the individual insurance market.

But, after years of logjams and disagreements, we were able to come together last year when we created the TAA tax credit. The TAA tax credit merges a market-based tax credit with the affordability of the group insurance market. This proposal simply builds on that progress. With the structures now in place to implement the TAA credit, a new tax credit for the unemployed can easily be incorporated into the new system.

CAVEATS

I realize that the TAA tax credit is not a perfect model. And we may need to make some adjustments as full implementation kicks in this summer. For example, we need to ensure that the groups we intended to cover actually have access to coverage.

In particular, all workers who had health insurance coverage for 3 months before they lost their jobs should be assured of coverage they qualify for under TAA. I support making the technical change that would provide that assurance.

I am also willing to consider other improvements, like additional help for low income workers.

But I do not think these adjustments should deter us from moving forward with an expansion of the tax credit. Millions of unemployed workers and their families need our help. And they need it now.

All told, expanding the TAA tax credit to the unemployed would provide health insurance coverage for 1.4 million Americans a month who are currently unemployed and uninsured. It's not a panacea. But it's a start.

I hope my colleagues will join this fight by helping us pass this legislation, and taking a solid step toward providing quality, affordable health insurance to all Americans.

By Mr. BROWNBACK:

S. 1694. A bill to amend title 38, United States Code to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing to be provided health care for illness without requirement for proof of service-connection; to the Committee on Veterans' Affairs.

Mr. BROWNBACK. Mr. President, I rise today to introduce the Health Care for Veterans of Project 112/Project SHAD Act of 2003. This bill will authorize health care assistance for veterans who participated in specific Department of Defense chemical and biological warfare testing without any requirements related to proof of service-connection for their illness.

Project 112 consisted of a series of cold war chemical, nuclear, and biological tests conducted both at sea and over land from 1962 to 1973. This project was one of 150 military initiatives designed to identify U.S. military personnel and warship vulnerabilities to chemical, nuclear, and biological attacks. Some of the tests that were part of Project 112/Operation Shipboard Hazard and Defense (SHAD) involved the use of dangerous agents such as sarin, VX, tularemia, and anthrax. The Defense Department has recognized that it does not have adequate documentation to prove that test participants were informed of the potential risks, or that personnel received adequate protective gear during testing.

After an extensive search for records to identify all tests conducted and link the dates of specific tests to the personnel on-board at the time, the DOD produced a comprehensive list of all tests conducted and each veteran involved in this project. In response to a VA request, DOD reviewed and declassified information concerning the exact agents used and other details of the Project 112 tests. This information was subsequently turned over to the Department of Veterans Affairs, and the VA began the process of contacting the veterans identified as participants.

A total of 5,842 persons were identified as having been present in one or more of the tests. All veterans who believe they were involved in tests and have medical concerns have been encouraged to contact VA to receive medical evaluations. Although Project 112 veterans suffer from a broad range of ailments from cancer to hypertension, a causal link between the tests and their current ailments has not been established. Due to the amount of time that has passed and the relatively small number of people involved in any specific test, it is highly unlikely that we will ever be able to fully determine the health effects from the tests.

It would be unconscionable to require Project 112 veterans to prove a connection between their involvement in these tests and their current health problems. If we cannot disprove a service connection, then we should assume

responsibility for their health care. This Health Care for Veterans of Project 112/Project SHAD Act of 2003 would provide priority access to VA hospital care, medical services, and nursing home care for veterans identified as participants in these tests, and not require medical evidence that any illnesses are attributable to such testing. This is an important step in bringing some finality to this issue and living up to our commitment to this group of veterans.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 1694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care for Veterans of Project 112/Project SHAD Act of 2003".

SEC. 2. PROVISION OF HEALTH CARE TO VETERANS WHO PARTICIPATED IN CERTAIN DEPARTMENT OF DEFENSE CHEMICAL AND BIOLOGICAL WARFARE TESTING.

Section 1710(e) of title 38, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Subject to paragraphs (2) and (3), a veteran who participated in a test conducted by the Department of Defense Desert Test Center as part of a program for chemical and biological warfare testing from 1962 through 1973 (including the program designated as 'Project Shipboard Hazard and Defense (SHAD)' and related land-based tests) is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such illness is attributable to such testing.";

(2) in paragraph (2)(B), by striking "paragraph (1)(C) or (1)(D)" and inserting "subparagraph (C), (D), or (E) of paragraph (1)"; and

(3) in paragraph (3)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) in the case of care for a veteran described in paragraph (1)(E), after December 31, 2005."

By Mr. LEAHY (for himself, Mr. CRAIG, Mr. DURBIN, Mr. SUNUNU, and Mr. REID):

S. 1695. A bill to provide greater oversight over the USA PATRIOT Act; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing with Senators CRAIG, SUNUNU, DURBIN, and REID, my distinguished colleagues from Idaho, New Hampshire, Illinois, and Nevada, the Patriot Oversight Restoration Act of 2003, a short bill whose singular but important purpose is to provide Congress the opportunity to take a hard look at the USA PATRIOT Act, which we passed in the anxious weeks following the devastating attacks of September

11, 2001. This bipartisan bill is moderate in scope; it would simply expand the sunset provision already enacted in the PATRIOT Act, to cover a number of additional provisions. The ensuing debate, however, should be considerable. My hope is that, before the sunset expires in December 2005, Congress will methodically revisit PATRIOT, with an eye toward achieving a suitable balance between the need to address the threat of terrorism and the need to protect our constitutional freedoms—and with the lessons of the past few years to guide us.

We recently marked the second anniversary of the September 11 attacks. As we reflect on that terrible day, and honor those who were lost, I strongly believe we should take stock of where we stand in our fight against terrorism. In the aftermath of the attacks, Congress and the administration did forge a constructive partnership to write the USA PATRIOT Act, which was meant to help our law enforcement and intelligence communities prevent future attacks from occurring. The PATRIOT Act represented our best efforts, under difficult circumstances, to balance the rights and liberties of the American people with the very urgent need to confront a threat to our Nation.

Even in balancing this tension, we granted the executive branch an unprecedented, vast new array of powers. We did so because we believed the administration's claim that it needed these powers to protect us, and because we trusted the administration's promise that it would use these powers appropriately. I noted at the time that PATRIOT was not the bill that I, or any of the sponsors, would have written if compromise were unnecessary. But I believed in the bill's purpose, and I gave it my vote and support. I worked hard to add checks and balances to many of its provisions, and did so.

Unfortunately, like many Members who supported the act—and like many Americans nationwide—I have come to feel disappointed. Since we passed the PATRIOT Act in October 2001, it has grown increasingly apparent that the trust and cooperation Congress provided to the executive branch has proved to be a one-way street. In the quarter-century that I have served in the Senate, no administration has been more secretive, more resistant to congressional oversight, and more disposed to acting unilaterally, without the approval of the American people or their democratically elected representatives. Despite the administration's unprecedented public relations campaign to promote the PATRIOT Act—including a 16-State, 18-city tour by the Attorney General himself—the administration has yet to show that it is using its PATRIOT powers wisely. Instead, it has been secretly drafting a sequel to PATRIOT that would grant it even more far-reaching powers.

I would never oppose an open discussion of any legislative tool that would

help in the fight against terrorism. But for such a debate to be fruitful, we need to know more about the tools that are already available, including those created by the PATRIOT Act. Which are working, and how well? Which are not working, and why? Which, if any, struck the wrong balance, threatening the civil liberties of our citizens while doing little or nothing to keep our Nation secure?

Immediately after the PATRIOT Act passed, the administration draped a cloak of secrecy around its use. When lawmakers and citizens have attempted to start a dialogue on PATRIOT-related issues, the response has been to ignore, insult or derisively dismiss them.

Attorney General Ashcroft has repeatedly declined to appear before the Judiciary Committee to answer questions, and his Department is painfully slow to respond to written requests for information. To quote my friend Senator GRASSLEY, "getting information from the Justice Department under Ashcroft is like pulling teeth." By ignoring oversight requests until answers are moot or outdated, and responding in only vague and conclusory fashion, if at all, the Justice Department frustrates our constitutional system of checks and balances, and sows the sort of public distrust that now accompanies the PATRIOT Act.

Just recently, in July, the Department dumped on committee members literally hundreds of pages of answers to questions that had been submitted to Attorney General Ashcroft and other senior Department officials following their testimony before the committee more than a year earlier. To give just one example of what a travesty it is when oversight questions remain unanswered for a year or more, the Department's responses dated July 17, 2003, devoted fully 15 pages to answering questions about Operation TIPS—an ill-conceived program that Congress had already terminated more than 8 months earlier.

Is the Department incapable of responding to congressional inquiries in a timely fashion? Is it deliberately stonewalling? Or does it simply believe that oversight is a game that it need not play?

Even more troubling, high-level administration officials have rashly suggested that anyone who dares to voice their concerns as unpatriotic, anti-American and pro-terrorist. In one of his rare appearances before the Senate Judiciary Committee, Attorney General Ashcroft charged that "fear mongers"—those who were raising concern about the loss of civil liberties—were only aiding the terrorists. More recently, a Justice Department official dismissed the many local government resolutions condemning the PATRIOT Act by saying "half are either in cities in Vermont, very small population, or in college towns in California. It's in a lot of the usual enclaves where you might see nuclear free zones, or they

probably passed resolutions against the war in Iraq."

It is unfortunate that the Justice Department felt it appropriate to ridicule these grass-roots efforts to participate in an important national dialogue. The opportunity to engage in public discourse is one of the hallmark benefits of being an American, and I am proud that Vermont towns are among those dedicated to thinking about and acting on these important issues. But more importantly, the concerns expressed in my home State are being echoed by Americans nationwide. To date, anti-PATRIOT resolutions have been passed by 178 communities in 32 States including Idaho, New Hampshire, and Illinois. These communities represent millions upon millions of Americans, not just a few free-spirited Vermonters, as the Justice Department has insinuated.

Concerns about the administration's antiterror tactics are also shared by Members on both sides of aisle, many of whom supported the PATRIOT Act as well as the war in Iraq, but who now know that the administration has been less than forthright about what it has been doing in the name of the American people. In July, the House voted to nullify section 213 of the PATRIOT Act, which allows law enforcement to ask a court to delay notice of a search warrant where it could have certain adverse results. And several bills have been introduced in both Houses to roll back another PATRIOT Act provision, section 215, which gives federal agents new power to obtain records from libraries and bookstores. Remarkably, in response, the Justice Department then declassified information summarily reflecting that it has never used the Section 215 powers—despite expressing urgent "need" during pre-PATRIOT Act debate. And almost simultaneous to this announcement, the President urged support for an alternative record gathering power when Section 215 is still on the books. One has to question the inconsistencies in these two positions and whether Congress should blindly confer data gathering powers on an administration that does not provide a hint of factual support for such requests. There is overall a growing sense in the nation that Congress moved too fast in enacting the PATRIOT Act, and that the Justice Department moved too slowly in explaining its use of this sweeping legislation.

When we passed the PATRIOT Act in October 2001, I noted that Congress needed to exercise careful oversight of how the Justice Department, the FBI and other executive branch agencies used the newly expanded powers that the act provided. The need for oversight and accountability is the reason that former House Majority Leader Dick Armey and I insisted on a sunset provision for several key provisions in PATRIOT—provisions that blurred the lines between criminal investigation and intelligence gathering. We succeeded, but only in part; several PATRIOT provisions that should have

been subject to the sunset—including a few that were sunset or even cut in the version of the bill reported by the House Judiciary Committee—were omitted from the sunset. As enacted, the sunset applies only to certain enhanced surveillance authorities in title II of the act.

The PATRIOT Oversight Restoration Act would extend PATRIOT's sunset provision to other enhanced surveillance provisions in title II of the act. These include subsections (a) and (c) of section 203, which authorize the disclosure of grand jury information to foreign enforcement, intelligence and immigration officials; sections 210 and 211, which broaden the types of information that law enforcement may obtain, upon request, from electronic communication service providers and cable service operators; section 213, which authorizes so-called "sneak and peak"—delayed notification—search warrants; sections 216 and 222, which significantly expand when, where, and how law enforcement can obtain a pen register or trap and trace order; and section 219, which authorizes judges to sign search warrants for properties located outside their districts.

In addition to these title II provisions, the PATRIOT Oversight Restoration Act would also extend the sunset to a handful of provisions in titles IV, V, VIII and X of the PATRIOT Act. These provisions include sections 411 and 1006, which expand the Government's authority to declare certain persons inadmissible to the United States; section 412, which grants the Attorney General authority to "certify" that an alien is engaged in activity that endangers the national security, and to take such an alien into custody; section 505, which gives law enforcement greater authority to access telephone, bank, and credit records through the issuance of so-called "National Security Letters," even if no criminal investigation is pending and without court review; sections 507 and 508, which remove certain privacy protections for educational records and surveys—called "obstacles" to investigating terrorism in the PATRIOT Act; section 802, which defines "domestic terrorism" in a way that could be read to include political protesters engaged in civil disobedience; section 806, which uses the aforementioned definition of "domestic terrorism" to expand the government's civil forfeiture authority; and section 1003, which references another section of PATRIOT that is already covered by the sunset.

With the PATRIOT Act, Congress provided government investigators with a virtual smorgasbord of new powers from which to choose. Is the Government gorging itself on the secretive powers allowed for "foreign intelligence" gathering, with their less onerous procedural requirements, rather than relying on bedrock criminal investigatory techniques that are subject to more rigorous review by the Federal

courts? Have we provided too many choices and too much power to a limited few? These are questions that require answers before the more far-reaching provisions of PATRIOT are etched into stone.

The events of September 11, 2001, resound in our hearts and in our memories. We owe it to the American people to be circumspect in the powers and authorities we grant, even in the name of national security. Our country was attacked on September 11 because of the democratic principles that this country stands for and that we love. It would be a cruel twist of irony to abandon those principles in the guise of a law named "PATRIOT" that might prove to be anything but a defender or protector of those cherished rights and freedoms.

The PATRIOT Oversight Restoration Act offers a cautious and sensible solution to evolving fears about the PATRIOT Act. It will allow Congress to re-examine some of the important legal issues that abruptly confronted us in the weeks following September 11, and to re-assess our efforts with the benefit of hindsight and the luxury of time.

Mr. President, I ask unanimous consent that the text of the bill and an analysis be printed in the RECORD.

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

THE PATRIOT OVERSIGHT RESTORATION ACT
OF 2003

Extends the current sunset provision in section 224 of the USA PATRIOT Act (Pub. L. 107-56) to the following additional sections of that law:

203(a) and (c), which authorize the disclosure of grand jury information to foreign enforcement, intelligence and immigration officials;

210 and 211, which broaden the types of information that law enforcement may obtain, upon request, from electronic communication service providers and cable service operators;

213, which authorizes so-called "sneak and peak" (delayed notification) search warrants;

216 and 222, which expand when, where, and how law enforcement can obtain a pen register or trap and trace order;

219, which authorizes judges to sign search warrants for properties located outside their districts;

358, which establishes greater reporting requirements by financial institutions for bank records and removes privacy protections under the law for the same records;

411 and 1006, which expand the government's authority to declare certain persons inadmissible to the United States;

412, which grants the Attorney General authority to "certify" that an alien is engaged in activity that endangers the national security, and to take such an alien into custody;

505, which gives law enforcement greater authority to access telephone, bank, and credit records through the issuance of so-called "National Security Letters";

507 and 508, which remove certain privacy protections for educational records and surveys;

802, which defines "domestic terrorism" in a way that could be read to include political protesters engaged in civil disobedience.

806, which uses the aforementioned definition of "domestic terrorism" to expand the government's civil forfeiture authority; and

1003, which references another section of PATRIOT (section 217, "Interception of computer trespasser communications") that is already covered by the sunset.

Clarifies that after these provisions sunset on December 31, 2005, the law shall revert to what it was before the USA PATRIOT Act was enacted.

S. 1695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "PATRIOT Oversight Restoration Act of 2003".

SEC. 2. EXTENSION AND CLARIFICATION OF PATRIOT SUNSET PROVISION.

The USA PATRIOT Act (Public Law 107-56) is amended by—

(1) striking section 224;

(2) adding at the end of title X the following:

"SEC. 1017. SUNSET.

"(a) IN GENERAL.—Except as provided in subsection (b), the following sections of this Act and any amendments made by such sections shall cease to have effect on December 31, 2005, and any provision of law amended or modified by such sections shall take effect January 1, 2006, as in effect on the day before the effective date of this Act:

"(1) In title II, all sections other than sections 201, 202, 204, 205, 208, and 221, and the first sentence of section 222.

"(2) In title III, section 358.

"(3) In title IV, sections 411 and 412.

"(4) In title V, sections 505, 507, and 508.

"(5) In title VIII, sections 802 and 806.

"(6) In this title, sections 1003 and 1006.

"(b) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in subsection (a) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect."; and

(3) in the table of contents for such Act, by—

(A) striking the item for section 224 and inserting the following:

"Sec. 224. [Stricken see section 1017].";

and

(B) inserting after the item for section 1016 the following:

"Sec. 1017. Sunset.".

Mr. CRAIG. Mr. President, I am pleased to join the distinguished Senator from Vermont, Senator LEAHY, and our other colleagues in introducing the PATRIOT Oversight Restoration Act of 2003.

I am one of those who voted in favor of the USA PATRIOT Act to respond to the unprecedented, tragic attacks of September 11, 2001. However, even at the time of that vote, I raised my reservations about the new authorities being granted under the act, and pledged that there would be aggressive oversight by the legislative branch to make sure PATRIOTS implementation did not compromise civil liberties.

Since that time, this lengthy and complex law has been subjected to considerable dissection and discussion both inside and outside of Congress, and concerns have been raised about many of its provisions. The low boil of discontent around the Nation exploded in the other Chamber some weeks ago

with a strong vote to prohibit the use of appropriated funds for requesting delayed notice of a search warrant under the act.

To its credit, the Bush administration has lately worked to address criticism of the law and demonstrate there have been no abuses by Federal law enforcement. I greatly appreciate those efforts and believe it is vitally important to continue that dialog with the Congress and the American people.

At the same time, in light of the serious concerns that have been raised, I think it is appropriate for us to add some triggers to the law that will force Congress to review and affirmatively renew these authorities. That is what the PATRIOT Oversight Restoration Act would accomplish, by sunseting additional provisions that are not currently set to expire. I do not think this will create a burden for law enforcement; on the contrary, if these authorities are indeed critical to the protection of our Nation, it should not be difficult to convince Congress to renew them. Furthermore, the knowledge that such a case must be made at a time certain in the future will serve as an additional immediate check against potential abuses.

The security of our Nation is the first responsibility of the Federal Government. Our bill will ensure that responsibility is carried out thoughtfully and in our country's great tradition of balance and restraint in the enforcement of our laws. I urge all our colleagues to join us in supporting the PATRIOT Oversight Restoration Act.

By Mr. CAMPBELL (for himself and Mr. INOUE)

S. 1696. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUE in introducing the Department of Health and Human Services Tribal Self Governance Amendments of 2003, a bill that will usher in the next phase in Indian Self Governance in health and health-related programs.

Up to 1970 the U.S. Government was the sole provider of all or nearly all services to Indian tribes and their members.

For many it is hard to recall that little more than 30 years ago the Federal bureaucracy and its employees provided all police, fire, resource husbandry, education, and health care services in Indian communities.

The effects on tribal governments were negative and, by crowding out the tribes, undermined tribal efforts at self-government.

The Federal monopoly in services was ended in 1970 when President Nixon issued his now-famous Special Message to Congress on Indian Affairs that called for a greater tribal role in designing and implementing Federal services and programs and in rebuilding tribal governments.

Nixon's Message led to the enactment of the Indian Self Determination and Education Assistance Act of 1975, Pub. L. 93-638.

Since then Congress has systematically devolved to Indian tribes the authority and responsibility to manage Federal programs and assume control over their own affairs.

Tribal Self Governance aims to foster strong tribal governments and healthy reservation economies as mechanisms to further tribal self-government. Self Governance has resulted in a reduction in the Federal bureaucracy and an improvement in the quality of services delivered to tribal members.

Instead of Federal micro-management, the Indian tribes can tailor the programs to unique local conditions and better serve their members.

For good reason, Tribal Self Governance has been embraced and expanded by Congress and the executive repeatedly with amendments enacted in 1984, 1988, 1994, and 2000.

Building on the solid successes of the early years, the amendments made permanent Self Governance in the Bureau of Indian Affairs and launched additional demonstrations in the Indian Health Service. In 2000, I introduced a bill that was enacted to make Self Governance in Health Care permanent at the IHS.

The bill I am introducing today will create a demonstration project for non-Indian Health Service programs in the Department of Health and Human Services.

I urge my colleagues to join me in supporting this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Health and Human Services Tribal Self-Governance Amendments Act of 2003".

SEC. 2. AMENDMENT.

The Indian Self-Determination and Education Assistance Act is amended by striking title VI (25 U.S.C. 450f note; Public Law 93-638) and inserting the following:

"TITLE VI—TRIBAL SELF-GOVERNANCE DEMONSTRATION PROJECT FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

"SEC. 601. DEFINITIONS.

"In this title:

"(1) COMPACT.—The term 'compact' means a compact under section 604.

"(2) CONSTRUCTION PROJECT.—The term 'construction project' has the meaning given the term in section 501.

"(2) DEMONSTRATION PROJECT.—The term 'demonstration project' means the demonstration project under this title.

"(3) FUNDING AGREEMENT.—The term 'funding agreement' means a funding agreement under section 604.

"(4) INCLUDED PROGRAM.—The term 'included program' means a program that is eligible for inclusion under a funding agreement under section 604(c) (including any portion of such a program and any function,

service, or activity performed under such a program).

“(5) INDIAN TRIBE.—The term ‘Indian tribe’, in a case in which an Indian tribe authorizes another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out an included program on its behalf in accordance with section 603(a)(3), includes the other authorized Indian tribe, inter-tribal consortium, or tribal organization.

“(6) INTER-TRIBAL CONSORTIUM.—The term ‘inter-tribal consortium’ has the meaning given the term in section 501.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(8) SELF-GOVERNANCE.—The term ‘self-governance’ has the meaning given the term in section 501.

“(9) TRIBAL SHARE.—The term ‘tribal share’ has the meaning given the term in section 501.

“SEC. 602. ESTABLISHMENT OF DEMONSTRATION PROJECT.

“(a) DEMONSTRATION.—For a period of not more than 5 years after the date of enactment of the Department of Health and Human Services Tribal Self-Governance Amendments Act of 2003, the Secretary shall carry out a project to demonstrate the effectiveness of tribal operation of the included programs under self-governance principles and authorities.

“(b) ADMINISTRATION.—The management and administration of the demonstration project shall be in the Office of the Secretary.

“SEC. 603. SELECTION OF PARTICIPATING INDIAN TRIBES.

“(a) IN GENERAL.—

“(1) CONTINUING PARTICIPATION.—Not more than 50 Indian tribes that meet the eligibility criteria specified in subsection (b) shall be entitled to participate in the demonstration project.

“(2) ADDITIONAL PARTICIPANTS.—If more than 50 eligible Indian tribes request participation, the Secretary may select additional Indian tribes to participate in the demonstration project.

“(3) OTHER AUTHORIZED INDIAN TRIBE, INTER-TRIBAL CONSORTIUM, OR TRIBAL GOVERNMENT.—If an Indian tribe authorizes another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out an included program on its behalf under this title, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution).

“(b) ELIGIBILITY.—An Indian tribe shall be eligible to participate in the demonstration project if the Indian tribe, as of the date of enactment of the Department of Health and Human Services Tribal Self-Governance Amendments Act of 2003, is a party to a compact or funding agreement under this Act.

“(c) SELECTION.—The Secretary shall select Indian tribes that request participation in the demonstration project by resolution or other official action by the governing body of each Indian tribe to be served.

“(d) PLANNING AND NEGOTIATION GRANTS.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a program to allow Indian tribes that meet the eligibility requirements of this title to be awarded a planning grant or negotiation grant, or both.

“(2) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under paragraph (1) by an Indian tribe is not a requirement for the Indian tribe to participate in the demonstration project.

“SEC. 604. COMPACTS AND FUNDING AGREEMENTS.

“(a) IN GENERAL.—

“(1) NEW COMPACT AND FUNDING AGREEMENT.—Not later than 60 days after the date of submission by an Indian tribe of a request to participate in the demonstration project, the Secretary shall negotiate and enter into a written compact and funding agreement with the Indian tribe in a manner that is consistent with the trust responsibility of the Federal Government, treaty and statutory obligations, and the government-to-government relationship between Indian tribes and the United States.

“(2) EXISTING COMPACT.—Rather than enter into a new compact under paragraph (1), an Indian tribe may use an existing compact negotiated under title V for purposes of the demonstration project.

“(b) COMPACTS.—

“(1) CONTENTS.—A compact under subsection (a) shall designate—

“(A) congressional policies regarding tribal self-governance;

“(B) the intent of the demonstration project;

“(C) such terms as shall control from year to year; and

“(D) any provisions of this title that are requested by the Indian tribe.

“(2) EFFECTIVE DATE.—The effective date of a compact shall be the date of execution by the Indian tribe and the Secretary or another date agreed on by the parties.

“(3) DURATION.—A compact shall remain in effect so long as permitted by Federal law or until terminated by agreement of the parties.

“(4) AMENDMENT.—A compact may be amended only by agreement of the parties.

“(c) FUNDING AGREEMENTS.—

“(1) SCOPE.—A funding agreement under subsection (a) shall, at the option of the Indian tribe, authorize the Indian tribe to plan, conduct, and administer included programs administered by the Secretary through an agency of the Department of Health and Human Services, set forth in paragraphs (2) through (4).

“(2) INITIAL INCLUDED PROGRAMS.—The following programs are eligible for inclusion in a funding agreement under this title:

“(A) ADMINISTRATION ON AGING.—Grants for Native Americans under title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.);

“(B) ADMINISTRATION FOR CHILDREN AND FAMILIES.—

“(i) The tribal temporary assistance for needy families program under section 412(a)(1) of the Social Security Act (42 U.S.C. 612(a)(1) et seq.).

“(ii) The Low-Income Home Energy Assistance Program under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

“(iii) The Community Services Block Grant Program under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

“(iv) The Child Care and Development Fund under the Child Care and Development Block Grant Act (42 U.S.C. 9858 et seq.).

“(v) The native employment works program under section 412(a)(2) of the Social Security Act (42 U.S.C. 612(a)(2)).

“(vi) The Head Start Program under the Head Start Act (42 U.S.C. 9831 et seq.).

“(vii) Child welfare services programs under part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.).

“(viii) The promoting safe and stable families program under part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.).

“(ix) Family violence prevention grants for battered women’s shelters under the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.);

“(C) SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.—Targeted capacity expansion program under title V of the Public Health Service Act (42 U.S.C. 290aa et seq.);

“(D) BLOCK GRANTS REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE.—Mental health and substance abuse block grant programs under title XIX of the Public Health Services Act (42 U.S.C. 300x et seq.);

“(E) HEALTH RESOURCES AND SERVICES ADMINISTRATION.—Community health center grants under section 330 of the Public Health Service Act (42 U.S.C. 254b).

“(3) ADDITIONAL INCLUDED PROGRAMS.—The Secretary may identify not more than 6 additional programs annually for inclusion in the demonstration project, including—

“(A) all other programs in which Indian tribes are eligible to participate;

“(B) all other programs for which Indians are eligible beneficiaries; and

“(C) competitive grants for which an Indian tribe receives an individual or cooperative award, on the condition that the Indian tribe agree in the funding agreement to restrictions regarding program redesign and budget reallocation for any competitive awards.

“(4) CONTENTS.—A funding agreement—

“(A) shall specify—

“(i) the services to be provided;

“(ii) the functions to be performed; and

“(iii) the responsibilities of the Indian tribe and the Secretary;

“(B) shall provide for payment by the Secretary to the Indian tribe of funds in accordance with section 605;

“(C) shall not allow the Secretary to waive, modify, or diminish in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exist under treaties, Executive orders, and Acts of Congress; and

“(D) shall allow for retrocession of included programs under section 105(e).

“SEC. 605. TRANSFER OF FUNDS.

“(a) TRANSFER.—

“(1) IN GENERAL.—Under any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian tribe all funds provided for in the funding agreement.

“(2) TIMING.—Unless the funding agreement provides otherwise, at the request of the Indian tribe—

“(A) funding shall be paid in 1 annual lump sum payment; and

“(B) the transfer shall be made not later than 10 days after the apportionment of funds by the Office of Management and Budget to the Department of Health and Human Services.

“(b) AMOUNT OF FUNDING.—

“(1) FUNDING FORMULAS.—

“(A) IN GENERAL.—Any statutory funding formula for an included program—

“(i) shall be waived for the demonstration project under this title; and

“(ii) shall be used to determine the amount of funding provided to an Indian tribe.

“(B) ADEQUACY.—Subject to the availability of appropriations—

“(i) the funding amount shall be adequate to permit the successful implementation of the demonstration project; and

“(ii) the Secretary and the participating Indian tribe shall determine the funding amount through negotiation.

“(2) MATCHING REQUIREMENT.—An Indian tribe may request a waiver of any matching requirement applicable to an included program, and the Secretary shall liberally grant such reasonable waiver requests.

“(3) CONTRACT SUPPORT COSTS.—There shall be added to the amount required by paragraph (1) contract support costs as specified in paragraphs (2), (3), (5), and (6) of section 106(a).

“(4) ADMINISTRATIVE FUND SHARES.—

“(A) IN GENERAL.—An Indian tribe may negotiate for a tribal share of administrative

funds without regard to the organizational level at which the included programs are carried out.

“(B) INCLUSION.—A tribal share under subparagraph (A) shall include a share for training and technical assistance services performed by a contractor.

“SEC. 606. GENERAL PROVISIONS.

“(a) REDESIGN, CONSOLIDATION, AND REALLOCATION.—

“(1) IN GENERAL.—To the extent allowed under the statutory provisions of the included programs included in the funding agreement, and subject to the terms of the funding agreement, an Indian tribe may—

“(A) redesign or consolidate the included programs under the funding agreement if the Indian tribe agrees to abide by the statutory purposes of the program; and

“(B) reallocate or redirect funds for the included programs, among the included programs under the funding agreement, so long as all demonstration project costs using those funds meet allowable cost standards as required by section 506(c).

“(2) WAIVERS.—

“(A) IN GENERAL.—At the request of an Indian tribe, if the Secretary determines that a waiver would further the purposes of this Act, the Secretary shall grant a waiver of program requirements for the duration of the demonstration project to facilitate the ability of an Indian tribe to redesign included programs or reallocate funds under paragraph (1).

“(B) DOCUMENTATION.—The Secretary shall document all requests for a waiver under subparagraph (A), including a description of—

“(i) the reasons for each request;

“(ii) the effect of the waiver on the Indian tribe making the request; and

“(iii) the views of the Indian tribe regarding the requested waiver.

“(b) INABILITY TO AGREE ON COMPACT OR FUNDING AGREEMENT.—

“(1) FINAL OFFER.—If the Secretary and an Indian tribe are unable to agree, in whole or in part, on the terms of a compact or funding agreement (including funding levels), the Indian tribe may submit a final offer to the Secretary.

“(2) DETERMINATION.—Not later than 45 days after the date of submission of a final offer, or as otherwise agreed to by the Indian tribe, the Secretary shall review and make a determination with respect to the final offer.

“(3) NO TIMELY DETERMINATION.—If the Secretary fails to make a determination with respect to a final offer within the time specified in paragraph (2), the Secretary shall be deemed to have agreed to the final offer.

“(4) REJECTION OF FINAL OFFER.—

“(A) IN GENERAL.—If the Secretary rejects a final offer, the Secretary shall—

“(i) submit to the Indian tribe a written statement clearly setting forth the reasons for rejecting the final offer; and

“(ii) provide the Indian tribe with a hearing on the record (except that the Indian tribe may, in lieu of such a hearing, file an appeal of the rejection to the Intra-Departmental Council on Native American Affairs, the decision of which shall be final and not subject to judicial review).

“(B) BURDEN OF PROOF.—In a hearing or appeal under subparagraph (A)(ii), the Secretary shall have the burden of proving by clear and convincing evidence the validity of the grounds for rejecting the final offer.

“(c) OTHER FUNDING.—Participation by an Indian tribe in the demonstration project under this title shall not affect the amount of funding that the Indian tribe would receive under the laws (including regulations) governing the included programs if the Indian tribe did not participate.

“(d) DUPLICATION OF ELIGIBILITY.—To the maximum extent practicable, an Indian tribe shall make efforts to coordinate with appropriate States to identify dually eligible individuals to address the potential for the provision of duplicate benefits.

“(e) APPEALS.—Except as provided in subsection (b)(2), a compact or funding agreement under this title shall be considered to be a contract for the purposes of section 110.

“(f) REGULATIONS; OTHER AGENCY STATEMENTS.—

“(1) REGULATIONS.—An Indian tribe shall comply with final regulations for the included programs in connection with the demonstration project.

“(2) OTHER AGENCY STATEMENTS.—Unless expressly agreed to by an Indian tribe in a compact or funding agreement, the Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule that is promulgated by regulation.

“(g) APPLICABILITY OF OTHER PROVISIONS.—The following provisions of this Act shall apply to a compact or funding agreements entered into under this title:

“(1) Section 102(d).

“(2) Section 506(b) (conflicts of interest).

“(3) Section 506(c)(1) (Single Agency Audit Act).

“(4) Section 506(c)(2) (cost principles).

“(5) Section 506(c) (records).

“(6) Section 507(c)(1)(A) (grounds for rejecting a final offer).

“(7) Section 508(g) (prompt payment).

“(8) Section 506(h) (nonduplication).

“(9) Section 508(h) (interest or other income on transfers).

“(10) Section 508(i) (carryover of funds).

“(11) Section 509 (construction projects)

“(12) Section 510 (Federal procurement laws)

“(13) Section 512(b) (regulation waivers).

“SEC. 607. REPORT.

“(a) IN GENERAL.—The Secretary shall annually submit to Congress a report on the relative costs and benefits of the demonstration project using evaluation and reporting data provided by participating Indian tribes.

“(b) BASELINE MEASUREMENTS.—

“(1) IN GENERAL.—A report under subsection (a) shall be based on baseline measurements developed jointly by the Secretary and participating Indian tribes.

“(2) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to Indian tribes to assist Indian tribes in evaluating and reporting on the demonstration project.

“(c) CONTENTS.—A report under subsection (a) shall—

“(1) verify that the participating Indian tribes met the statutory purposes of the included programs;

“(2) confirm that key self-governance principles were carried out as Indian tribes operated the included programs; and

“(3) separately include Federal and tribal viewpoints regarding—

“(A) the merger of included programs operated under this title and self-governance principles; and

“(B) the impact on program beneficiaries.

“SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.”.

By Mr. DODD (for himself, Mr. SARBANES, and Mr. REED):

S. 1697. A bill to establish the elderly housing plus health support demonstration program to modernize public housing for elderly and disabled persons; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise today to introduce a bill that will help

address a growing problem in America—our ability to provide safe and affordable housing that meets the needs of older Americans. Currently there are 35 million Americans over 65 years old. That number will double within the next 30 years. By 2030, 20 percent of the U.S. population will be over 65 years old.

Nearly one third of all public housing units are occupied by senior citizens. This figure has been steadily growing in recent years and will undoubtedly continue to grow in the future. It is critically important that we remain committed to providing low-income seniors with safe and affordable housing.

The bill I am introducing will promote the development of assisted living programs to provide a wide range of services, including medical assistance, housekeeping services, hygiene and grooming, and meals preparation. Providing these services will in turn give older Americans greater opportunities to decide for themselves where they live and how they exercise their independence.

The Elderly Housing Plus Supportive Health Support Demonstration Act, will provide Federal grants to allow public housing authorities around the country to develop new strategies for providing better housing for senior citizens. The bill will give public housing authorities the tools they need to improve our public housing stock so our seniors will not be prematurely forced out of their homes. The bill authorizes competitive grants through the Department of Housing and Urban Development to upgrade and reconfigure elderly buildings, and buildings with elderly and non-elderly disabled residents. The bill will also provide funding for service coordinators and/or congregate services programs.

Unfortunately, as we examine the public housing stock across the country from the perspective of older Americans, we find a bleak situation. Over 66 percent of existing public housing units are more than 30 years old and most are not designed to meet the needs of older Americans. For example, too few of our housing units are equipped to facilitate mobility for those in wheelchairs. Even such simple things as having a kitchen counter top that can be reached from a wheelchair may make the difference between a senior being able to stay in his or her home or having to leave, often to be sent to an institution where seniors have less independence and control over their lives.

Because most public housing seniors are Medicaid-eligible, the bill will also open a path to reducing Medicaid costs, 42 percent of which goes to housing elders in costly nursing homes. The cost to the Medicaid program of a beneficiary living in public housing converted to assisted living has been shown to be as much as one-third that paid to a nursing home on a long-term per capita basis.

The scarceness of affordable assisted living units has other social costs that we must consider as we set national housing policies for the future. Often, the cost of taking care of an aging family member can be devastating to American families. Too often, working men and women are torn between the need to maintain their jobs and the desire to provide the best possible care to their aging family members.

Advances in medicine are allowing us to live longer, healthier lives. Longevity is a great blessing, but it also poses significant challenges for individuals, families, and society as whole. One of the greatest challenges we will face in the decades ahead is the challenge of developing new kinds of housing that respond to the needs of our growing elderly population.

It is my hope that this bill will generate earnest discussion on these important matters and will ultimately lead to action to ensure that every American senior can live in security and dignity.

I ask unanimous consent that the text of the Elderly Housing Plus Health Support Demonstration Act be printed in the RECORD.

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

S. 1697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Elderly Housing Plus Health Support Demonstration Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are at least 34,100,000 Americans who are 65 years of age and older, and persons who are 85 years of age or older comprise almost one-quarter of that population;

(2) the Bureau of the Census of the Department of Commerce estimates that, by 2030, the elderly population will double to 70,000,000 persons;

(3) according to the Department of Housing and Urban Development report "Housing Our Elders—A Report Card on the Housing Conditions and Needs of Older Americans", the largest and fastest growing segments of the older population include many people who have historically been vulnerable economically and in the housing market—women, minorities, and people over the age of 85;

(4) many elderly persons are at significant risk with respect to the availability, stability, and accessibility of affordable housing;

(5) one-third of public housing residents are approximately 62 years of age or older, making public housing the largest Federal housing program for senior citizens;

(6) the elderly population residing in public housing is older, poorer, frailer, and more racially diverse than the elderly population residing in other assisted housing;

(7) two-thirds of the public housing developments for the elderly, including those that also serve the disabled, were constructed before 1970 and are in dire need of major rehabilitation and configuration, such as rehabilitation to provide new roofs, energy-efficient heating, cooling, utility systems, accessible units, and up-to-date safety features;

(8) many of the dwelling units in public housing developments for elderly and disabled persons are undersized, are inaccessible to residents with physical limitations, do not comply with the requirements under the Americans with Disabilities Act of 1990, or lack railings, grab bars, emergency call buttons, and wheelchair accessible ramps;

(9) a study conducted for the Department of Housing and Urban Development found that the cost of the basic modernization needs for public housing for elderly and disabled persons exceeds \$5,700,000,000;

(10) a growing number of elderly and disabled persons face unnecessary institutionalization because of the absence of appropriate supportive services and assisted living facilities in their residences;

(11) for many elderly and disabled persons, independent living in a non-institutionalization setting is a preferable housing alternative to costly institutionalization, and would allow public monies to be more effectively used to provide necessary services for such persons;

(12) congregate housing and supportive services coordinated by service coordinators is a proven and cost-effective means of enabling elderly and disabled persons to remain in place with dignity and independence;

(13) the effective provision of congregate services and assisted living in public housing developments requires the redesign of units and buildings to accommodate independent living;

(14) most of the elderly who reside in public housing are eligible for Medicaid to pay for the cost of their being institutionalized in nursing homes;

(15) nursing home costs now exceed 42 percent of the entire Medicaid program; and

(16) by providing a nursing home resident the choice of assisted living in public housing instead, the Federal Government can save as much as three-quarters of the long term per capita Medicaid costs and at the same time allow a frail senior to age in place.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a demonstration program to make competitive grants to provide state-of-the-art, health-supportive housing with assisted living opportunities for elderly and disabled persons;

(2) to provide funding to enhance, make safe and accessible, and extend the useful life of public housing developments for the elderly and disabled and to increase their accessibility to supportive services;

(3) to provide elderly and disabled public housing residents a readily available choice in living arrangements by utilizing the services of service coordinators and providing a continuum of care that allows such residents to age in place;

(4) to incorporate congregate housing service programs more fully into public housing operations; and

(5) to accomplish such purposes and provide such funding under existing provisions of law that currently authorize all activities to be conducted under the program.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSISTED LIVING FACILITY.—The term "assisted living facility" means any public housing project for the elderly, or for the elderly and the non-elderly disabled, that is operated in accordance with applicable laws and provides to the residents any combination of the following services:

(A) Meal service adequate to meet nutritional need.

(B) Housekeeping aid.

(C) Personal assistance.

(D) Transportation services.

(E) Health-related services.

(F) Such other services as are considered important for maintaining independent living.

(2) ELDERLY AND DISABLED FAMILIES.—The term "elderly and disabled families" means families in which 1 or more persons is an elderly person or a person with disabilities.

(3) ELDERLY PERSON.—The term "elderly person" means a person who is 62 years of age or older.

(4) PERSON WITH DISABILITIES.—The term "person with disabilities" has the same meaning as in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)).

(5) PUBLIC HOUSING AGENCY.—The term "public housing agency" has the same meaning as in section 3(b)(6)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)(A)).

(6) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 4. AUTHORITY FOR ELDERLY HOUSING PLUS HEALTH SUPPORT PROGRAM.

The Secretary shall establish an elderly housing plus health support demonstration program (referred to in this Act as the "demonstration program") in accordance with this Act to provide coordinated funding to public housing projects for elderly and disabled families selected for participation under section 5, to be used for—

(1) rehabilitation or re-configuration of such projects or the acquisition and rehabilitation of an existing assisted living facility in cases where the public housing agency has no elderly housing stock suitable for conversion;

(2) the provision of space in such projects for supportive services and community and health facilities;

(3) the provision of service coordinators for such projects; and

(4) the provision of congregate services programs in or near such projects.

SEC. 5. PARTICIPATION IN PROGRAM.

(a) APPLICATION AND PLAN.—To be eligible to be selected for participation in the demonstration program, a public housing agency shall submit to the Secretary—

(1) an application, in such form and manner as the Secretary shall require; and

(2) a plan for the agency that—

(A) identifies the public housing projects for which amounts provided under this Act will be used, limited to projects that are designated or otherwise used for occupancy—

(i) only by elderly families; or

(ii) by both elderly families and disabled families; and

(B) provides for local agencies or organizations to establish or expand the provision of health-related services or other services that will enhance living conditions for residents of public housing projects of the agency, primarily in the project or projects to be assisted under the plan.

(b) SELECTION AND CRITERIA.—

(1) SELECTION.—The Secretary shall select public housing agencies for participation in the demonstration program based upon a competition among public housing agencies that submit applications for participation.

(2) CRITERIA.—The competition referred to in paragraph (1) shall be based upon—

(A) the extent of the need for rehabilitation or re-configuration of the public housing projects of an agency that are identified in the plan of the agency pursuant to subsection (a)(2)(A);

(B) the past performance of an agency in serving the needs of elderly public housing residents or non-elderly, disabled public housing residents given the opportunities in the locality;

(C) the past success of an agency in obtaining non-public housing resources to assist such residents given the opportunities in the locality; and

(D) the effectiveness of the plan of an agency in creating or expanding services described in subsection (a)(2)(B).

SEC. 6. CONFIGURATION AND CAPITAL IMPROVEMENTS.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to public housing agencies selected for participation under section 5, to be used only—

(A) for capital improvements to rehabilitate or configure public housing projects identified in the plan submitted under section 5(a)(2)(A);

(B) to provide space for supportive services and for community and health-related facilities primarily for the residents of projects identified in the plan submitted under section 5(a)(2)(A); and

(C) for the cost of acquisition by a public housing agency of an existing assisted living facility that is in need of rehabilitation in cases where the public housing agency has no elderly housing stock suitable for conversion.

(2) SOURCE OF FUNDS.—Grants shall be made under this section from funds made available for the demonstration program in accordance with subsection (c).

(3) INAPPLICABILITY OF OTHER PROVISIONS.—Section 9(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(c)(1)) does not apply to grants made under this section.

(b) ALLOCATION.—Grants funded in accordance with this section shall—

(1) be allocated among public housing agencies selected for participation under section 5 on the basis of the criteria established under section 5(b)(2); and

(2) be made in such amounts and subject to such terms as the Secretary shall determine.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the demonstration program, to make grants in accordance with this section—

(1) \$100,000,000 for fiscal year 2004; and

(2) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year.

SEC. 7. SERVICE COORDINATORS.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to public housing agencies selected for participation under section 5, to be used only—

(A) for public housing projects for elderly and disabled families for whom capital assistance is provided under section 6; and

(B) to provide service coordinators and related activities identified in the plan of the agency pursuant to section 5(a)(2), so that the residents of such public housing projects will have improved and more economical access to services that support the health and well-being of the residents.

(2) SOURCE OF FUNDS.—Grants shall be made under this section from funds made available for the demonstration program in accordance with subsection (c).

(3) INAPPLICABILITY OF OTHER PROVISIONS.—Section 9(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(c)(1)) does not apply to grants made under this section.

(b) ALLOCATION.—The Secretary shall provide a grant pursuant to this section, in an amount not to exceed \$100,000, to each public housing agency that is selected for participation under section 5.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the demonstration program, to make grants in accordance with this section—

(1) \$2,000,000 for fiscal year 2004; and

(2) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year.

SEC. 8. CONGREGATE HOUSING SERVICES PROGRAMS.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to public housing agencies selected for participation under section 5, to be used only—

(A) in connection with public housing projects for elderly and disabled families for which capital assistance is provided under section 6; and

(B) to carry out a congregate housing service program identified in the plan of the agency pursuant to section 5(a)(2) that provides services as described in section 202(g)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(1)).

(2) SOURCE OF FUNDS.—Grants shall be made under this section from funds made available for the demonstration program in accordance with subsection (c).

(3) INAPPLICABILITY OF OTHER PROVISIONS.—Other than as specifically provided in this section—

(A) section 9(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(c)(1)) does not apply to grants made under this section; and

(B) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) does not apply to grants made under this section.

(b) ALLOCATION.—The Secretary shall provide a grant pursuant to this section, in an amount not to exceed \$150,000, to each public housing agency that is selected for participation under section 5.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the demonstration program, to make grants in accordance with this section—

(1) \$3,000,000 for fiscal year 2004; and

(2) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year.

SEC. 9. SAFEGUARDING OTHER APPROPRIATIONS.

Amounts authorized to be appropriated under this Act to carry out this Act are in addition to any amounts authorized to be appropriated under any other provision of law, or otherwise made available in appropriations Acts, for rehabilitation of public housing projects, for service coordinators for public housing projects, or for congregate housing services programs.

By Mr. ENZI (for himself, Mr. GREGG, Mr. BOND, and Mr. SANTORUM):

S. 1698. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, with the passage of the Sarbanes-Oxley Act, Congress acted swiftly and surely to restore investor confidence in our capital markets. Something needed to be done to assure people that it was OK for them to start investing in and relying on the market again. People wanted to feel certain that the rules had been fixed and the market was fair for all.

Although I am proud we were able to do that, we all knew that there was still more that needed to be done to help the millions of American workers whose retirement savings are fueled by the financial markets.

There's a gap that still threatens the retirement security of the 42 million

Americans who participate in defined contribution plans, like 401(k) plans. In defined contribution plans, the employee—not the employer—decides how much and how to invest retirement assets. As anyone who has been investing their hard earned dollars through their employer provided plans knows, there are quite a few choices out there. They each have their own risks and rewards, but they have one thing in common—they require an employee who is investing his or her pay to have a good sense of the market. Employees find themselves having to navigate bull and bear markets, weather changes in personal and professional circumstances, and use long-term planning to set a course that leads to retirement security.

401(k) plans provide great opportunity as well as risk. The difference between the employee who can maximize opportunity and minimize risk and the employee who cannot is sound investment advice. Unfortunately, only 16 percent of plan participants have an investment advisory service available to them through their retirement plans. This survey by the Spectrum Group confirms the existence of an advice gap that must be addressed. The legislation I am introducing today is intended to close the advice gap and help workers choose wisely and chart their course to retirement security.

Both workers and employers are acutely aware of the advice gap. According to the 2002 Transamerica Small Business Retirement Survey, 76 percent of employees felt they don't know as much about retirement investing as they should—up from 65 percent in 2001. This view is held even more strongly by employers, with 91 percent believing their workers don't know enough about retirement investing.

There is another gap that exists with respect to retirement investment advice. Wealthier individuals or high-level executives are more likely to have access to quality investment advice than rank-and-file workers. The Retirement Security Advice Act of 2003 will bring access to quality investment advice, and thereby retirement security, to rank-and-file workers who need it most, particularly those employed at small businesses.

Access to investment advice has not kept pace with either the increasing number of workers participating in 401(k) plans or the increasing complexity of investment options. What accounts for the gap between the need for and the supply of investment advice?

The 1974 Employee Retirement Income Security Act (ERISA) imposes outdated barriers to the provision of investment advice to workers participating in 401(k) plans. ERISA prevents investment advisors who have an affiliation with the investment options available under the plan from providing investment advice to plan participants. This restriction might have

seemed reasonable in 1974 when retirement plans were dominated by traditional defined benefit pension plans. However, the explosion in 401(k) plans—and thus the need to provide workers with investment advice services—was not imagined in 1974.

This bill will allow employers to provide their employees with access to quality investment advice so long as the advisors fully and clearly disclose their fees and any potential conflicts of interest. Furthermore, investment advisors are subject to ERISA's stringent fiduciary obligations, which requires them to act solely in the best interest of plan participants. Investment advisors who breach this fiduciary duty are subject to a lawsuit by the worker, another plan fiduciary, the plan itself, or the Department of Labor. Employers also have the fiduciary obligation of prudently selecting and periodically reviewing advice providers.

Let us remember that workers are not required to either seek or follow the investment advice. All advice given is strictly voluntary. With clear and full disclosure of fee arrangements and potential conflicts of interest, plan participants can decide for themselves whether or not to act on it.

Some of my colleagues might argue that only independent investment advisors should be allowed to provide investment advice to plan participants. This ignores both the realities of the marketplace for investment advice and the needs of employees and employers. Excluding many of the most qualified financial services companies from offering investment advice to plan participants will leave a large void in the 401(k) advice marketplace. Conversely, increasing competition in this marketplace will promote better quality and lower costs—both to the benefit of plan participants.

Restricting the provision of investment advice services to independent advisors ensures that the advice gap will remain wide—particularly at small businesses. Employers would be required to look outside of their plan's current administrative arrangement and hire another financial institution to provide investment advice services to employees. For small companies like those in Wyoming, meeting this criteria would be almost impossible. Small employers face unique resource and personnel limitations. The cost of researching, selecting, and paying for the services of an independent advice provider will deter small employers from providing this valued benefit to employees.

The key to retirement security for 401(k) participants is quality investment advice, tailored to the needs of each worker. The key to expanding the number of workers getting such advice is increasing competition in the marketplace for investment advice while providing meaningful protection and disclosure to workers. The Retirement Security Advice Act will open the door to both.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Retirement Security Advice Act of 2003".

SEC. 2. PROHIBITED TRANSACTION EXEMPTION FOR THE PROVISION OF INVESTMENT ADVICE.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Section 408(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

"(14)(A) Any transaction described in subparagraph (B) in connection with the provision of investment advice described in section 3(21)(A)(ii), in any case in which—

"(i) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

"(ii) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

"(iii) the requirements of subsection (g) are met in connection with the provision of the advice.

"(B) The transactions described in this subparagraph are the following:

"(i) the provision of the advice to the plan, participant, or beneficiary;

"(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

"(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice."

(2) REQUIREMENTS.—Section 408 of such Act is amended further by adding at the end the following new subsection:

"(g) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—

"(1) IN GENERAL.—The requirements of this subsection are met in connection with the provision of investment advice referred to in section 3(21)(A)(ii), provided to an employee benefit plan or a participant or beneficiary of an employee benefit plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

"(A) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

"(i) of all fees or other compensation relating to the advice that the fiduciary adviser

or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

"(ii) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

"(iii) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

"(iv) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

"(v) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice, and

"(vi) that a recipient of the advice may separately arrange for the provision of advice by another adviser, that could have no material affiliation with and receive no fees or other compensation in connection with the security or other property,

"(B) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

"(C) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

"(D) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

"(E) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

"(2) STANDARDS FOR PRESENTATION OF INFORMATION.—

"(A) IN GENERAL.—The notification required to be provided to participants and beneficiaries under paragraph (1)(A) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

"(B) MODEL FORM FOR DISCLOSURE OF FEES AND OTHER COMPENSATION.—The Secretary shall issue a model form for the disclosure of fees and other compensation required in paragraph (1)(A)(i) which meets the requirements of subparagraph (A).

"(3) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of paragraph (1)(A) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in paragraph (1) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in clauses (i) through (iv) of paragraph (1)(A) in currently accurate form and in the manner described in paragraph (2) or fails—

"(A) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

"(B) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

"(C) in the event of a material change to the information described in clauses (i) through (iv) of paragraph (1)(A), to provide, without charge, such currently accurate information to the recipient of the advice at a

time reasonably contemporaneous to the material change in information.

“(4) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in paragraph (1) who has provided advice referred to in such paragraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this subsection and of subsection (b)(14) have been met. A transaction prohibited under section 406 shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

“(5) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—

“(A) IN GENERAL.—Subject to subparagraph (B), a plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this part solely by reason of the provision of investment advice referred to in section 3(21)(A)(ii) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

“(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

“(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this subsection, and

“(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice.

“(B) CONTINUED DUTY OF PRUDENT SELECTION OF ADVISER AND PERIODIC REVIEW.—Nothing in subparagraph (A) shall be construed to exempt a plan sponsor or other person who is a fiduciary from any requirement of this part for the prudent selection and periodic review of a fiduciary adviser with whom the plan sponsor or other person enters into an arrangement for the provision of advice referred to in section 3(21)(A)(ii). The plan sponsor or other person who is a fiduciary has no duty under this part to monitor the specific investment advice given by the fiduciary adviser to any particular recipient of the advice.

“(C) AVAILABILITY OF PLAN ASSETS FOR PAYMENT FOR ADVICE.—Nothing in this part shall be construed to preclude the use of plan assets to pay for reasonable expenses in providing investment advice referred to in section 3(21)(A)(ii).

“(6) DEFINITIONS.—For purposes of this subsection and subsection (b)(14)—

“(A) FIDUCIARY ADVISER.—The term ‘fiduciary adviser’ means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

“(i) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

“(ii) a bank or similar financial institution referred to in section 408(b)(4) or a savings association (as defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1))), but only if the advice is provided through a trust department of the bank or similar financial institution or savings association which is subject to periodic examination and review by Federal or State banking authorities,

“(iii) an insurance company qualified to do business under the laws of a State,

“(iv) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

“(v) an affiliate of a person described in any of clauses (i) through (iv), or

“(vi) an employee, agent, or registered representative of a person described in any of clauses (i) through (v) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

“(B) AFFILIATE.—The term ‘affiliate’ of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(3))).

“(C) REGISTERED REPRESENTATIVE.—The term ‘registered representative’ of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(17)) (substituting the entity for the investment adviser referred to in such section).”

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions from tax on prohibited transactions) is amended—

(A) in paragraph (14), by striking “or” at the end;

(B) in paragraph (15), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following new paragraph:

“(16) any transaction described in subsection (f)(7)(A) in connection with the provision of investment advice described in subsection (e)(3)(B)(i), in any case in which—

“(A) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

“(B) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

“(C) the requirements of subsection (f)(7)(B) are met in connection with the provision of the advice.”

(2) ALLOWED TRANSACTIONS AND REQUIREMENTS.—Subsection (f) of such section 4975 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

“(7) PROVISIONS RELATING TO INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—

“(A) TRANSACTIONS ALLOWABLE IN CONNECTION WITH INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—The transactions referred to in subsection (d)(16), in connection with the provision of investment advice by a fiduciary adviser, are the following:

“(i) the provision of the advice to the plan, participant, or beneficiary;

“(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

“(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.

“(B) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVIS-

ERS.—The requirements of this subparagraph (referred to in subsection (d)(16)(C)) are met in connection with the provision of investment advice referred to in subsection (e)(3)(B), provided to a plan or a participant or beneficiary of a plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

“(i) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

“(I) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

“(II) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

“(III) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

“(IV) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

“(V) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice, and

“(VI) that a recipient of the advice may separately arrange for the provision of advice by another adviser, that could have no material affiliation with and receive no fees or other compensation in connection with the security or other property,

“(ii) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

“(iii) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

“(iv) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

“(v) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm’s length transaction would be.

“(C) STANDARDS FOR PRESENTATION OF INFORMATION.—The notification required to be provided to participants and beneficiaries under subparagraph (B)(i) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

“(D) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of subparagraph (B)(i) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in subparagraph (B) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser

fails to maintain the information described in subclauses (I) through (IV) of subparagraph (B)(i) in currently accurate form and in the manner required by subparagraph (C), or fails—

“(i) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

“(ii) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

“(iii) in the event of a material change to the information described in subclauses (I) through (IV) of subparagraph (B)(i), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

“(E) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in subparagraph (B) who has provided advice referred to in such subparagraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this paragraph and of subsection (d)(16) have been met. A transaction prohibited under subsection (c)(1) shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

“(F) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—A plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this section solely by reason of the provision of investment advice referred to in subsection (e)(3)(B) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

“(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

“(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this paragraph,

“(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice, and

“(iv) the requirements of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 are met in connection with the provision of such advice.

“(G) DEFINITIONS.—For purposes of this paragraph and subsection (d)(16)—

“(i) FIDUCIARY ADVISER.—The term ‘fiduciary adviser’ means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

“(I) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

“(II) a bank or similar financial institution referred to in subsection (d)(4) or a savings association (as defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1))), but only if the advice is provided through a trust department of the bank or similar financial institution or savings association which is subject to periodic examination and review by Federal or State banking authorities,

“(III) an insurance company qualified to do business under the laws of a State,

“(IV) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

“(V) an affiliate of a person described in any of subclauses (I) through (IV), or

“(VI) an employee, agent, or registered representative of a person described in any of subclauses (I) through (V) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

“(ii) AFFILIATE.—The term ‘affiliate’ of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(3))).

“(iii) REGISTERED REPRESENTATIVE.—The term ‘registered representative’ of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(17)) (substituting the entity for the investment adviser referred to in such section).”.

Mr. BOND. Mr. President, I rise today to cosponsor the Retirement Security Advice Act of 2003, introduced by my good friend from Wyoming, Senator MIKE ENZI. I do so because this bill holds important implications for small businesses in this county and for the millions of Americans they employ.

In 1996, we created the Savings Incentive Match Plans for Employees (SIMPLE) as a pension-plan option for small firms in this country. The goal was a simple one: provide a pension plan with low administrative costs for employers so they can offer pension benefits to encourage employees to save for their retirement. I am pleased that these plans have become quite popular, and together with the other pension simplifications and improvements enacted since then, they have contributed to better access to pension benefits by small businesses and their employees.

Greater retirement savings, however, have raised new and complex issues for many employees who have seen their pension accounts grow substantially. As a member of both the Senate Small Business Committee and the Health, Education, Labor, and Pension Committee, I have heard many constituents raise difficult questions in this area: What are appropriate investments for my personal circumstances and risk tolerance? Should I buy stocks, bonds, annuities, or something else? How should I diversify my investments? When should I modify my investment mix? And so on.

The importance of these questions has increased substantially in light of recent high-profile business failures and economic downturn. Gone are the days of the momentum market where any dollar invested seemed to grow with little effort or no risk.

The return to more cautious investing has left employees who participate in employer-sponsored pension plans in a real dilemma—hire an outside investment advisor or go it alone in most cases. Why? Current pension rules effectively preclude most employers from offering investment advice to their employees. In fact, recent estimates are that only about 16 percent of

participants have access to investment advice through their pension plan. In today's complex investment environment that is simply too little help for employees who are trying to manage their retirement security.

Senator ENZI's bill addresses this situation in a responsible way. For most businesses, and particularly small firms, the logical place to look for an investment advisor would be the company that manages the plan's investment options or an affiliated firm. Under Senator ENZI's bill that option would now be available, opening the door for countless businesses to offer this important benefit at a low cost to their employees who participate in the company's pension plan. In addition, by allowing more businesses to offer investment-advice benefits, the bill creates an opportunity for increased competition among investment advisors, which can lead to better advice products and lower costs overall.

Senator ENZI's bill, however, does not simply change the rules to help the business community. It also includes critical protections for the plan participants. Investment advisors must satisfy strict requirements concerning their qualifications, and they must disclose on a regular basis all their business relationships, fees, and potential conflicts of interest directly to the participants. In addition, and arguably most importantly, the investment advisor must assume fiduciary liability for the investment advice it renders to the employee participants in the plan. In short, if the investment advisor does not act solely in the interest of the participant, it will be liable for damages resulting from the breach of its fiduciary duty. Together, the bill's provisions provide substantive safeguards to protect the interests of the plan participants who take advantage of the new investment-advice benefit.

Some have contended that a better alternative is to force small businesses to engage an independent third party to provide investment advice. I disagree. The result would simply be the same as under current law. Cost is a real issue for small businesses seeking to offer benefits like pension plans and related investment advice—hence, the genesis of the SIMPLE pension plan. As under the current rules, if the only option is a costly outside advisor, the small firm will not offer the investment-advice benefit. As a result, we would not move the ball even a yard further—employers would still be left to their own devices to figure out the complex world of investing or they would have to seek out and hire their own advisor, which few have the wherewithal to do.

More to the point, nothing under the Enzi bill prevents a business from engaging an independent advisor if the employer deems that the best alternative. The standard under the Enzi bill for selecting the investment advisor is prudence; the same criteria that the employer must exercise under current law when selecting the company

that manages the pension plan and its investment options. If a prudent person would not hire or retain the investment advisor, then under the Enzi bill, the employer should not do so either or face liability for breach of fiduciary duty. Again, additional protection for the plan participants.

In my assessment, investment advice is an increasingly important benefit that employers want and need. Moreover, small businesses in particular need the flexibility to offer benefits that keep them competitive with big companies as they seek to hire and retain the very best employees possible. And when we talk about small businesses, we are not dealing with an insignificant employer in this country. In fact, according to Small Business Administration data, small businesses represent 99 percent of all employers and provide 60 to 80 percent of the net new jobs annually in this country.

The Retirement Security Advice Act provides a carefully balanced and responsible solution to this situation. Most importantly, it provides a solution that employers will actually use to offer the investment advice sought by their employers who struggle to put money aside in the hopes of having a nest egg that someday will provide them with a comfortable retirement. I am pleased to co-sponsor this bill and look forward to working with my colleague from Wyoming to see it enacted into law.

By Mr. INHOFE:

S. 1699. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Health, Education, Labor and Pensions.

Mr. INHOFE. Mr. President, today I am introducing legislation to require parental consent for intrusive physical exams, genital exams, administered under the Head Start program.

Young children attending Head Start programs should not be subjected to these invasive exams without the prior knowledge or consent of their parents. While the Department of Health and Human Services has administered general exam guidelines to agencies, the U.S. Code is not clear about prohibiting them without parental consent. My bill will clarify the Code by not allowing any non-emergency invasive genital exam by a Head Start agency without parental consent.

As a father and grandfather, I believe it is vital for parents to be informed about what is happening to their children in the classroom. I hope that my colleagues will join me in support of this important bill.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mrs. FEINSTEIN, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mr. SCHUMER, Mr. WARNER, Mr. DURBIN, Mr. CAMPBELL, Mr. KOHL, Mrs.

CLINTON, Ms. CANTWELL, Mrs. MURRAY, and Ms. LANDRIEU):

S. 1700. A bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce a comprehensive bipartisan bill which will ensure the full use and availability of DNA technology in our criminal justice system. This bill, which enacts the President's DNA technology initiative, announced by Attorney General Ashcroft on March 11, 2003, will provide over \$1 billion in funding and assistance over the next 5 years to the criminal justice system in order to realize the full potential of DNA technology to solve crimes, protect the public and exonerate the innocent.

The legislation I am introducing today represents a bipartisan compromise which was reached through extensive negotiations among Senators on the Judiciary Committee and members from the House Committee on the Judiciary. I want to first commend my counterpart, Chairman SENSENBRENNER, for his steady leadership on this issue and his commitment to reaching an agreement, and note the commitment and dedication of Representatives CONYERS, COBLE, LAHOOD, and DELAHUNT to this important initiative.

I also want to commend my colleagues here in the Senate: Senators BIDEN, SPECTER, LEAHY, DEWINE, and FEINSTEIN—who each have a long-standing commitment to issues included in this comprehensive DNA bill. We have worked together on DNA issues for many years, and thanks to each of their efforts we now are in the position to enact bipartisan legislation that enhances the use of DNA technology in our criminal justice system. I want to express my personal thanks to all of them for their leadership and contributions to this important piece of legislation.

Also, I want to highlight specifically the accomplishment today of the ranking member of our Judiciary Committee, Senator LEAHY. For several years, Senator LEAHY has dedicated himself to the issue of DNA technology and ensuring that such technology is used to protect the integrity of our criminal justice system by exonerating the innocent while punishing the guilty. He has worked tirelessly in this area as the sponsor of the Innocence Protection Act. While we both shared a common goal of protecting the integ-

rity of our criminal justice system, we differed on the means to accomplish that end.

Today, I am proud to support the compromise proposal we have negotiated, and join together with my friend, Senator LEAHY, to introduce the Innocence Protection Act of 2003 as part of this legislative package. I want to specifically congratulate Senator LEAHY for his accomplishment and for his dedication to this important issue.

It is perhaps fitting that 50 years after the discovery of DNA by Dr. James Watson in 1953, we are now proposing to enact the most far-reaching and comprehensive expansion of DNA technology to promote public safety, to bring to justice violent criminals who can be identified through DNA technology, and to ensure the accuracy of our criminal justice system.

Let me take a moment to highlight the important provisions of this bill.

The bill enacts the President's comprehensive DNA initiative, "Advancing Justice Through DNA Technology," and will authorize funding of \$755 million for the Debbie Smith DNA Backlog Grant Program in order to eliminate the current backlog of unanalyzed DNA samples in our Nation's crime labs. It is critical that such funding be appropriated to ensure that unanalyzed evidence from violent crime scenes, such as rape and murder, are compared against known DNA samples to solve these terrible crimes and apprehend the perpetrators.

As many of you know, Debbie Smith is the courageous survivor of a horrific sexual assault, and has become a leading spokesperson for women and crime victims across the country. Debbie Smith waited 6 years before Norman Jimmerson, a current inmate in a Virginia prison, was identified as her attacker through DNA. Debbie testified against Jimmerson, who is now serving two life sentences plus 25 years with no chance of parole.

Debbie Smith has dedicated herself to the elimination of the backlog in the processing of DNA evidence and samples. By eliminating the substantial backlog of DNA samples for the most serious violent offenses, we can solve more crimes, protect the public and apprehend more violent criminals. The National Institute of Justice estimates that the current backlog of rape and homicide cases is at least 350,000 cases. NIJ also estimates that there are between 300,000 and 500,000 collected, but untested convicted offender samples. In addition, the Justice Department estimates that there are between 500,000 and 1,000,000 convicted offender samples which have not yet been collected as required by law.

The President has directed the Justice Department to eliminate these backlogs completely within 5 years, and I am committed to doing everything in my power to make that a reality to ensure that the evidence is analyzed, the crimes solved and the criminals punished to the fullest extent of the law.

The proposed legislation also will solve more crimes by expanding State and local crime lab capacity to test DNA. Crime laboratories face increasing workloads and increased DNA analysis demands. Only 10 percent of public crime labs have automated facilities needed to process DNA testing, and help is needed in this area. We must expand the capacity of these laboratories to meet current demand and build for future needs. That is what the bill will do.

The bill also will increase research and development of new technologies to test DNA; provides training of criminal justice professionals to enhance collection and understanding of DNA evidence; and expands existing programs to train medical personnel who typically are the first to have contact with sexual assault victims so that they can collect and preserve critical biological evidence for DNA testing and comparison purposes.

Some have suggested that focusing exclusively on DNA technology ignores the significant need for funding and assistance to State and local crime labs for non-DNA forensic analyses. The proposed bill expands the Paul Coverdell Grant Program to provide assistance to the States to eliminate non-DNA forensic evidence backlogs. I recognize that forensic examination of ballistics evidence, fingerprints, suspected illegal drugs, and other evidence is critical to our criminal justice system. I am committed to addressing these needs as well in order to protect the public.

The legislation will not only speed the apprehension and prosecution of the guilty, but will protect the innocent from wrongful prosecution. DNA technology allows us to exclude innocent people as suspects early in an investigation, and allows law enforcement to focus on finding the true perpetrator.

The Innocence Protection Act of 2003, developed under the leadership of Senator LEAHY, which is included as Title III of this bill, creates a federal post-conviction DNA testing scheme which authorizes DNA testing and relief for a convicted defendant, where the defendant claims he is "actually innocent" of the crime, and demonstrates that such testing shows that they did not commit the crime. DNA testing will not be permitted where such a test would only muddy the waters and be used by the defendant to fuel a new and frivolous series of appeals. Under the Act, DNA testing in capital cases will be prioritized and conducted on a "fast track," so that these important cases are handled quickly.

In order to discourage a flood of baseless claims, the act authorizes the prosecution of defendants who make false claims of innocence in support of a DNA testing request. Each defendant will be required to assert under penalty of perjury that they are, in fact, innocent of the crime. When DNA testing reveals that the defendant's claim of

innocence was actually false, the defendant can then be prosecuted and, if convicted, will be subject to a consecutive term of imprisonment of 3 years. Further, the act allows DNA test results to be entered into the CODIS database and compared against unsolved crimes. If the test result shows that the defendant committed another crime, the defendant may then be prosecuted for the other crime.

With respect to the States, the act encourages States to create similar DNA testing procedures, and provides funding assistance to those States that have existing DNA testing programs or that implement such DNA testing programs after enactment of this act. In honor of Kirk Bloodsworth, a death row inmate, who was eventually freed through post-conviction DNA testing, the bill creates and names a grant program after Mr. Bloodsworth to help the States conduct appropriate post-conviction DNA testing. With the new source of funding, more States will enact DNA testing programs, and will provide such testing on an expedited basis.

While DNA testing is now standard in pretrial criminal investigations today, the integrity of our criminal justice system and in particular, our death penalty system, can be enhanced with the appropriate use of DNA testing. No one disagrees with the fact that post-conviction DNA testing should be made available to defendants when it serves the ends of justice. I am convinced that the proposed legislation does so fairly and effectively with proper regard for the rights of the defendant and the interests of victims and their families.

Finally, Title III of the bill creates a new grant program to improve the performance of counsel—prosecutors and defense counsel—handling State capital cases. The issue of the death penalty in our country continues to spark significant debate. The recent Supreme Court decisions addressing capital punishment underscore the importance of this issue to the American people. It is an issue that engenders great passion, both among its supporters and among its opponents. A large majority of the American people believe in the death penalty, especially for terrorists who have killed thousands of Americans. And all of us agree that the death penalty must be imposed fairly and accurately.

I have stated on numerous occasions my views on the death penalty. It is the ultimate punishment and it should be reserved only for those defendants who commit the most heinous of crimes. I am firmly convinced that we must be vigilant in ensuring that capital punishment is meted out fairly against those truly guilty criminals. We cannot and should not tolerate defects in the capital punishment system. No one can disagree with this ultimate and solemn responsibility.

I have disagreed with others on the committee as to the state of our Nation's capital punishment system, the

quality of representation in State capital cases, and whether such sentences are meted out fairly. I am proud, however, to support this proposal where we can all agree—we can improve the performance of counsel on both sides by awarding grants to States. These funds will be equally divided between prosecutors and defense counsel, and are designed to reduce to the maximum extent possible the occurrence of error in the conduct of capital trials in our States. We all agree that reducing trial error is a laudable goal. By doing so, we enhance the fairness of our capital punishment system.

Every defendant in our criminal justice system is afforded the guarantee by the sixth amendment of our Constitution of competent and effective counsel. The Supreme Court has enforced this right in numerous decisions in order to ensure that all defendants are afforded the constitutional protections guaranteed to them.

At the same time, the public is entitled to quality representation by prosecutors who handle capital cases. Training and monitoring the performance of prosecutors who handle these important cases will ensure that States and the public are fully and effectively served in the trial of capital cases.

Contrary to the view of some, I do not believe that our capital punishment is broken. However, I do believe that our justice system can always be improved. The grants proposed under the act will enable states to improve the performance of prosecutors and defense counsel to ensure that capital cases are handled more efficiently and effectively, and that every capital defendant will receive a fair trial under our justice system.

DNA technology has the power to convict the guilty and protect the innocent and will move our criminal justice system into a new era that is both fair and efficient. The President's DNA initiative is a forward-looking measure, which will improve significant aspects of federal, state and local criminal justice systems. We are poised to enter that new era. With this comprehensive proposal, we will ensure the use of DNA technology and protect the public safety.

I strongly urge my colleagues to join with me in promptly passing this important legislation.

Mr. President, I ask unanimous consent to print in the RECORD a section-by-section analysis.

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

ADVANCING JUSTICE THROUGH DNA
TECHNOLOGY ACT OF 2003
SECTION-BY-SECTION ANALYSIS

Overview

The Advancing Justice Through DNA Technology Act increases Federal resources available to State and local governments to combat crimes with DNA technology, and provides safeguards to prevent wrongful convictions and executions. The bill enacts the President's DNA Initiative, which provides

over \$1 billion in the next five years to assist Federal and State authorities to realize the full potential of DNA technology to solve crimes and protect the innocent.

Title I and II, the DNA Sexual Assault Justice Act and the Rape Kits and DNA Evidence Backlog Elimination Act, [of the bill] authorize the Debbie Smith DNA Backlog Grant Program, which provides \$755 million over five years to address the DNA Backlog crisis in the nation's crime labs. The bill also establishes over \$500 million in new grant programs [together with grant programs] to reduce other forensic science backlogs, train criminal justice and medical personnel in the use of DNA evidence, and promote the use of DNA technology to identify missing persons.

Title III of the bill, the Innocence Protection Act, provides access to post-conviction DNA testing in federal cases, helps States improve the quality of legal representation in capital cases, and increases compensation in Federal cases of wrongful conviction. In addition, Title III authorizes the Kirk Bloodworth Post-Conviction DNA Testing Program and provides \$25 million over five years to defray the costs of post-conviction DNA testing.

TITLE I—RAPE KITS AND DNA EVIDENCE BACKLOG ELIMINATION ACT OF 2003

Sec. 101. Short Title. This title may be cited as the "Rape Kits and DNA Evidence Backlog Elimination Act of 2003."

Sec. 102 [The]Debbie Smith DNA Backlog Grant Program. Reauthorizes and expands the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135), increasing the authorized funding levels for the DNA Analysis Backlog Elimination program to \$151 million annually for the next five years, as proposed in the President's DNA initiative.

Subsection (a) names the Backlog Elimination Act grant program in honor of Debbie Smith, a rape survivor and leader in promoting the use of the DNA technology to solve crimes. In addition, subsection (a) amends he eligibility provisions to add "units of local government" as [a] potential grantees, so that Federal resources can meet local needs more quickly.

Subsection (b)(1) provides a single annual authorization for the program, and modifies existing program objectives by: (1) adding the collection of DNA samples from convicted offenders as a specific program purpose (proposed 42 U.S.C. 14135(a)(4)); (2) ensuring that DNA testing and analysis of samples from crime scenes (such as rape kits and biological material found at homicide scenes), including sexual assault and other serious violent crimes, are carried out in a timely manner (proposed 42 U.S.C. 14135(a)(5)); and (3) revising the existing objective in 41 U.S.C. 14135(a)(3), to clarify that funds can be used to increase the capacity of public laboratories to carry out analysis of DNA samples.

Subsection (c) modifies 42 U.S.C. 14135(c) to provide for the disbursement of grant funds by the Attorney General in conformity with a formula that maximizes the effective use of DNA technology to solve crimes and protect public safety, and addresses areas where significant backlogs exist. A minimum grant amount of 0.50 percent is to be awarded to each State, and a specified percentage of remaining funds will be awarded to conduct DNA analyses of samples from casework [or victims of crime].

Conversion of the Backlog Elimination Act grant program into a formula grant program will ensure that funds will be fairly distributed among all eligible jurisdictions. It is expected that the factors given weight in the formula will include the magnitude and nature of the DNA backlogs and current DNA

work demands in the jurisdictions that seek funding; deficits in public laboratory capacity for the timely and efficient analysis of DNA samples in these jurisdictions, and cost requirements for remedying these deficits; and the ability of these jurisdictions to use the funds to increase DNA analysis and public laboratory capacity for such analysis. It is further expected that the formula will target funding on the use of DNA analysis to solve the most serious violent crimes, including rapes and murders, whose solution through DNA testing promises the greatest return in promoting public safety.

Subsection (k) reserves no more than 1 percent of the grant amounts to assist State and local crime labs to become accredited, and to undergo regular external audits, in order to ensure that such labs fully comply with Federal quality assurance standards.

Sec. 103. Expansion of Combined DNA Index System. Amends the statute governing the Combined DNA Index System (CODIS) to allow States to include in the DNA index the DNA profiles of all persons whose DNA samples have been collected under applicable legal authorities, including those authorized by State law, all felons convicted of Federal crimes, and qualifying military offenses.

Sec. 104. Tolling of State of Limitations [Limitation Period for Prosecution in Cases Involving DNA Identification]. Provides that, in a case where DNA testing implicates an identified person in the commission of a felony, except for a felony offense under chapter 109A, no statute of limitations would preclude prosecution of the offense until a time period equal to the statute of limitations has elapsed from the date of identification of the perpetrator.

Sec. 105. Legal Assistance for Victims of Dating Violence. Amends the Violence Against Women Act to include legal assistance for victims of "dating violence," defined as violence committed by a person: (1) who is or has been in a romantic or intimate relationship with the victim; and (2) where the existence of such relationship is determined based upon consideration of its length and its type, and upon the frequency of interaction between the persons involved.

Sec. 106. Ensuring Private Laboratory Assistance in Eliminating DNA Backlog. Clarifies that grants may be made through vouchers and contracts to private for-profit laboratories to assist in collection of DNA samples from offenders and processing of crime scene DNA evidence.

TITLE II—DNA SEXUAL ASSAULT JUSTICE ACT OF 2003

Sec. 201. Short Title. This title may be cited as the "DNA Sexual Justice Act of 2003."

Sec. 202. Ensuring Public Crime Laboratory Compliance with Federal Standards. Requires that eligible State and local government public crime labs are accredited and undergo external audits, not less than once every 2 years, to demonstrate compliance with Federal standards established by the Federal Bureau of Investigation.

Sec. 203. DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers. Authorizes grants to provide training, technical assistance, educational and information relating to the identification, collection, preservation, analysis and use of DNA samples and DNA evidence by law enforcement personnel and other first responders who collect or examine crime scene evidence; court officers, including prosecutors, defense lawyers and judges; forensic science professionals; and corrections personnel. The grant program is authorized through 2009 at \$12.5 million per year.

Sec. 204. Sexual Assault Forensic Exam Program Grants. Authorizes grants to pro-

vide training, technical assistance, education and information relating to the identification, collection, preservation, analysis and use of DNA samples and DNA evidence by medical personnel and other personnel, including doctors, medical examiners, coroners, nurses, victim service providers, and other medical professionals, including existing sexual assault and sexual assault examination programs (Sexual Assault Nurse Examiner (SANE), Sexual Assault Forensic Examiner (SAFE), and Sexual Assault Response Team (SART)). The grant program is authorized through 2009 at \$30 million per year.

Sec. 205. DNA Research and Development. Authorizes grants for research and development to improve forensic DNA technology, including funding of demonstration projects involving law enforcement agencies and criminal justice participants to evaluate the use of forensic DNA technology. Also authorizes the Attorney General to establish a new Forensic Science Commission, composed of members from the forensic science and criminal justice communities, which will be responsible for examining various issues, including: (1) maximizing the use of forensic sciences to solve crimes and protect public safety; (2) increasing the number of qualified forensic scientists; (3) disseminating best practices concerning the collection and analyses of forensic evidence; and (4) assessing Federal, State and local privacy protection statutes, regulations and practices relating to DNA samples and DNA analyses. Programs are authorized through 2009 at \$15 million per year.

Sec. 206. FBI DNA Programs. Authorizes \$42.1 million per year through 2009 for FBI DNA programs and activities, including (1) nuclear DNA analysis; (2) mitochondrial DNA analysis; (3) regional mitochondrial DNA laboratories; (4) the Combined DNA Index System; (5) the Federal Convicted Offender DNA Program; and (6) DNA research and development.

Sec. 207. DNA Identification of Missing Persons. Authorizes \$2 million per year through 2009 for grants to promote the use of forensic DNA technology to identify missing persons and unidentified human remains.

Sec. 208. Enhanced Criminal Penalties for Unauthorized Disclosure or Use of DNA Information. Modifies the existing criminal provision for unauthorized disclosure of DNA information to include unauthorized "use" of such information, and increases the potential fine to \$100,000 for each criminal offense.

Sec. 209. Tribal Coalition Grants. Amends the eligibility criteria for discretionary grants under the Violence Against Women Act to include tribal coalitions, and thereby directly support nonprofit, nongovernmental tribal domestic violence and sexual assault coalitions [in Indian country.]

Sec. 210. Expansion of the Paul Coverdell Forensic Science Improvement Grant Program. Expands existing grant program to permit funds to be used to eliminate a backlog in the analysis of forensic science evidence, and extends authorization of appropriations through 2009, at \$20 million a year. Current authorizations are \$128,067,000 for 2004, \$56,733,000 for 2005, and \$42,067,000 for 2006. [Sec. 210. Forensic Backlog Elimination Grant Program. Authorizes \$10 million a year through 2009 for grants to States, units of local government, and tribal governments, to eliminate the backlog in the analysis of any area of forensic science, including firearms examination, latent prints, toxicology, and controlled substances.]

Sec. 211. Report to Congress. Requires the Attorney General to submit a report, not later than 3 years after enactment, relating to implementation of titles I and II of this Act.

TITLE III—INNOCENCE PROTECTION ACT OF 2003

Sec. 301. Short Title. This title may be cited as the "Innocence Protection Act of 2003."

Subtitle 1—Exonerating the Innocent Through DNA Testing

Sec. 311. Federal Post-Conviction DNA Testing. Establishes rules and procedures governing applications for DNA testing by inmates in the Federal system. A court shall order DNA testing if the applicant asserts under penalty of perjury that he or she is actually innocent of a qualifying offense, and the proposed DNA testing would produce new material evidence that supports such assertion and raises a reasonable probability that the applicant did not commit the offense. Limitations on access to testing are imposed where the applicant seeks to interfere with the administration of justice rather than to support a valid claim. Penalties are established in the event that testing inculcates the applicant. Where test results are exculpatory, the court shall grant the applicant's motion for a new trial or resentencing if the test results and other evidence establish by a preponderance of the evidence that a new trial would result in an acquittal of the offense at issue.

This section also prohibits the destruction of biological evidence in a federal criminal case while a defendant remains incarcerated, absent a knowing and voluntary waiver by the defendant or prior notification to the defendant that the evidence may be destroyed. Nothing in this section supersedes any statute, regulation, court order, or other provision of law requiring that evidence, including biological evidence, be preserved. Intentional violations of this preservation provision to prevent evidence from being tested or used in court are punishable by a term of imprisonment.

Sec. 312. Kirk Bloodworth Post-Conviction DNA Testing Grant Program. Authorizes \$5 million a year in grants through 2009 to help States to defray the costs of post-conviction DNA testing. This program is named in honor of Kirk Bloodworth, the first death row inmate to be exonerated by DNA testing.

Sec. 313. Incentive Grants to States to Ensure Consideration of Claims of Actual Innocence. Reserves the total amount of funds appropriated to carry out sections 203, 205, 207, and 312 of this Act for states that have adopted adequate procedures for providing post-conviction DNA testing and preserving biological evidence for this purpose.

Subtitle 2—Improving the Quality of Representation in State Capital Cases

Sec. 321. Capital Representation Improvement Grants. Authorizes a grant program, to be administered by the Attorney General, to improve the quality of legal representation provided to indigent defendants in State capital cases. Grants shall be used to establish, implement, or improve an effective system for providing competent legal representation in capital cases, but may not be used to fund representation in specific cases. An effective system is one in which a public defender program or other entity establishes qualifications for attorneys who may be appointed to represent indigents in capital cases; establishes and maintains a roster of qualified attorneys and assigns attorneys from the roster (or provides the trial judge with a choice of attorneys from the roster); trains and monitors the performance of such attorneys; and ensures funding for the full cost of competent legal representation by the defense team and any outside experts.

Sec. 322. Capital Prosecution Improvement Grants. As part of the same program established in section 321, authorizes grants to improve the representation of the public in

State capital cases. Grants shall be used to design and implement training programs for capital prosecutors; develop, implement, and enforce appropriate standards and qualifications for such prosecutors and assess their performance; establish programs under which prosecutors conduct a systematic review of cases in which a defendant is sentenced to death in order to identify cases in which post-conviction DNA testing is appropriate; and assist the families of murder victims.

Sec. 323. Applications. Establishes requirements for States applying for grants under this subtitle, including a long-term strategy and detailed implementation plan that reflects consultation with the judiciary, the organized bar, and State and local prosecutor and defender organizations, and establishes as a priority improvement in the quality of trial-level representation of indigents charged with capital crimes and trial-level prosecution of capital crimes in order to enhance the reliability of capital trial verdicts. Funds received under this subtitle shall be allocated equally between the programs established in sections 321 and 322.

Sec. 324. State Reports. Requires States receiving funds under this subtitle to submit an annual report to the Attorney General identifying the activities carried out with the funds and explaining how each activity complies with the terms and conditions of the grant.

Sec. 325. Evaluations by Inspector General and Administrative Remedies. Directs the Inspector General of the Department of Justice to submit periodic reports to the Attorney General evaluating the compliance of each State receiving funds under this subtitle with the terms and conditions of the grant. In conducting such evaluations, the Inspector General shall give priority to States at the highest risk of noncompliance. If, after receiving a report from the Inspector General, the Attorney General finds that a State is not in compliance, the Attorney General shall take a series of steps to bring the State into compliance and report to Congress on the results.

Sec. 326. Authorization of Appropriations. Authorizes \$100 million a year for five years to carry out this subtitle.

Subtitle 3—Compensation of the Wrongfully Convicted

Sec. 331. Increased Compensation in Federal Cases. Increases the maximum amount of damages that the U.S. Court of Federal Claims may award against the United States in cases of unjust imprisonment from a flat \$5,000 to \$50,000 per year in non-capital cases, and \$100,000 per year in capital cases.

Sec. 332. Sense of Congress Regarding Compensation in State Death Penalty Cases. This section expresses the sense of Congress that States should provide reasonable compensation to any person found to have been unjustly convicted of an offense against the State and sentenced to death.

Mr. BIDEN. Mr. President, I rise along with the distinguished senior Senator from Utah, Senator HATCH and several others of my colleagues, Senators SPECTOR, LEAHY, DEWINE, and FEINSTEIN, to introduce the Advancing Justice Through DNA Act, a bill that harnesses the power of DNA to give prompt justice to victims of sexual assault crimes and to free the wrongly convicted. This bill takes every component of DNA technology and makes it accessible and more useful to Federal, State and local law enforcement, to prosecutors and defense attorneys, to medical personnel and to victims of crime.

Promoting and supporting DNA technology as a crime-fighting tool is not a new endeavor for me. A provision of my 1994 crime bill created the Combined DNA Index System, called "CODIS", which is an electronic database of DNA profiles, much like the FBI's fingerprint database. CODIS includes two kinds of DNA information—convicted offender DNA samples and DNA from crime scenes. CODIS uses the two indexes to generate investigative leads in crimes where biological evidence is recovered from the scene. In essence, CODIS facilitates the DNA match. And once that match is made, a crime is solved because of the incredible accuracy and durability of DNA evidence.

Ninety-nine.nine percent—that is how accurate DNA evidence is. One in 30 billion—those are the odds someone else committed a crime if a suspect's DNA matches evidence at the crime scene. Twenty or 30 years—that is how long DNA evidence from a crime scene lasts.

Just 10 years ago DNA analysis of evidence could have cost thousands of dollars and taken months, now testing one sample costs \$40 and can take days. Ten years ago forensic scientists needed blood the size of a bottle cap, now DNA testing can be done on a sample the size of a pinhead. The changes in DNA technology are remarkable, and mark a sea change in how we can fight crime, particularly sexual assault crimes.

The FBI reports that since 1998 the national DNA database has helped put away violent criminals in over 9,000 investigations in 50 States. How? By matching the DNA crime evidence to the DNA profiles of offenders. Individual success stories of DNA cold hits in sexual assault cases make these numbers all too real.

Just last year, Alabama authorities charged a man in the rape of an 85-year-old woman almost 10 years ago after he was linked to the case by a DNA sample he was compelled to submit while in prison on unrelated charges.

In Colorado, prosecutors brought to trial a case against a man accused of at least 14 rapes and sexual assaults. Due to the national DNA database, prosecutors were able to trace the defendant to rapes and assaults that occurred in Colorado, California, Arizona, Nevada and Oklahoma between 1999 and 2002.

Or take for example a 1996 case in St. Louis where two young girls were abducted from bus stops and raped at opposite ends of the city. The police were unable to identify a suspect. In 1999, the police decided to re-run the DNA testing to develop new leads. In January 2000, the DNA database matched the case to a 1999 rape case, and police were able to identify the perpetrator.

Last spring, the New York Police Department arrested a man linked to the rape of a woman years ago. In 1997, a woman was horribly beaten, robbed and raped—there were no suspects. Five years later, the perpetrator submitted

a DNA sample as a condition of probation after serving time for burglary. The DNA sample matched the DNA from the 1997 rape. Crime solved, streets safer.

Undoubtedly, DNA matching by comparing evidence gathered at the crime scene with offender samples entered on the national DNA database has proven to be the deciding factor in solving stranger sexual assault cases—it has revolutionized the criminal justice system, and brought closure and justice for victims. A laboratory expert testified that Virginia has a 48 percent hit rate because the State collects samples from all convicted felons and aggressively analyzes crime scene evidence with no backlog. This means that almost 1 out of every 2 violent crimes could be solved by the national DNA database.

In light of the past successes and the future potential of DNA evidence, the reported number of untested rape kits and other crime scene evidence waiting in police warehouses is simply shocking—300,000 to 500,000. It is a national problem, plaguing both urban and rural areas, that deserves national attention and solutions. Last year, a Michigan newspaper reported that its State police forensic unit is expected to have a 10-year backlog of items in need of DNA testing. The Florida crime lab system is facing a backlog of more than 2,400 rape, murder and assault and burglary cases waiting for DNA testing. South Carolina has 10,000 untested samples from convicted offenders. In June 2003, the New Jersey police department reported that over 1,200 criminal cases—most of them sexual assault cases—were waiting for DNA analysis. Behind every single one of those rape kits is a victim who deserves recognition and justice.

One woman in particular has reminded State and Federal lawmakers that we cannot ignore even one rape kit sitting on a shelf gathering dust. That woman is Debbie Smith. In 1989, Mrs. Smith was taken from her home and brutally raped. There were no known suspects, and Mrs. Smith lived in fear of her attacker's return. Six years later, the Virginia crime laboratory discovered a DNA match between the rape scene evidence and a State prisoner's DNA sample. That cold hit gave Mrs. Smith her first moment of real security and closure, and since then she has traveled the country to advocate on behalf of assault victims and champion the use of DNA to fight sexual assault.

Today's bill provides over \$755 five years to eliminate the backlog in rape kits and other crime scene evidence, eliminate the backlog of convicted offender samples awaiting DNA testing, and improve State laboratory capacity to conduct DNA testing. I am pleased that the backlog elimination grant program in the Advancing Justice Through DNA Technology Act is entitled, "The Debbie Smith DNA Backlog Grants." It is a fitting tribute. I also

want to take a moment to thank my colleagues Senators KOHL and DEWINE who began this effort with the DNA Backlog Elimination Act of 2000, and acknowledge their ongoing commitment.

But the DNA testing is only useful if the crime scene evidence is carefully collected and preserved. Towards that end, the Advancing Justice Through DNA Technology Act creates two important grant programs: 1. a \$62.5 million DNA training and education grant program for law enforcement, correctional personnel and court officers; and 2. a \$50 million grant program to provide training, education and assistance to sexual assault forensic examiner programs, often known as SANE or SART programs.

The Advancing Justice Through DNA Technology Act is a natural extension to the Violence Against Women Act, which requires the Attorney General to evaluate and recommend standards for training and practice for licensed health care professionals performing sexual assault forensic exams. So I knew that any DNA bill aimed at ending sexual assault must include resources for sexual forensic examiners. This bill ensures that sexual forensic nurses, doctors, and response teams are all eligible for assistance. These programs should be in each and every emergency room to bridge the gap between the law and the medicine.

Today's bill also makes two small, but important, amendments to the Violence Against Women Act. First, it amends the law to include legal assistance for victims of dating violence, and it amends the eligibility criteria for discretionary programs so that tribal domestic violence and sexual assault coalitions can directly receive grants funds, including those funds unreleased from past fiscal years.

I started looking at the issue of improved prosecution of sexual assault crimes almost two decades ago when I began drafting the Violence Against Women Act. The DNA Sexual Justice Act of 2003 is the next step, a way to connect the dots between the extraordinary strides in DNA technology and my commitment to ending violence against women. We must ensure that justice delayed is not justice denied.

I am also gratified that this legislation includes the Innocence Protection Act, which I cosponsored last year, and which passed the Judiciary Committee. I have long advocated in this Committee for the changes that it will implement.

The Innocence Protection Act will immeasurably improve the administration of justice in our legal system, particularly where justice is most important, and where we can least afford to make mistakes—imposition of the death penalty.

I advocate for this bill not as an opponent of the death penalty looking to curtail it, but as a supporter of the death penalty who authored the first constitutional federal death penalty

law after the Supreme Court declared the death penalty unconstitutional.

But we who support the death penalty also have a duty to ensure that it is fairly administered. The advent of DNA testing has provided us with a wealth of opportunities to make certain that we are prosecuting the right people. Just as we use DNA to help prosecutions, we must make testing available to those who can use it to prove their innocence. This legislation makes post-conviction testing to federal inmates who assert that they did not commit the crime for which they have been imprisoned. It also incentivizes States to take similar measures to ensure that individuals have a proper opportunity to prove their innocence. It also mandates proper preservation of DNA evidence so that the DNA can be tested if appropriate.

As for competent counsel in death penalty cases, nobody can look me in the eye and tell me that our system for representation in capital cases works as it should. This bill will take a big step toward fixing that by providing money for grants to States to improve their systems of representation, on both the prosecution and defense side, in capital cases.

Our goal must be an error-free system of criminal justice. To err is human, but it should never be acceptable. Our job is to do all we can to eliminate errors in the criminal justice system and to see to it that a lack of resources does not delay bringing rapists and murderers to justice. This bill means we are doing our job.

I would be remiss if I did not pause to thank some of the many people who have helped bring about the introduction of this bill. In particular, I wish to thank Senators HATCH and LEAHY, the chairman and ranking member of the Senate Judiciary Committee, for devoting so much of their time and effort to developing this legislation. Similarly, Chairman SENSENBRENNER and Ranking Member CONYERS have worked with us every step of the way to get this bill done. In addition, Senators SPECTER, DEWINE and FEINSTEIN, and Congressmen DELAHUNT and COBLE, among others, have spent countless hours contributing their ideas to this bill. I wish to thank all of these members for their leadership on this matter.

Mr. HATCH. Mr. President, will the Senator from Delaware yield for a question?

Mr. BIDEN. Of course.

Mr. HATCH. Mr. President, it is my understanding that this legislation makes certain of its grants contingent on States providing a process for post-conviction testing available. For those States that already have enacted a statute providing such testing, that statute must ensure a meaningful process for resolving a claim of actual innocence. As I understand it, almost all of the State statutes already in existence, including those of Ohio, Utah, Delaware and Pennsylvania, would pass

muster and would qualify for the grants at issue. Is that the understanding of the Senator from Delaware?

Mr. BIDEN. Yes, I thank the Senator from Utah for his question, and wholeheartedly agree with his understanding of this provision. I believe all of the drafters of this legislation are in agreement that most of the States that already have passed statutes, except for the few that limit post-conviction DNA testing to capital crimes, would pass muster. For example, even if a State's statute differs from the Federal law by imposing a meaningful time limit for filing of applications for testing, or excluding guilty pleas from eligibility, it would qualify. Specifically, Utah, Delaware, Ohio and Pennsylvania, among others, under their statutes, or the reenactment of those statutes where they have expired, would be eligible for such grants. However, States that have not yet enacted a statute would be required to enact a statute, or follow a rule, regulation or practice, that met a higher standard—the statute, rule, regulation or practice would need to be “comparable” to the Federal law in order for the State to qualify for the grants. I see the Senator from Pennsylvania on the Floor. I would be happy to yield to the distinguished Senator to hear his thoughts on this matter.

Mr. SPECTER. I thank the Senator for yielding time. I would just say that I completely agree with the understanding of the Senators from Delaware and Utah on this.

Mr. HATCH. Would the Senator yield?

Mr. BIDEN. It would be my pleasure.

Mr. HATCH. I would just like to make clear that the understanding of the Senator from Delaware comports completely with mine.

Mr. SPECTER. Would the Senator yield for another question?

Mr. BIDEN. Of course.

Mr. SPECTER. As the Senator knows, a second requirement for States to qualify for these grants is that—whether by State statute, State or local rule, regulation or practice—they preserve biological evidence in a reasonable way. Do the Senators from Delaware and Utah agree with me that States would qualify so long as they preserve evidence in a way sufficient to permit the testing provided for in their State statutes? For example, if a State law provides a three year time limit on post-conviction DNA testing, a practice of preserving evidence throughout those three years would qualify as “reasonable” under this legislation. Thus, for example, Pennsylvania, Delaware, Ohio and Utah would qualify.

Mr. BIDEN. Yes, that has been, and remains, my understanding.

Mr. HATCH. And mine as well.

Mr. LEAHY. Mr. President, three years ago, Senator SMITH, Senator COLLINS and I joined together to introduce the Innocence Protection Act, a modest and practical package of reforms aimed at reducing the risk of error in

capital cases. The reforms we proposed were designed to create a fairer system of justice, where the problems that have sent innocent people to death row would not occur, and where victims and their families could be more certain of the accuracy, and finality, of the results.

During the last Congress, the Innocence Protection Act gained enormous momentum, with 32 Senators and 250 Representatives—well over half the House—signed on in support. Hearings were held in each House, and a version of the bill was reported out of the Senate Judiciary Committee by a bipartisan vote of 12 to 7. Now is the time to finish the job and enact this important legislation.

I am pleased, today, to introduce the Innocence Protection Act of 2003. This legislation is a piece of a larger bill called the Advancing Justice through DNA Technology Act of 2003, which provides an infusion of Federal funds to eliminate the current backlog of unanalyzed DNA samples in the Nation's crime labs and to improve the capacity of Federal, State and local crime labs to conduct DNA analyses.

The Innocence Protection Act of 2003 proposes two critical reforms. First, it provides greater access to post-conviction DNA testing in appropriate cases, where it can help expose wrongful convictions, and authorizes \$25 million in grants over 5 years to help defray the costs of such testing. Second, the bill addresses what all the statistics and evidence show is the single most frequent cause of wrongful convictions—inadequate defense representation at trial. By far the most important reform we can undertake is to help States establish minimum standards of competency and funding for capital defense.

Other provisions of the Innocence Protection Act establish standards for preserving biological evidence in criminal cases, and substantially increase the maximum amount of compensation that may be awarded in Federal cases of wrongful conviction.

Today's Innocence Protection Act is a modified version of the bill that the Senate Judiciary Committee approved last year. These modifications follow many months of negotiation and deliberation, and were made to build further on the groundswell of support for the bill, both here on Capitol Hill and across America. More than ever, the bill is a collaborative product of which we all can be proud—an exercise of bipartisanship that is in the best tradition of the United States Congress.

I want to thank and commend the Senators and Representatives who worked so hard this summer and fall to come to agreement on a bill that we can all strongly support.

First and foremost, I want to thank my partner in this endeavor, Representative BILL DELAHUNT of Massachusetts, who has worked tirelessly over many years to achieve this goal. I also want to thank our lead Republican

sponsors in both houses, Senators GORDON SMITH and SUSAN COLLINS, and Representative RAY LAHOOD of Illinois, all of whom have been steadfast in their commitment to this effort.

The Chairman of the Senate Judiciary Committee, ORRIN HATCH, deserves high praise for his leadership in our recent negotiations, as does the Chairman of the House Judiciary Committee, JIM SENSENBRENNER, and I thank them both. Senator HATCH and I have debated these issues for years. I have always appreciated his thoughtful approach and serious commitment to improving the criminal justice system. Representative SENSENBRENNER played an instrumental role in this process and I do not believe we could have come so far without his dedication. In addition, I want to extend my heartfelt thanks to Senator FEINSTEIN, who has devoted countless hours over the years to reconciling the policy differences that prevented this legislation from moving forward.

I am sorry that Senator DEWINE could not be with us earlier today to announce the introduction of the bill, and appreciate his willingness to allow us to proceed. I have long worked with Senator DEWINE on funding important forensic science tools for law enforcement, and we are currently working on a proposal with regard to how the mentally retarded are treated by the criminal justice system. His leadership on these issues is important and greatly appreciated.

Thanks, too, to the many members on both sides of the aisle, in the Senate and in the House, who have supported this legislation over the years. Working together, we can finally begin to address the many problems facing our capital punishment system.

Capital Representation Improvement Grants: I would like to take a moment now to elaborate on the capital defense representation provisions of the bill, both because they are the more important provisions and because they have been the principal subject of the recent revisions to the bill.

The new version of the Innocence Protection Act establishes a grant program for States to improve the systems by which they appoint and compensate lawyers in death cases. States that authorize capital punishment may apply for these grants or not, as they wish. However, if a State chooses to accept the money, it must open itself up to a set of requirements designed to ensure that its system truly meets basic standards. After all, the point of the bill is not to throw money at the problem of inadequate representation; the point is to fix it.

Earlier versions of the Innocence Protection Act took more of a “carrot and stick” approach to the counsel issue. The “carrot” was the same as in the current version: millions of dollars in Federal grants to help achieve adequate representation in capital cases. The “stick”—which is no longer in the bill—has evolved over the years. At one

time, we proposed that States that failed to meet basic competent counsel standards would have their death sentences given less deference and subjected to more rigorous Federal court review. In some versions of the bill, non-complying States would also have forfeited some Federal prison grant funding over time. In the version that the Judiciary Committee approved last year, if a State chose not to participate in the new Federal grant program, the Attorney General would award the money to one or more defender organizations within the State, to be used for capital defense work.

Each of these various mechanisms would have helped ensure cooperation on the part of the States, and I am disappointed that I was unable to prevail upon my colleagues to include any one of them. Still, I believe that the current formulation is a good first step and will make a difference, provided that the grant program is fully funded and that the States which are most in need of reform elect to participate.

As reported by the Senate Judiciary Committee last year, the bill aimed to ensure full funding of the counsel program by providing that, if Congress failed to appropriate sufficient funding for the program, up to 10 percent of the Byrne block grant would be used for this purpose. I regret that this provision has been dropped from the bill; it seemed to me a good way to express our commitment to ensuring that the program is funded. However, given the tremendous support for this legislation in both houses, and on both sides of the aisle, I am confident that Congress will speak with one voice in ensuring that our years of effort are not undermined by a failure to appropriate the money needed to make this legislation effective.

Getting States to participate in the program may be more difficult. Indeed, the States that are in most need of reform may be the least inclined to participate, given that they will have the most to do to bring their indigent defense systems into compliance with the terms and conditions of the grant. While I am hopeful that States will want to improve their systems, and will welcome the infusion of Federal funds for this purpose, Congress will need to monitor this program carefully to ensure that it is meeting its stated objective of improving the quality of legal representation provided to indigent defendants in State capital cases and, if it is not, to take additional remedial action.

Kirk Bloodsworth Post-Conviction DNA Testing Grant Program: We have also established a \$25 million grant program to help defray the costs of post-conviction DNA testing. This program is named in honor of Kirk Bloodsworth, the first death row inmate to be exonerated by DNA testing.

I first met Kirk in February 2000, when he came to me as a man who had been exonerated after almost nine years of wrongful imprisonment. I am

proud to say that we have become close friends and partners in the fight to reform capital punishment in America. I am also delighted that Kirk can finally feel truly free. Just a few weeks ago, the State of Maryland charged another man with the crime for which Kirk was convicted and sentenced to death, after prosecutors finally ran the DNA evidence in the case through the DNA database. The prosecutor who sent Kirk to death row, and who had previously refused to acknowledge his innocence, went to his home to apologize to him.

Kirk Bloodsworth's battle to prove his own innocence has been won. But his nightmare of wrongful conviction has been repeated again and again across the country. Since the reinstatement of capital punishment in the 1970s, more than 110 individuals who were convicted and sentenced to death have been released from death row with evidence of their innocence, according to the Death Penalty Information Center. In addition, since the introduction of forensic DNA typing into the legal system in the early 1990s, many more individuals who were sentenced to long terms of imprisonment have been exonerated by post-conviction DNA testing. The Kirk Bloodsworth Post-Conviction DNA Testing Grant Program will help assist others who have experienced wrongful conviction.

Debbie Smith DNA Backlog Grant Program: As I noted earlier, this version of the Innocence Protection Act is being introduced as part of a larger package of criminal justice reforms, titled the Advancing Justice Through DNA Technology Act of 2003, which will substantially increase Federal resources available to State and local governments to combat crimes with DNA technology. Among other things, this legislation creates the Debbie Smith DNA Backlog Grant Program, which authorizes \$755 million over the next five years to reduce the current backlog of unanalyzed DNA samples in the Nation's crime labs.

I have worked with the proponents of this program to revise the allocation formula, so that each State is guaranteed a minimum allocation of .50 percent of the total amount appropriated in a fiscal year. This will make the program fair for all States, including smaller States like Vermont.

As DNA testing has moved to the front lines of the war on crime, forensic laboratories nationwide have experienced a significant increase in their caseloads, both in number and complexity. Funding has simply not kept pace with this increasing demand, and forensic labs nationwide are now seriously bottlenecked.

Backlogs have seriously impeded the use of DNA testing in solving cases without suspects—and reexamining cases in which there are strong claims of innocence—as labs are required to give priority status to those cases in which a suspect is known. Solely for lack of funding, critical evidence re-

mains untested while rapists and killers remain at large. The Debbie Smith DNA Backlog Grant Program will give States the help they desperately need to carry out DNA analyses of backlogged evidence, and I strongly support its passage and full funding.

Expansion of the Paul Coverdell Forensic Sciences Improvement Grant Program: The bill also expands and extends for another three years an existing grant program, named after our late colleague, Senator Paul Coverdell. Congress passed the Paul Coverdell National Forensic Sciences Improvement Act three years ago, with the goal of improving the quality and timeliness of State and local forensic science services. I was proud to cosponsor that legislation, and have worked since its passage to secure full funding for the grant program it establishes. Unfortunately, despite my efforts and those of other Members, and notwithstanding the urgent pleas of lab directors nationwide, the President has never requested funding for Paul Coverdell grants, and Congress has never appropriated sufficient funds to make the program effective. The legislation we introduce today renews our commitment to this important initiative.

Our bill also expands the purposes for which Paul Coverdell grants may be used, to include the elimination of a non-DNA forensic evidence backlog. The need for this measure was highlighted earlier this year at a subcommittee hearing on funding forensic sciences. Witness after witness testified that DNA evidence is not the only evidence that is going untested for lack of resources. Crime labs are also facing substantial backlogs with respect to other types of forensic science evidence, including firearms, latent prints, controlled substances, toxicology, trace evidence, questionable documents, and forensic pathology. We need to ensure that our labs are equipped to address the full range of issues that they are called upon to handle.

We have had a constructive debate. We have shown that the death penalty system is broken, and we have built a bipartisan coalition supporting reforms. It is now time to act. Our bill reflects a principled consensus on the most basic and essential reforms; it raises no serious constitutional or law enforcement concerns; it will improve criminal justice in America considerably; and it may well save innocent lives. I am therefore proud to sponsor it, and I urge its speedy passage into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 237—WELCOMING THE PUBLIC APOLOGIES ISSUED BY THE PRESIDENT OF SERBIA AND MONTENEGRO AND THE PRESIDENT OF THE REPUBLIC OF CROATIA AND URGING OTHER LEADERS IN THE REGION TO PERFORM SIMILAR CONCRETE ACTS OF RECONCILIATION

Mr. LIEBERMAN (for himself, Mr. MCCAIN, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 237

Whereas the President of Serbia and Montenegro and the President of the Republic of Croatia each issued on September 10, 2003, a public statement of apology for the crimes committed by citizens of each country against citizens of the other country; and

Whereas the countries of Southeast Europe are struggling to move beyond the problems of the past and toward a brighter future that includes membership in both the European Union and NATO: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the public apologies issued on September 10, 2003, by the President of Serbia and Montenegro and the President of the Republic of Croatia;

(2) commends the initiative and personal courage demonstrated by their actions;

(3) recognizes the value of such apologies in the important process of reconciliation in Southeast Europe;

(4) notes public support within the region for these efforts;

(5) calls upon the governments in the region to continue their efforts to encourage and advance reconciliation; and

(6) reiterates the importance of resolving post-conflict issues, including—

(A) by ensuring that refugees and internally displaced persons have the right to return home; and

(B) by bringing persons indicted for war crimes to justice, including through cooperation with the International Criminal Tribunal on the Former Yugoslavia.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1794. Mr. BYRD proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

SA 1795. Mr. MCCONNELL (for himself and Mr. ALEXANDER) proposed an amendment to the bill S. 1689, *supra*.

SA 1796. Mr. BIDEN (for himself, Mr. KERRY, Mr. CHAFEE, Mr. CORZINE, Mrs. FEINSTEIN, and Mr. LAUTENBERG) proposed an amendment to the bill S. 1689, *supra*.

SA 1797. Mr. VOINOVICH (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 1689, *supra*; which was ordered to lie on the table.

SA 1798. Mrs. HUTCHISON (for herself, Mr. GRAHAM, of South Carolina, Ms. COLLINS, Mr. CRAIG, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 1689, *supra*; which was ordered to lie on the table.

SA 1799. Mr. COLEMAN (for himself, Mr. DAYTON, Mr. STEVENS, Mr. DORGAN, Mr. KENNEDY, Mr. JOHNSON, Mr. CORZINE, Ms. COL-

LINS, Mr. GRAHAM, of South Carolina, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 1689, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1794. Mr. BYRD proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 25, line 7, strike “rehabilitation and reconstruction in Iraq” and all that follows through page 28, line 15 and insert “in Iraq, \$5,136,000,000, to remain available until expended, for security, including public safety requirements, national security and justice: Provided, That these funds may be transferred to any Federal account for any Federal government activity to accomplish the purposes provided herein: Provided further, That notwithstanding any provision of this chapter, none of the funds appropriated under this heading may be made available to enter into any contract or follow-on contract that uses other than full and open competitive contracting procedures as defined in 41 U.S.C. 403(6).”

SA 1795. Mr. MCCONNELL (for himself and Mr. ALEXANDER) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. COMMENDING THE ARMED FORCES FOR EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

Recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations.

Whereas the September 11, 2001, terrorist attacks on the United States, which killed thousands of people from the United States and other countries in New York, Virginia, and Pennsylvania, inaugurated the Global War on Terrorism;

Whereas the intelligence community quickly identified Al Qaeda as a terrorist organization with global reach and the President determined that United States national security required the elimination of the Al Qaeda terrorist organization;

Whereas the Taliban regime of Afghanistan had long harbored Al Qaeda, providing members of that organization a safe haven from which to attack the United States and its friends and allies, and the refusal of that regime to discontinue its support for international terrorism and surrender Al Qaeda's leaders to the United States made it a threat to international peace and security;

Whereas Saddam Hussein and his regime's longstanding sponsorship of international terrorism, active pursuit of weapons of mass destruction, use of such weapons against Iraq's own citizens and neighboring countries, aggression against Iraq's neighbors,

and brutal repression of Iraq's population made Saddam Hussein and his regime a threat to international peace and security;

Whereas the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully;

Whereas on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure, and the capture of significant and numerous members of Al Qaeda;

Whereas on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

Whereas in those campaigns in the Global War on Terrorism, as of September 27, 2003, nearly 165,000 members of the United States Armed Forces, comprised of active, reserve, and National Guard members and units, had mobilized for Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and the military and irregular forces of the friends and allies of the United States;

Whereas the support, love, and commitment from the families of United States service personnel participating in those two operations as well as that of the communities and patriotic organizations which provided support through the United Services Organization (USO), Operation Dear Abby, and Operation UpLink, helped to sustain those service personnel and enabled them to eliminate significant threats to United States national security while liberating oppressed peoples from dictatorial regimes;

Whereas the civilian employees of the Department of Defense, through their hard work and dedication, enabled United States military forces to quickly and effectively achieve the United States military missions in Afghanistan and Iraq;

Whereas the commitment of companies making their employees available for military service, the creativity and initiative of contractors equipping the Nation's Armed Forces with the best and most modern equipment, and the ingenuity of service companies assisting with the global overseas deployment of the Armed Forces demonstrates that the entrepreneurial spirit of the United States is an extraordinarily valuable defense asset; and

Whereas the Nation should pause to recognize with appropriate tributes and days of remembrance the sacrifice of those members of the Armed Forces who died or were wounded in Operation Enduring Freedom and Operation Iraqi Freedom, as well as all who served in or supported either of those operations: Now, therefore, be it

Therefore, the Senate

(1) conveys its deepest sympathy and condolences to the families and friends of the members of United States and coalition forces who have been injured, wounded, or killed during Operation Enduring Freedom and Operation Iraqi Freedom;

(2) commends President George W. Bush, Secretary of Defense Donald H. Rumsfeld, and United States Central Command Commander General Tommy Franks, Unites

States Army, for their planning and execution of enormously successful military campaigns in Operation Enduring Freedom and Operation Iraqi Freedom;

(3) expresses its highest commendation and most sincere appreciation to the members of the United States Armed Forces who participated in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) commends the Department of Defense civilian employees and the defense contractor personnel whose skills made possible the equipping of the greatest Armed Force in the annals of modern military endeavor;

(5) supports the efforts of communities across the Nation—

(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those service members killed or wounded during those operations;

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members in Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommits the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists, and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

SA 1796. Mr. BIDEN (for himself, Mr. KERRY, Mr. CHAFEE, Mr. CORZINE, Mrs. FEINSTEIN, and Mr. LAUTENBERG) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, add the following:

SEC. _____. (a) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE FOR INDIVIDUAL TAXPAYERS.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by adding at the end the following new subsection:

“(j) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE.—

“(1) IN GENERAL.—In the case of any taxable year beginning in 2005, 2006, 2007, 2008, 2009, and 2010, the 35 percent rate of tax under subsections (a), (b), (c), and (d) shall be adjusted to the percentage determined by the Secretary to result in an increase in revenues into the Treasury for all taxable years beginning in 2005, 2006, 2007, 2008, 2009, and 2010 equal to \$87,000,000,000.

“(2) ADJUSTMENT OF TABLES.—The Secretary shall adjust the tables prescribed under subsection (f) to carry out this subsection.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning in 2005.

SA 1797. Mr. VOINOVICH (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him

to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on the efforts of the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq and the feasibility of repayment of funds contributed for infrastructure projects in Iraq. The report shall include—

(1) a description of efforts by the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq;

(2) an accounting of the funds contributed to assist in the reconstruction of Iraq, disaggregated by donor;

(3) an assessment of the effect that—

(A) the bilateral debts incurred during the regime of Saddam Hussein have on Iraq's ability to finance essential programs to rebuild infrastructure and restore critical public services, including health care and education, in Iraq; and

(B) forgiveness of such debts would have on the reconstruction and long-term prosperity in Iraq;

(4) a description of any commitment by a foreign country or international organization to forgive any part of a debt owed by Iraq if such debt was incurred during the regime of Saddam Hussein; and

(5) an assessment of the feasibility of repayment by Iraq of any of the funds contributed by the United States to finance infrastructure projects in Iraq.

SA 1798. Mrs. HUTCHISON (for herself, Mr. GRAHAM of South Carolina, Ms. COLLINS, Mr. CRAIG, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 20 and 21, insert the following new title:

TITLE III—IRAQ RECONSTRUCTION TRUST FUND

SEC. 3001. SHORT TITLE.

This title may be cited as the “Iraq Reconstruction Trust Fund Act”.

SEC. 3002. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) BOARD OF TRUSTEES.—The term “Board of Trustees” means the Board of Trustees of the Trust Fund referred to in section 3004(b)(1).

(3) COALITION PROVISIONAL AUTHORITY.—The term “Coalition Provisional Authority” means the entity charged by the President with directing reconstruction efforts in Iraq.

(4) COMPTROLLER.—The term “Comptroller” means the Comptroller General of the United States.

(5) GOVERNING COUNCIL IN IRAQ.—The term “Governing Council in Iraq” means the Governing Council established in Iraq on July 13, 2003, or any successor governing authority in Iraq.

(6) PURPOSES OF THE TRUST FUND.—The term “purposes of the Trust Fund” means the purposes set out in section 3004(a).

(7) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(8) TRUST FUND.—The term “Trust Fund” means the Iraq Reconstruction Trust Fund referred to in section 3003.

(9) WORLD BANK.—The term “World Bank” means the International Bank for Reconstruction and Development.

SEC. 3003. LIMITATION OF USE OF FUNDS.

Of the funds appropriated in title II under the subheading “IRAQ RELIEF AND RECONSTRUCTION FUND” under the heading “OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT” other than amounts appropriated under such subheading for security and for refugees, human rights, democracy, and civil society, \$10,000,000,000 may not be obligated or expended before the Secretary negotiates with the World Bank, in consultation with the Coalition Provisional Authority, the member nations of the World Bank, and other interested parties, for the establishment within the World Bank of—

(1) the Iraq Reconstruction Trust Fund in accordance with the provisions of this title; and

(2) the Advisory Board to the Trust Fund in accordance with section 3007.

SEC. 3004. DESCRIPTION OF THE TRUST FUND.

(a) PURPOSES.—The purposes of the Trust Fund shall be to use contributed funds to—

(1) assist in restoration of infrastructure and essential services in Iraq;

(2) assist in the creation of civil society in Iraq; and

(3) ensure a secure environment for the people of Iraq.

(b) BOARD OF TRUSTEES.—

(1) IN GENERAL.—

(A) COMPOSITION.—The Trust Fund shall be governed by a Board of Trustees, which shall be composed of—

(i) 1 representative from the United States; and

(ii) 1 representative of each of the 5 countries, other than the United States, that provide the highest amount of money to the Trust Fund.

(B) QUALIFICATIONS.—Individuals appointed to such Board shall have demonstrated knowledge and experience that will assist in the carrying out of the purposes of the Trust Fund.

(2) UNITED STATES REPRESENTATION.—

(A) IN GENERAL.—Upon the effective date of this paragraph, there shall be a United States member of the Board of Trustees, who shall be appointed by the President, and who shall have the knowledge and experience described in paragraph (1).

(B) EFFECTIVE DATE.—This paragraph shall take effect on the date the Secretary certifies to Congress that an agreement establishing the Trust Fund and providing for a United States member of the Board of Trustees is in effect.

(C) TERMINATION DATE.—The position established by subparagraph (A) is abolished upon the date of termination of the Trust Fund.

(3) CONSULTATION.—The Board of Trustees shall consult with the Coalition Provisional Authority in carrying out the purposes set out in subsection (a).

(c) APPOINTMENT OF AN ADMINISTRATOR.—The Board of Trustees, in consultation with

the appropriate officials of the World Bank, shall appoint an Administrator who is responsible for managing the day-to-day operations of the Trust Fund.

(d) **TERMINATION OF THE TRUST FUND.**—

(1) **IN GENERAL.**—As part of the negotiations required by section 3003, the Secretary shall negotiate with the World Bank to establish conditions under which the Trust Fund will be terminated.

(2) **REPAYMENT OF CONTRIBUTIONS.**—Upon the termination of the Trust Fund, any amounts contributed to the Fund that have not been expended shall be returned to the countries that contributed funds to the Trust Fund, on a pro rata basis.

SEC. 3005. USE OF FUNDS.

(a) **LOANS AND LOAN GUARANTEES.**—In carrying out the purposes set out in section 3004(a), the Board of Trustees shall use the Trust Fund to provide loans and loan guarantees to eligible entities under terms that will facilitate economic development in Iraq.

(b) **ELIGIBLE ENTITY.**—The Board of Trustees shall determine if an entity is eligible to receive a loan or a loan guarantee from the Trust Fund.

(c) **ACTIVITIES SUPPORTED.**—The funds in the Trust Fund shall be used to provide loans and loan guarantees that carry out the purposes of the Trust Fund, including projects to—

- (1) create or repair infrastructure to—
 - (A) produce and distribute electricity;
 - (B) extract, refine, and distribute oil;
 - (C) provide drinking water;
 - (D) treat and dispose of wastewater;
 - (E) provide transportation; and
 - (F) facilitate communications;
- (2) promote public health;
- (3) provide housing;
- (4) ensure public safety; and
- (5) develop a private sector economy.

SEC. 3006. CONTRIBUTIONS AND ACCOUNTABILITY.

(a) **AUTHORITY TO SOLICIT AND ACCEPT CONTRIBUTIONS.**—The Trust Fund shall be authorized to solicit and accept contributions from governments, the private sector, and nongovernmental entities of all kinds.

(b) **ACCOUNTABILITY OF FUNDS AND CRITERIA FOR PROGRAMS.**—The Secretary shall, consistent with subsection (c)—

(1) take such actions as are necessary to ensure that adequate procedures and standards are in place to account for and monitor the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund; and

(2) seek agreement with the World Bank on the criteria to be used to determine the programs and activities to be assisted by the Trust Fund.

(c) **SELECTION OF PROJECTS AND RECIPIENTS.**—The Board of Trustees shall establish—

(1) criteria for the selection of projects to receive support from the Trust Fund;

(2) standards and criteria regarding qualifications of recipients of such support;

(3) such rules and procedures as may be necessary for cost-effective management of the Trust Fund; and

(4) such rules and procedures as may be necessary to ensure transparency and accountability in the process of making loans and loan guarantees.

(d) **TRANSPARENCY OF OPERATIONS.**—The Board of Trustees shall ensure full and prompt public disclosure of the proposed objectives, financial organization, and operations of the Trust Fund.

(e) **ACCESS TO RECORDS.**—The Comptroller or any duly authorized representatives of the Comptroller shall have access to any books, documents, papers, and records of the Trust Fund for the purpose of preparing the reports required in section 3008(b).

SEC. 3007. ADVISORY BOARD.

(a) **IN GENERAL.**—The Board of Trustees, in consultation with the appropriate officials of the World Bank, shall appoint an Advisory Board to the Trust Fund.

(b) **APPOINTMENTS.**—The members of the Advisory Board should be drawn from—

(1) a broad range of individuals with experience and leadership in the fields of civil engineering, provision of utilities, oil production, public works, transportation, and communications;

(2) representatives of relevant United Nations agencies and nongovernmental organizations with on-the-ground experience in Iraq or other countries in the Middle East; and

(3) representatives of the Coalition Provisional Authority.

(c) **RESPONSIBILITIES.**—The Advisory Board shall provide advice and guidance to the Board of Trustees on the development and implementation of programs and projects to be assisted by the Trust Fund and on leveraging donations to the Trust Fund.

(d) **PROHIBITION ON PAYMENT OF COMPENSATION.**—

(1) **IN GENERAL.**—Except for travel expenses (including per diem in lieu of subsistence), no member of the Advisory Board shall receive compensation for services performed as a member of the Advisory Board.

(2) **UNITED STATES REPRESENTATIVE.**—Notwithstanding any other provision of law (including an international agreement), a representative of the United States on the Advisory Board may not accept compensation for services performed as a member of the Advisory Board, except that such representative may accept travel expenses, including per diem in lieu of subsistence, while away from the representative's home or regular place of business in the performance of services for the Advisory Board.

SEC. 3008. REPORTS TO CONGRESS.

(a) **ANNUAL REPORTS BY SECRETARY.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the Trust Fund, the Secretary shall submit to the appropriate congressional committees a report on the Trust Fund.

(2) **REPORT ELEMENTS.**—Each report required by paragraph (1) shall include a description of—

(A) the goals of the Trust Fund;

(B) the programs, projects, and activities supported by the Trust Fund;

(C) private and governmental contributions to the Trust Fund; and

(D) the criteria that have been established that would be used to determine the programs and activities to be assisted by the Trust Fund.

(b) **GAO REPORT ON TRUST FUND EFFECTIVENESS.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the Trust Fund, the Comptroller shall submit to the appropriate congressional committees a report evaluating the effectiveness of the Trust Fund, including—

(1) the effectiveness of the programs, projects, and activities described in subsection (a)(2)(B) in the reconstruction in Iraq; and

(2) an assessment of the merits of continued United States financial contributions to the Trust Fund.

SEC. 3009. AVAILABILITY OF FUNDS.

(a) **IN GENERAL.**—In addition to any other funds available for multilateral or bilateral programs related to the purposes of the Trust Fund, of the amounts appropriated in title II under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC AS-

SISTANCE FUNDS APPROPRIATED TO THE PRESIDENT", other than amounts appropriated under such subheading for security and for refugees, human rights, democracy, and civil society, \$10,000,000,000 shall be made available for the fiscal year 2004 for contribution to the Trust Fund.

(b) **MATCHING CONTRIBUTIONS.**—Subject to the maximum amount available for contribution to the Trust Fund under this Act, the United States shall contribute to the Trust Fund out of the additional amount made available under subsection (a), the amount that equals the total amount contributed by foreign countries to the Trust Fund during the 180-day period that begins on the date of the enactment of this Act.

(c) **TRANSFER OF FUNDS.**—On the date that is 180 days after the date of the enactment of this Act, any amount made available for the Trust Fund under subsection (a) that exceeds the amount required to be contributed to the Trust Fund under subsection (b) shall cease to be available for transfer to the Trust Fund and shall be transferred to an account to be available to the Coalition Provisional Authority for use as loans to, or to guarantee loans made by, the Governing Council in Iraq.

SEC. 3010. CERTIFICATION REQUIREMENT.

Not later than 15 days prior to the initial obligation or expenditure of funds appropriated pursuant to section 3009, the Secretary shall certify to the appropriate congressional committees that—

(1) the Trust Fund has been created in accordance with the provisions of this title; and

(2) adequate procedures and standards have been established to ensure accountability for and monitoring of the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund.

SA 1799. Mr. COLEMAN (for himself, Mr. DAYTON, Mr. STEVENS, Mr. DORGAN, Mr. KENNEDY, Mr. JOHNSON, Mr. COLLINS, Mr. GRAHAM of South Carolina, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for others purposes; which was ordered to lie on the table; as follows:

On page , between lines and , insert the following:

SEC. . Of the funds in the Iraq Freedom Fund, such funds as necessary shall be available for the reimbursement of the cost of one round trip air fare incurred in fiscal year 2003 or 2004 by members of the United States Armed Forces only in connection with the Department of Defense Rest and Recuperation Leave Program for travel within the United States while on leave from deployment overseas in support of Operation Iraqi Freedom.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 2, 2003, at 2 p.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1438, a bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe

to the production of hydro power by the Grand Coulee Dam, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 1, 2003, at 9:30 a.m. on Climate Change.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, October 1 at 9:30 to conduct a business meeting to consider legislation S. 1643, S. 1066, S. 1663, and S. 1669, and the nomination of Michael O. Leavitt, to be Administrator of the U.S. Environmental Protection Agency.

The meeting will take place in SD 406 (hearing room).

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

COMMITTEE ON FINANCE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Wednesday, October 1, 2003, at 10 a.m., to consider a substitute to S. 1637, the "Jumpstart Our Business Strength (JOBS) Act of 2003."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 1, 2003 at 2:30 p.m. to hold a hearing on Nominations.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, October 1, 2003, at 9:30 a.m. for a hearing title "Deteriorating Buildings and Wasted Opportunities: The Need for Federal Property Reform."

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

COMMITTEE ON THE JUDICIARY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, October 1, 2003, at 10 a.m. in the Dirksen Senate Office Building room 226 on "The Nomination of Dora

L. Irizarry to be United States District Judge for the Eastern District of New York."

Witness List

Panel I: The Honorable Charles E. Schumer, United States Senator, D-NY.

Panel II: Dora L. Irizarry to be United States District Judge, for the Eastern District of New York.

Panel III: Thomas Z. Hayward, Jr., Chair, Standing Committee on the Federal Judiciary, American Bar Association, Pat Hines, Former Chair, Standing Committee on the Federal Judiciary, American Bar Association.

Panel IV: James F. Castro-Blanco, Esq., Immediate Past President, Puerto Rican Bar Association, Shearman & Sterling, New York City, New York, The Honorable Lewis L. Douglass, Justice, New York State Supreme Court, Chair, Franklin H. Williams, Commission on Minorities, The Honorable Michael L. Pesce, Presiding Justice, Appellate Term, New York State Supreme Court.

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

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Kathryn Kolbe, a legislative fellow in my office, be granted the privilege of the floor during the consideration of the Defense supplemental bill.

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

Mr. COCHRAN. I ask unanimous consent that Bob Henke, Menda Fife, B.G. Wright, and Bill Simpson of the Appropriations Committee staff have full floor access during the consideration of S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that Kathleen Pierce, a legislative fellow assigned to Senator INOUE's office, be afforded floor privileges during the consideration of S. 1689, the emergency supplemental bill.

ROBERTO CLEMENTE WALKER POST OFFICE BUILDING

Mr. SPECTER. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 2826 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the title of the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 2826) to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina,

Puerto Rico, as the Roberto Clemente Walker Post Office Building.

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

Mr. SPECTER. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 2826) was read the third time and passed.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to provisions of S. Res. 98, agreed to July 25, 1997, the appointment of the Senator from Idaho, Mr. CRAIG, to the Global Climate Change Observer Group.

ORDERS FOR THURSDAY, OCTOBER 2, 2003

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow. I ask further that following the prayer and the pledge, the morning hour be deemed expired and the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period for morning business for up to 60 minutes, with the first 30 minutes under the control of Senator HUTCHISON or her designee and the second 30 minutes under the control of the minority leader or his designee; provided that upon the conclusion of morning business, the Senate resume consideration of S. 1689, the Iraq/Afghanistan supplemental appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. For the information of all Senators, tomorrow following morning business the Senate will resume consideration of S. 1689. Under a previous agreement, there will then be 40 minutes for debate as previously stated. The majority leader has asked me to announce that rollcall votes can be expected throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SPECTER. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Thursday, October 2, 2003, at 9:30 a.m.

NOMINATIONS

EXECUTIVE NOMINATIONS RECEIVED BY THE SENATE OCTOBER 1, 2003:

DEPARTMENT OF DEFENSE

JOHN PAUL WOODLEY, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE MICHAEL PARKER, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL MARITIME COMMISSION

A. PAUL ANDERSON, OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2007, VICE DELMOND J. H. WON, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES INTERNATIONAL TRADE COMMISSION

CHARLOTTE A. LANE, OF WEST VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2009, VICE DENNIS M. DEVANEY, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DANIEL PEARSON, OF MINNESOTA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2011, VICE LYNN M. BRAGG, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INTER-AMERICAN FOUNDATION

JOSE A. FOURQUET, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2004, VICE MARK L. SCHNEIDER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SITATION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ADOLFO A. FRANCO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2008, VICE JEFFREY DAVIDOW, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE HARRIETT C. BABBITT, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

AFRICAN DEVELOPMENT FOUNDATION

EPHRAIM BATAMBUZE, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING FEBRUARY 9, 2008, VICE HENRY MCKOY, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF STATE

MARY KRAMER, OF IOWA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS, SAINT LUCIA, ANTIGUA AND BARBUDA, THE COMMONWEALTH OF DOMINICA, GRENADA, AND SAINT VINCENT AND THE GRENADINES.

UNITED STATES INSTITUTE OF PEACE

DANIEL PIPES, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005, VICE ZALMAY KHALIZAD, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

DAVID WESLEY FLEMING, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2007, VICE ALAN G. LOWY, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAY PHILLIP GREENE, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 2005, VICE LOUISE L. STEVENSON, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JOHN RICHARD PETROCIC, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2008, VICE ELIZABETH GRIF-FITH, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

PATRICK LLOYD MCCRORY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005, VICE RICHARD C. HACKETT, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2003, VICE STEVEN L. ZINTER, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2009. (REAPPOINTMENT)