

hidden oil allotments from Saddam, U.N. Assistant Secretary Sevan's name was on a list which included 11 French, 46 Russians, and many other names. These recipients of Saddam's largess were vocal opponents of freeing Iraq from Saddam's chokehold and also were bitter critics of the effects of the embargo on Saddam's regime.

It is ironic that so many of the businessmen and officials who helped skim off the money designed to buy food and medicine for the Iraqi people came from countries that complained the loudest about the U.S.-led effort to oust Saddam from power.

It is imperative that we monitor the U.N. investigation of the Oil-for-Food scandal to make sure it is thorough and transparent. Wrongdoers must be prosecuted, not simply bundled off to retirement. To do any less would greatly compromise the ability of the United Nations to operate future programs with the confidence of the world community. Paul Volcker, who was named by Secretary Kofi Annan to head the investigation into the Oil-for-Food scandal, must receive sufficient personnel, resources, and access to the relevant documents and U.N. officials to carry out his responsibility.

A failed investigation will be a bitter indictment of the United Nations and it would put it on a path that would lead to total—total—obsolescence and irrelevance. The United Nations can be a unifying force in the world, and its resolution on the future of Iraq passed last week is a positive example of this. However, it must also restore its credibility with the people of Iraq who were robbed of over \$10 billion in food and medicine while the Oil for Food Program was being administered by the U.N.

It is a critical time for both the future of Iraq and the future of the U.N. In Iraq, it is time to pull together to make it a successful, stable, and democratic country. At the U.N., it is time to show the world that it can be a transparent, accountable, and efficient organization worthy of its noble character.

We have the unique opportunity to help democracy take root in the Middle East, and we are fortunate that President Bush, Prime Minister Blair, and others have the vision and the courage to recognize this and to do something about it.

Likewise, the United Nations has an opportunity to restore our confidence in its ability to play a meaningful role on the world stage. I hope Secretary General Kofi Annan has the necessary courage to carry his investigation of the Oil for Food scandal to its necessary conclusion, regardless of how difficult it might be.

Let future generations see that neither the United States, nor the United Nations, shirked from the challenges that face us today.

Mr. President, the Oil for Food scandal cannot be taken lightly. We must take this issue seriously to restore

credibility to the United Nations, which is headed down a path of total obsolescence if we do not act appropriately and if we do not get to the bottom of this particular and potentially devastating issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask the Presiding Officer to advise the Senate with regard to the standing order.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Pending:

Reid (for Leahy) amendment No. 3292, to amend title 18, United States Code, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts.

Dodd further modified amendment No. 3313, to prohibit the use of contractors for certain Department of Defense activities and to establish limitations on the transfer of custody of prisoners of the Department of Defense.

Reed amendment No. 3352, to increase the end strength for active-duty personnel of the Army for fiscal year 2005 by 20,000 to 502,400.

Warner amendment No. 3450 (to amendment No. 3352), to provide for funding the increased number of Army active-duty personnel out of fiscal year 2005 supplemental funding.

Durbin amendment No. 3386, to affirm that the United States may not engage in torture or cruel, inhuman, or degrading treatment or punishment.

#### AMENDMENT NO. 3313

The PRESIDING OFFICER. The pending question is the Dodd amendment No. 3313, as further modified, on which there shall be up to 30 minutes of debate evenly divided.

Mr. WARNER. I further inquire of the Chair, at the conclusion of the vote on the Dodd amendment, the Senator from Virginia is to be recognized for the purpose of laying down an amendment; am I not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, may I be notified when 10 minutes have expired so as to leave a few minutes at the end of the debate?

The PRESIDING OFFICER. The Chair will do that.

Mr. DODD. I ask unanimous consent that my distinguished friend and colleague from South Carolina, Senator LINDSEY O. GRAHAM, be added as a co-sponsor of the amendment.

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

Mr. DODD. I am pleased to offer this amendment on behalf of myself, Senator GRAHAM, and Senator LEVIN this morning. We had a very good debate a few days ago about this amendment. At the suggestion of my friend, the chairman of the Armed Services Committee, we modified the amendment that is now before this body. The modification, very quickly, deletes the prohibition on using private contractors in combat situations. I will not belabor the point. There are existing statutes that provide for such restrictions, but the suggestion of the chairman was that that provision was going to be a rather complicated matter to deal with here, so we have taken it out—it is no longer part of the amendment. Instead, the amendment as modified would merely ask the Secretary of Defense to review and report to Congress on U.S. laws and policies as they relate to the use of contractors by the Defense Department and the Uniformed Services in combat operations.

What is still part of this amendment is the prohibition on using private contractors for the purposes of interrogation of prisoners. It would, however, give the President some flexibility in phasing in this prohibition by providing limited waiver authority for the use of such contractors in interrogations—both as translators and as actual interrogators. The presidential waiver for translators would be extended for 1 year, and for contractors acting solely as interrogators, the waiver would be effective for 90 days from the date of enactment of this legislation.

Why do I offer this amendment? I didn't bring charts or photographs to the floor of the events that occurred in Abu Ghraib prison late last fall or early this winter. Those photographs are very disturbing and can create their own sense of emotion. I am not interested in doing that today. But suffice it to say, there is ample evidence. So today we know at least that interrogations were conducted by private contractors hired by the Department of the Interior, of all agencies, to do interrogations, intelligence work in Iraq and maybe elsewhere, on Guantanamo or Afghanistan as well. The military believes, I believe, and I think most of us believe that this job of interrogation ought not be done by private contractors. This ought to be inherently a governmental function, and one that is not shopped out or outsourced, if you will, to others, where there is no accountability, no chain of command, no responsibility, and virtual immunity if they do anything wrong under the Uniform Code of Military Justice.