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Senate

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

PRAYER

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

Let us pray.

We sing praises to You, sustainer of the universe, for the Earth belongs to You. You have set Your glory above the heavens, and Your throne shall endure forever.

Lord, thank You for Your faithfulness and for Your loving providence. You have dealt bountifully with us, and we rejoice because of Your manifold blessings.

Preserve this land we love, as we lean upon Your everlasting arms. Heal our land of the disease of division and deliver us from wickedness. Instruct our Senators today as they grapple with complex issues. May they strive to glorify You with each decision. May the spirit of civility prevail as they guard their speech.

Sustain us with Your right hand until the darkness lifts and the shadows flee.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today there will be 60 minutes for morning

business prior to resuming consideration of S. 1689, the Iraq-Afghanistan supplemental request. There are a number of amendments that are pending, and we hope to dispose of those over the course of the day and as many as possible this morning.

The ranking member and the manager, Chairman STEVENS, are here and will be reviewing the amendments. It is our expectation that rollcall votes will be held as necessary on these amendments and those other amendments that will be offered over the course of the day.

Last night we made progress and we were able to lock in an amendment list, although that list is much longer than any of us would like to see. I am told many of the amendments on that list will not be offered.

Having said that, we will press on and we will remain as late as necessary with the understanding that we will complete the bill by the end of business this week. I have repeatedly said that goal must be met. It is an urgent supplemental request and the sooner the better in terms of passage of this important piece of legislation.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, we started on our side last night with 90 amendments. We are down to 31 now. I am not sure all of those will be offered, but I think the end is in sight. If we work hard today and put in a fairly decent day tomorrow, we will be able to finish this bill. I know the Presiding Officer, the President pro tempore of the Senate, has worked hard and was able, with his wisdom, to get rid of a number of reporting amendments that took a lot of pressure off of everybody. Those will be taken to conference and the decision will be made as to what will be done rather than having 70 different re-

porting amendments on relatively the same subject. I think we have the opportunity to finish this most important bill in the next day or two.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. FRIST. Mr. President, I want to make just a few comments on the progress that has been made—and it has been real progress over the last 2½ weeks—on the emergency request for Iraq and Afghanistan.

While we will have much more debate over the course of the day and likely tomorrow morning, and discussion on the amendments, I predict this bill will pass with very strong bipartisan support either late tonight or tomorrow. There has been a general understanding in this body that, indeed, we are at war against terrorists in Afghanistan and Iraq and the assistance we are debating—the urgent supplemental request—is absolutely vital and integral to victory and to the safe return of our soldiers.

Replacing the defeated regime of Saddam Hussein with a democratic Iraq is an essential turning point in bringing freedom to a part of the world that has been governed by extremism and by terrorism now for decades.

As General John Abizaid said before the Armed Services Committee, our service men and women are very clear when asked about their commitment to victory in Iraq. He said: "We can fight them there or we can fight them here."

What we are doing now very directly affects the security of the American people.

Iraq is a country, as we all know, that is deeply in debt because of Saddam Hussein's many excesses in over more than 20 years. In order to help Iraq, we must absolutely bring a basic level of stability to that country. Although we will discuss it over the course of the day, I believe strongly that loans will not do it. Loans do not

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



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accomplish that. Piling more debt on top of a crushing burden that is already in place will simply compound Iraq's problems, and I believe undermine that goal of stability there.

Our allies clearly must be generous with their assistance as well, and they must be prepared to write off debts from bad loans to Saddam Hussein in the past. We are working very hard as a country on this, and I am confident that by our example we will encourage that kind of international cooperation.

We have a strategy for success in Iraq. In recent months, we have made steady progress toward our objectives. We just began over the last several days and weeks to hear about those successes. Essential services are being restored, security is improving, and political transformation is underway. Importantly, as we will see in the United Nations in the next several hours, we are reaching out to expand international participation in the rebuilding of Iraq.

America must continue to build on this progress. We simply cannot afford to fail, and indeed we will not fail. If freedom and progress falter in Iraq, terrorists will be emboldened around the world, in the Middle East and elsewhere, threatening innocent lives around the world and America. With success, a free Iraq will send a clear message to the people of the Middle East and beyond that freedom and democracy—not violence, not terrorism—are the best paths for the future.

I yield the floor.

RESERVATION OF LEADER TIME

THE PRESIDENT *pro tempore*. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT *pro tempore*. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes of the time under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee and the second 30 minutes of time under the control of the Democratic leader or his designee.

The Senator from Texas is recognized.

IRAQ

Mr. CORNYN. Mr. President, I will say a few words about the supplemental appropriation which the leader just addressed a moment ago and we are addressing all week and also about the ongoing search for weapons of mass destruction.

I was in a Senate Armed Services Committee briefing when Dr. David Kay, one of the leaders of the Iraqi Survey Group, briefed me, and later briefed Congress as a whole, on the ongoing search for weapons of mass de-

struction. In that briefing and in the published statement he made that is now on the CIA Web site, he says:

In searching for retained stocks of chemical munitions, the ISG [Iraqi survey group] has had to contend with an almost unbelievable scale of Iraq's conventional weapons armory, which dwarfs by orders of magnitude the physical size of any conceivable stock of chemical weapons. For example, there are approximately 130 known Iraqi Ammunition Storage Points, many of which exceed 50 square miles—

I had to doublecheck that quote to make sure it was accurate because it boggles the mind.

Continuing—

50 square miles in size and hold an estimated 600,000 tons of artillery shells, rockets, aviation bombs and other ordnance. Of these 130 ASP's, approximately 120 remain unexamined. As Iraqi practice was not to mark much of their chemical ordnance and to store it the same as they would conventional weapons, the size of the required search effort is enormous.

Dr. Kay has a gift for understatement. Having only in this time since the fall of Saddam Hussein been able to examine 10 out of a possible 130 ammunition sites gives an idea of the tremendous task ahead. Perhaps the critics should give some pause about the ongoing search for weapons of mass destruction and the likelihood—indeed, I would say the probability—that we will find those weapons of mass destruction in the end.

The search is ongoing, but we know for certain that 17 U.N. resolutions and numerous inspection missions by the U.N. weapons inspection team from 1991 to 2003 were not sufficient to stop Saddam Hussein. Even though we have not yet found the degree of weapons we anticipated, it is clear Saddam Hussein lied to the world about his arsenal despite all the steps taken by the international community. There have also been significant finds that indicate we have only grazed the surface of Iraq's weapons capabilities.

According to the same report I quoted a moment ago:

The home of an Iraqi scientist brought the discovery of strains of biological organisms, one of which can be used to produce biological weapons. The team found new research on [Biological Weapons]-applicable agents, Brucella and Congo Crimean Hemorrhagic Fever (CCHF), and continuing work on ricin and aflatoxin, none of which were made known to the U.N.

It will be many months before we will have a clear picture of the nature and extent of Saddam's weaponry, but already some things are crystal clear.

There are some in this body who have opposed the conflict in Iraq from the beginning. I disagree with them, but they have a right to their views. I am sad to say there are also those who have come close—too close—to exploiting for political gain the hardships we have encountered following Saddam's fall, hardships experienced in serving the cause of freedom. I believe that is wrong and should be repudiated in the strongest terms.

We all know Congress voted overwhelmingly to authorize the President

to use necessary force to remove Saddam's regime in Iraq. Subsequent events, including Dr. Kay's report on behalf of the Iraqi Survey Group, have vindicated that decision. I am also glad to see that today France, Germany, and Russia are planning to support the resolution concerning our efforts in Iraq before the U.N. Security Council. I would only hope the administration's critics in this body would express such strong support as well.

We all know that the great efforts and sacrifices made by our brave men in the coalition forces who ignored the beltway echo chamber and suggestions from the outset of quagmire, the cynical prognosticators who claim that our forces were on the brink of collapse, and the handwringing doubters who said Operation Iraqi Freedom was nothing but a pipe dream—we know these critics were wrong. The dedicated men and women of our coalition forces acted as true professionals. They were interested in actions and not words. We all know they liberated Baghdad in a mere 21 days.

Even in the face of that success, there still are naysayers who refuse to acknowledge the tremendous and dramatic accomplishments we have made as well as the necessity that we finish the task ahead. They are urging in so many words that we abandon Iraq, leaving behind an unstable nation still trying desperately to crawl up from under the rubble of destruction by Saddam's ruthless regime. That is a dangerous and an unwise suggestion.

This mission must end when we complete the task of stabilizing Iraq and we are able to hand power over to leaders who are elected by a free Iraqi people—not before. While we all want to return Iraq to the Iraqi people as soon as possible, and at the same time get our troops back home as soon as possible, these well-intentioned desires should not blind us to our duty to finish the job we started. There is no doubt that the enemies of democracy in Iraq, both inside and outside of that country, will exploit any short-lived commitment.

Indeed, I believe the evidence is overwhelming that the events of September 11 were largely caused by the apparent lack of American resolve to defeat terrorism, and what we are doing today—maintaining our strong resolve and finishing the job that we started in the war against terror in Afghanistan and Iraq—is absolutely essential to our success.

If we leave Iraq prematurely, we will play into the hands of the terrorists and Baathist remnants. They are counting on the resolve of the coalition to falter, freeing them to seek to regain control of this fledgling nation. We must not cut and run and, in so doing, leave the Iraqi people as they are, undefended, or we risk the possibility that the sacrifices that have been made by this Nation, and particularly our military and other coalition forces, will all be for naught.

Today in Iraq there is religious freedom and human rights unlike anything seen during Saddam's regime. The Iraqi people now have hope where there was formerly only despair. They have hope for a future that must have seemed like only a dream a few short months ago.

The "blame America first" gang is grasping for anything they can to prop up the illusion they were right all along. But the absence, so far, of weapons of mass destruction and stockpiles of biological agents does not mean Saddam's Iraq was some kind of sunny paradise or a thriving garden dictatorship, one long springtime for Saddam. Nothing—nothing—could be further from the truth.

We have not yet found weapons of mass destruction in Iraq, but let me remind all of us what we have found. We have found torture chambers. We have found execution sites. We have found prisons where children were held in order to coerce their parents to bend to Saddam's will. We have found a legacy of fear and terror, the vestiges of years of tyranny and cruelty. We have found as many as 300,000 people—maybe more—buried in mass graves throughout Iraq in nearly 100 reported sites. They stretch from Basrah to Baghdad, from Najaf to Kirkuk. These stand as silent monuments of Saddam's ruthlessness left behind for all to see.

For the Iraqi people living under Saddam, peace—if you can call it that—was far more bloody than the current war.

To those who continue to doubt our mission in Iraq, I say this: Peace is a good thing but at what price is it purchased? By turning our backs on suffering, genocide, and evil? By tolerating those who defy the civilized world and encourage, facilitate, and promote international terrorism?

If the 20th century has taught us anything, it is that if America is to fulfill its role as the guardian of the free world, a beacon of light shining in the darkness, we cannot allow bloodthirsty tyrants such as Saddam Hussein to act with impunity.

Clearly, there are obstacles to overcome in Iraq, and there will be setbacks along the way. Yet we cannot allow the politics of the moment or the upcoming Presidential election to undermine the war on terror and American resolve.

I believe the task that falls to us at this moment in history is spreading the blessings of liberty and bringing the light of freedom to a nation that has, for too long, been imprisoned by darkness.

We must not falter in our efforts. We must not play political games while the world turns inward. We must fulfill our duty to defend America's interests abroad and ensure that the tragedies of September 11 are never repeated.

In the end, if there is one thing certain, it is this: In Iraq the mass murder has stopped. And we stopped it. The Iraqi people and the American people

and all the people of the civilized world are better off for it.

Those who would play political games with our mission in Iraq, even while our brave men and women labor to secure and stabilize this fledgling nation, risk dishonoring the memories of those who sacrificed all in opposing this bloodthirsty regime.

No, Mr. President, we must not cut and run, leaving the Iraqi people with a promise unfulfilled. Success in Iraq depends enormously on our willingness to stay the course and finishing the job we started, and through it all, we owe our men and women in uniform our unequivocal support as they labor in a dangerous place for an honorable cause.

In summary, America needs from this body and from its leaders less babble and more backbone.

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

The PRESIDENT pro tempore. The Senator from Alaska is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Ms. MURKOWSKI. Mr. President, I would like to share some of my thoughts on the administration's request for additional funding for Iraq and Afghanistan.

The majority of our attention has been focused on the situation in Iraq. Certainly this topic merits the attention it has received not only this morning but every morning it has received during morning business. In all of this, however, I would like to ensure that we do not overlook another very important aspect of this bill, which is increased assistance for Afghanistan.

The supplemental includes \$11 billion for Operation Enduring Freedom: over \$1 billion for training of the Afghan National Army and the construction of roads, schools, and health clinics.

Too often, as we focus on what is transpiring around the world—whether it is events in Iraq, the happenings in North Korea, the situation in Liberia—the news coming out of Afghanistan goes unnoticed: the cooperation between U.S. and Afghan forces in tracking down elements of the Taliban and al-Qaida; the progress USAID is making in strengthening the government; vaccinating Afghan children for measles; expanding educational opportunities for women and girls; and we must also remember the rehabilitation of numerous roads, bridges, tunnels, and related infrastructure.

There is also bad news as to what is happening in Afghanistan: reports of the resurgence of the Taliban and al-Qaida, increased poppy cultivation for opium production, and a yet uncertain relationship between the central and the provincial governments.

Our support for the progress in Afghanistan must continue. Many talk of the need to succeed in Iraq. The high price associated with that, if we fail, will be incredible. And I agree. The

same holds true with Afghanistan. So I am pleased this supplemental is not just about Iraq but includes Afghanistan as well.

This past May, during his commencement address at the University of South Carolina, the President spoke to what the biggest accomplishment our presence in these two nations—Iraq and Afghanistan—can be, and that is the opportunity to replace old hatreds with new hope.

As the President said, when citizens have hope—when they feel as if they are invested in the future—then the extreme ideologies of terrorists hold no sway. But if there is no hope, if individuals think the future holds nothing for them or their families, the appeal of extremism is great.

That is the fight the United States faces today. What does the future of Iraq and Afghanistan hold for their citizens?

We have all heard of the recent Gallup poll taken in Iraq, which showed that 67 percent of Iraqis surveyed thought their lives would be better off in 5 years as a result of the U.S.-led invasion. Only 8 percent said their lives would be worse off. The hope for the future is there.

The Iraqi people are not willing to give in to the evil of terrorism, but if the United States fails in its task, if we do not deliver on our promises to get the job done, we have perhaps opened the door to even further terrorism.

Make no mistake about it, if we go about our task in a halfhearted manner and do not provide the resources that are needed, then we are only sentencing our troops to continued danger and longer deployments. The fact is, the sooner we complete the job, the sooner our troops come home.

Despite what may be portrayed in the media, progress is being made. We see that on a daily basis. Towns and municipal councils have been set up.

Fifty-six thousand Iraqis have been trained and armed for the security of their nation. More Iraqis are being trained to serve in the Iraqi Army and the police force. Electricity has been restored to prewar levels. A new Iraqi currency was introduced just this week.

On the education side, on October 1, just a couple weeks ago, the children of Iraq returned to school. And with the assistance of the Coalition Provincial Authority and USAID, nearly 1,600 schools in Iraq have been renovated. Over 5.6 million math and science books, free of Saddam's propaganda, are being printed and will soon be delivered. U.S. universities are partnering with Iraqi universities. This is significant because over 40 percent of Iraq's population is under the age of 15. These are kids who have known nothing but life under Saddam Hussein. These children are Iraq's future. Ensuring access to educational opportunities for both boys and girls is key. This will give the Iraqis the chance to develop the skills they need for their own personal advancement, to diversify Iraq's

economic development, and to provide for the future of their nation and a future with hope, which is what we are all working toward.

I see the good Senator from Missouri is here. I yield the floor.

The PRESIDENT *pro tempore*. The Senator from Missouri is recognized for 8 minutes 15 seconds.

Mr. TALENT. Mr. President, it was not really my intention to come down on this particular debate and speak. I would like to give a broader statement on the war at some point. But I thought I would come for a few minutes today because I have been watching from time to time our friends on the Democratic side, particularly the Presidential candidates who seem to be vying with each other to show their base, to show the left how much they are against the war. They are trying to appeal to the left, which is certainly understandable given that they are running in a primary.

That has distressed me because I think the growing opposition to the war on the left is a tremendous historical mistake. People in that movement will view it that way 20 or 30 years from now. I say with all good faith to my friends in that movement that this is not the 1960s. Iraq is not Vietnam. Saddam Hussein is not Ho Chi Minh. The terrorists are not some kind of utopian movement that wants to create a workers paradise around the world. The terrorists stand for everything that this country hates, and in particular, everything the left in this country has always stood against. They are bloodthirsty cutthroats. They don't believe in diversity. They are racial and religious bigots. They are sexists. They hate the idea of international law. They have no respect for international norms. We should all be opposing them.

This is a war in which we should all be involved. We should all get in the same boat and row. I know it is hard to support a war which is led by a President you do not support. I was in that situation when we were involved in Bosnia. We are still there. It is hard to support a war led by a President whose very election you question. I understand what it is like to lose a contested election and, in fact, to lose one, the outcome of which is disputed. I was in that situation when I ran for Governor in 2000.

I believe very strongly that this is an American war. This action in Iraq is part of it. There is a tremendous strategic aspect of this war. We can and will win it, if we pull together, if we get in the same boat and row. There is no reason we should not. I urge both parties and all different parts of the philosophical spectrum to do that.

I want to take a few minutes to talk about this package, and in particular the need for reconstruction. There are three reasons this is very important, why it is in America's interest to spend this money and reconstruct Iraq.

First, we have to get the lights on there so that we can do the job we have

set out to do. It is very difficult to hunt people down, hunt the terrorists down, if you can't turn on the lights. We need this infrastructure in order to do our job. Second, we have to create a basic infrastructure in Iraq so that the country can have the stability that will allow us to leave honorably. None of us want to be there. But we have engaged in this war for our interests, and it is now our responsibility to make sure the country is stable enough so there is not chaos when we leave. To do that, they have to have an electricity grid, among other things.

The third point was made powerfully by Prime Minister Blair in the House Chamber. Part of what we have to do in this war is not just defeat the terrorists but vindicate our values against which they stand. It is not enough just to curse the darkness. We have to light a candle.

One of the terrorists' goals is to spread their philosophy and their ideals all throughout the Islamic world, from Morocco to Indonesia. We need to show that the ideals of our democracy—dignity, freedom, the rights of the individual—are not just for us; they are for everybody. They don't just work for us; they will work for everybody. That is why the creation of a stable, benign Iraqi democracy is so crucial an aspect of this war. It would be an enormous strategic victory for us if we could create such a democracy there. I believe we can. I believe we are. We can and will win, if we don't quit.

I don't believe the people are going to quit. I don't believe this Congress is going to quit. This money we are spending today is in our interest to spend. That bears on the loan versus grant problem. Certainly I hope we get this money back. I would love to get this money back. We all should do what we can to enhance the Treasury and FSC and the American taxpayer. But if it is in our interest to do it, we should do it the same way we do everything else that is in our interest—we just spend the money. If it is not in our interest, we should not loan it to them either. I don't want to loan money to a country just to help them. I am representing Missouri and the United States of America. We spend money. We loan money to advance America's interests. If it is in our interest, and we believe that, we ought to be willing to give it to them in the form of a grant, especially since everybody knows, if we give this money in a loan, eventually we will forgive it. We will not get the money back anyway. We are going to urge everybody around the world to forgive it.

This is in America's interest. We can light a candle. We can defeat these terrorists. We can win this war. We ought to do it. I hope we will all pull together in the debate on this bill and get it done.

I yield back the remainder of my time.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Democratic leader.

Mr. DASCHLE. Would the Chair inform the body as to the amount of time remaining on the Republican side?

The PRESIDING OFFICER. There are 2 minutes 13 seconds remaining on the Republican side.

Mr. DASCHLE. Madam President, I do not know if anybody on the other side wishes to use that time, but in the interim, perhaps I might use leader time to make a statement on another matter.

(The remarks of Mr. DASCHLE and Mr. LEAHY pertaining to the introduction of S. 1740 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I ask that the Chair notify me when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will do so.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. KENNEDY. Mr. President, nearly 6 months have elapsed since President Bush flew out to the aircraft carrier and declared "mission accomplished" in Iraq. Today, we all know all too well that the war is not over: The war goes on; the mission is not accomplished. An unnecessary war, based on unreliable and inaccurate intelligence, has not brought an end to danger. Instead, it has brought new dangers, imposed new costs, and taken more and more American lives each week.

We all agree that Saddam Hussein was a murderous tyrant, and his brutal regime was an affront to basic human decency. But Iraq was not a breeding ground for terrorism. Our invasion has made it one.

The trumped-up reasons for going to war have collapsed. All the administration's rationalizations as we prepared to go to war now stand revealed as "double-talk." The American people were told Saddam Hussein was building nuclear weapons. He was not. We were told he had stockpiles of other weapons of mass destruction. He did not. We were told he was involved in 9/11. He was not. We were told Iraq was attracting terrorists from al-Qaida. It was not. We were told our soldiers would be viewed as liberators. They are not. We were told Iraq could pay for its own reconstruction. It cannot. We were told the war would make America safer. It has not.

Before the war, week after week after week after week, we were told lie after lie after lie after lie.

And now, despite the increasingly restless Iraqi population, despite the continuing talk of sabotage, despite the foreign terrorists crossing thousands of miles of border to attack U.S. service men and women in Iraq, the administration still refuses to face the truth or tell the truth. Instead the White House responds by covering up its failures and trying to sell its rosy

version of events by repeating it with maximum frequency and volume, and minimum regard for realities on the ground.

No PR campaign by the increasingly desperate White House can redress the painful loss of a young American soldier almost every day. Instead of greater stability and order, the forces arrayed against us are steadily increasing the intensity and sophistication of their assaults on our troops. Bombs that were once set off by trip wires are now being set off by remote control. The threat of shoulder fired missiles makes it unsafe for civilian planes to land at Baghdad Airport.

No foreign policy in our free society can succeed for long unless it is supported by our people. Our men and women in uniform fought bravely and brilliantly, but the President's war has been revealed as mindless, needless, senseless, and reckless. The American people know all this. Our allies know it. Our soldiers know it. We should never have gone to war in Iraq when we did, in the way we did, for the false reasons we were given. But now that we are there, two imperatives are absolutely clear: America cannot withdraw now, leaving Iraq to chaos or civil war, becoming a danger to us far greater than it did before. The misguided policy of the past is no excuse for a misguided policy for the future.

We need a realistic and specific plan to bring stability to Iraq, to bring genuine self-government to Iraq, to bring our soldiers home with dignity and honor.

Until the administration genuinely changes course, I cannot in good conscience vote to fund a failed policy that endangers our troops in the field and our strategic objectives in the world instead of protecting them. The greatest mistake we can make in Congress as the people's elected representatives is to support and finance a "go-it-alone, do-it-because-I-say-so" policy that leaves young Americans increasingly at risk in Iraq.

So when the roll is called on this \$87 billion legislation, which provides no effective conditions for genuine international participation and a clear change in policy in Iraq, I intend to vote no. A no vote is not a vote against supporting our troops. It is a vote to send the administration back to the drawing board. It is a vote for a new policy—policy worthy of the sacrifice our soldiers are making, a policy that restores America as a respected member of the family of nations, a policy that will make it easier, not far more difficult, to win the war against terrorism.

The amount of money is huge.

It is 87 times what the Federal Government spends annually on after-school programs.

It is 7 times what President Bush proposed to spend on education for low-income schools in 2004.

It is 9 times what the Federal Government spends on special education each year.

It is 8 times what the Government spends to help middle and low-income students go to college.

It is 15 times what the Government spends on cancer research.

It is 27 times what the Government spends on substance abuse and mental health treatment.

It is 58 times what the Government spends on community health centers.

If our Iraq policy is to be successful, it must take into account what history teaches us about the use of military power to solve politically inspired violence. A new policy must provide the security that is essential for any nation-building effort. A new policy must genuinely internationalize the reconstruction of Iraq and end our occupation. And a successful new policy must give ownership to Iraqis for their political future.

Surely, in this day and age, at the beginning of the 21st century, we do not have to re-learn the lesson that every colonial power in history has learned. We do not want to be—we cannot afford to be—either in terms of character or in terms of cost, an occupier of other lands. We must not become the next failed empire in the world.

The administration seeks to write a new history that defies the lessons of history. The most basic of those lessons is that we cannot rely primarily on military means as a solution to politically-inspired violence. In those circumstances, the tide of history rises squarely against military occupation.

The British learned that lesson in Northern Ireland. The French learned it in Algeria. The Russians learned it in Afghanistan and are re-learning it every day in Chechnya. America learned it in Vietnam, and we must not re-learn it in Iraq.

Our men and women in uniform are the finest in world, and all Americans admire and honor their ability and their courage. In Iraq, they are now being forced to do an extraordinary job they were never trained for, and they are doing it under extreme and unpredictable circumstances.

Even with the best forces in the history of the world, our military cannot succeed if the mission is not achievable, if they are viewed as occupiers, and if we do not have a clearly defined and realistic strategy.

In recent weeks, in Massachusetts, at Fort Stewart in Georgia, and at Walter Reed Hospital, I have met with American troops who fought in Iraq. I am profoundly moved by the price they pay to serve our country, and profoundly impressed by their professionalism and commitment. They are willing to endure great hardship and great danger in Iraq to complete their mission. But they want to know when their mission will be complete, and when they will be able to come home.

They are resourceful and strong. But more and more they are frustrated—especially by the faceless nature of the threat. Individuals intent on killing Americans are firing from behind the

cover of crowds, to provoke our soldiers into firing back on civilians. Many of our troops say they were never trained to be police officers or to fight a guerrilla war.

They want to help the Iraqi people. But the increasing casualties make them feel unsafe. They want to respond militarily to attacks. But they often don't know who the attacker is.

They tell me that at first, their convoys were welcomed. But after time, children began to throw rocks at them, and then came the bullets. They tell me that far too many in Iraq believe we are there to take their oil, and that we will stay forever.

They have no clear sense about their post-war mission. Some see it as winning the hearts and minds of the Iraqi people. Some believe it is security. Some feel it is to obtain intelligence about opposition forces and weapons caches. Others think it is to prevent sabotage of the oil pipelines and other vital infrastructure. Still others say it is to build sidewalks and soccer fields and schools and hospitals, and other local facilities. Not one of the soldiers told me their mission was to achieve Iraq's transition to democracy.

We read today in the Washington Post about a survey of our troops. Their morale is low. They believe their mission lacks clear definition. They are getting worn down.

The ongoing occupation of Iraq has imposed a heavy burden on our forces and created a crisis for the military. It is now stretched precariously thin. We do not have enough active duty soldiers to sustain their presence in Iraq and also meet security needs in Afghanistan and other parts of the world.

The crisis is coming to a head now. Two of our divisions are scheduled to return from Iraq in the spring. If the administration is unsuccessful in recruiting forces from other nations, it will have to send in at least another division of American troops—and we don't have enough active duty forces to do the job. That means even more call-ups from the National Guard and Reserves. In fact, if international troops aren't coming, the administration must notify reservists by the end of this very month to guarantee that they will be available by spring.

Already, close to half our troops in Iraq are members of the Guard or Reserves; 13,000 have been on active duty for at least a year. Others have recently returned home from deployments, only to turn around and head overseas for another tour.

One reservist I recently spoke to had only 17 days off between tours in Iraq and Afghanistan. The average reservist now spends 13 times longer on active duty today than during the 1990s. Many cannot go home when their scheduled time is finished, and are repeatedly sent instead on new deployments overseas.

In Iraq, our reservists are being pressed into duty as the first line of defense. They need 120 to 150 days to

train before being sent to Iraq. The Army needs to let them know now to begin this crucial training. It typically takes 8 years under the current peacetime system for a Reserve combat unit to reach the level of readiness of an active unit. But we don't have 8 years. They are needed in Iraq this spring.

Even worse, reservists are being sent into combat with inferior equipment. They have told me they had to rely on Vietnam-era night vision goggles that obscure more than they reveal, even though the latest technology is used by the regular military. They told me they had to use outdated and less-effective flak jackets, not the latest models with bulletproof ceramic inserts. They told me they had to wait three months for other current gear. Many units did not have armored Humvees. Instead, they had to hang flak jackets in the windows to protect themselves from attack.

I visited some of our wounded soldiers last week at Walter Reed Army Medical Center. More than 1,800 American service men and women have been wounded in this war, and an average of 7 new patients arrive at Walter Reed from Iraq each day. Many were ambushed driving along a road. Many lost limbs because their Humvees did not have the armor to protect them from the blast of a rocket-propelled grenade or a booby trap in the road.

Their families feel the strain of their deployment both emotionally and financially. Many members of the Guard or Reserves give up higher civilian salaries when they go on active duty. Even though the law prohibits discrimination against reservists, increasingly, they are unwilling to tell possible employers about their military obligation, for fear they will not be hired or kept on the job. It is a sad day for patriotism when service to our Nation is a negative factor in civilian employment.

Far more American soldiers and marines have been killed since the end of major combat operations in May than during the 3-week war itself. These are not just statistics. Each name on the list has many who mourn, whether parents, spouses, children, brothers or sisters.

We cannot go on this way. We should have known that military victory would be quick, and that winning the peace would be the challenge.

I support our troops. It is the administration's policy that has failed them. Their perceptions demonstrate the wider failure of our policy and the need for the administration to move in a decisively different direction.

The administration ignores the lesson of history that nation building cannot succeed in a cauldron of insecurity. Iraq is America's sixth major nation-building challenge in the past 10 years—Somalia, Haiti, Bosnia, Kosovo, Afghanistan, and now Iraq.

Security was indispensable to nation building in each case. But in Iraq, we seem incapable of meeting the basic se-

curity needs of our own Armed Forces, let alone the Iraqi people.

When America intervened in Haiti in 1994, large numbers of international armed police were brought in to support our military and achieve a greater measure of safety for the Haitian people. The first task was to establish security in a country that did not even have a civilian police force. We responded by recruiting a large multinational police force from 20 different countries.

When America intervened in Bosnia in 1995 and Kosovo in 1998 we understood that security for local citizens was essential for resuming economic growth and reaching our nation-building goals. In Kosovo, our allies offered highly trained police, including some heavily armed, which were critical to minimizing violence after the conflict ended and enabling reconstruction and political progress to be made.

In Kosovo, our soldiers were given training in controlling crowds, establishing security cordons, and searching vehicles. But when I visited the soldiers of the Third Infantry Division last week, they told me they did not receive such training, even though it would have served them well in the cities of Iraq.

The Pentagon assumed we would be able to draw on thousands of Saddam's police officers to provide security, but in the critical early weeks that followed the war, they were nowhere to be found, and too many of them were thugs and torturers.

Six months later, there is still confusion. At the end of August, the former New York City Police Commissioner in charge of police training program in Iraq announced that he had reached an agreement to train 28,000 Iraqi police in a camp in Hungary. Within a week, the Prime Minister of Hungary announced that he knew of no such agreement. He said that Hungary had no appropriate training facility, and that someone should inform his government of what was going on. Now, we hear that the administration has organized a training camp in Jordan.

The Pentagon also assumed that the bulk of the Iraqi armed forces could be used to supplement our forces. But soon after the war began, the Iraqi army melted away. Its members went home, and the army was formally disbanded by our Government before they were screened and before they were disarmed. We lost the decent ones who could have helped provide security, and we let Hussein's true believers get away with their weapons.

Countries such as France, Germany, Sweden, Argentina, the European Union, or Spain could provide well-trained police to prevent saboteurs from undermining the extensive reconstruction effort and to advance our broader nation-building objectives. But so far, we have been unable to persuade additional nations to share the burden and the cost.

The Bush administration's continuing arrogance in Iraq has forced

the best-trained military in the world to act as police officers in a shooting gallery, to carry out police functions for which they are ill-prepared and ill-equipped. For Iraq now and for future crises elsewhere, we need to build support in the international community for a reserve police identified and trained for post-conflict deployments.

It is shocking that the White House is only now beginning to coordinate which agency should be responsible for various tasks. This should not have waited 6 months. It should have been standard operating procedure from the outset to outline an integrated strategy that meets our military needs, the needs for local policing and reconstruction, and the need for progress in achieving a free and legitimate Iraqi government. They go hand-in-hand. But none can succeed unless basic security is guaranteed.

The administration's policy of rushing to put large multibillion-dollar contracts in the hands of American firms ignores not only the lesson of history but also the lesson of human nature—the Iraqi people need to be the real partners in the reconstruction effort.

The administration is wrongly working from the top down, rather than the bottom up, to rebuild Iraq. A new Iraq will emerge neighborhood by neighborhood, town by town, province by province. How can any Republican President of the United States disagree that government must be of the people, by the people, and for the people?

We need closer alignment between military units working on reconstruction and the civilians working at the Coalition Provisional Authority. Our soldiers in the field are surveying the damage and identifying priorities for repair. They need local counterparts. We cannot solve every problem from Saddam's palace in Baghdad.

Why not scale back the lavish resources being provided to U.S. contractors and consultants and provide larger sums directly to the Iraqi people? We could do so in many cases by developing ties between local councils and the Iraqi Governing Council. We could work more with local non-governmental organizations and local businesses. In all cases, we need to insist on transparency in the process, so we know where the funding is going.

It is the Iraqi people's country. They have the greatest stake in the success of the reconstruction, and involving them now will enhance the prospects for success.

In some areas of Iraq, we already have been able to achieve impressive results with small amounts of money. In one case, we funded the building of a cement factory for less than \$100,000, when the bid by an American contractor for the same project was in the millions. Why not do more of this with schools, medical clinics, roads and countless other projects?

Iraq has many of the best-trained petroleum engineers in the world. Why

not give them—rather than American companies—a larger role in rebuilding the industry? Why not create jobs for Iraqis and give them ownership of their reconstruction?

If we insist on saying Halliburton rules, because to the victor belong the spoils, we won't be the victor for very long.

The administration's policy in Iraq ignores the indisputable lesson of history that building democracy is complex and difficult.

When the British accepted responsibility for the new nation of Iraq after the fall of the Ottoman Empire after World War I, they encountered enormous difficulties in creating a stable government across Sunni, Shia, Kurd and other ethnic and religious groups. Many Kurds wanted their own state—and still do. Tensions have existed between Sunni and Shia for 13 centuries. Iraq had no history of unity.

In the words of one tribal chieftain, "History did not die; the tribes and notables who emerged in 1920 and created our modern state in 1921 are here to stay with all the others who came into being thereafter."

Instead of learning from this painful history, we condemned ourselves to repeat it. Instead of anticipating the obviously similar and predictable divisions and demands when Saddam's regime fell, the Bush administration believed that a few favored Iraqi exile leaders, many of them in exile for years, could return to Iraq, rally the population and lead the new government. That was another failure. The Iraqi people rejected them from the start and resisted their domination.

The administration believed that once a few hundred top advisers to Saddam were removed from power, large numbers of local officials would remain to run the government. Instead the collapse of government in Baghdad rippled across the country.

If history is any guide, America will not be able to impose our vision of democracy on the Iraqi people on our current terms and our timetable. Our overarching interest is the development of a government that has legitimacy in the eyes of its citizens, so that the longer process of building durable democratic institutions can proceed effectively in the years to come. This process will not be finished swiftly, or easily, and it will not take place according to our will.

Iraq is a society where, for the full 30 years of Saddam's rule, politics ruled from the top. It will take time for the Iraqi people to adjust to the new decentralization of power and to understand how the multiple levels of a working democratic government can function effectively.

The administration clings to the hope that the Iraqi Governing Council—25 people, many of whom have never worked together before—can adopt a constitution in time to hold successful elections next year.

On July 23, Ambassador Bremer said that it "should be possible" to have elections next year.

On September 26, Secretary of State Powell gave the Iraqis 6 months to write a constitution.

In Bosnia, the United States pressed for national elections the first year, before viable local democratic political institutions were developed, and it made the development of democracy more difficult. Based on the historical precedents, a recent RAND publication suggests holding national elections roughly 2 years after reconstruction begins. The International Crisis Group also reached the conclusion that it could take 2 years before national elections should be held.

The lesson is clear. We cannot rush. It is not surprising that our insistence on such speed is alienating the many Iraqis who know the process needs more time. The date of their national election should not be determined by the date of ours.

Imposing our will and our timetable on the Iraqi people will undermine our all-important long-term goal of achieving a legitimate Iraqi government committed to remaining on the path to democracy. Already, the Interim Governing Council lacks credibility in the eyes of many Iraqis. On paper, it has broad power, but that fools no one. It is controlled by the United States, and it lacks sufficient power to meet the Iraqi people's needs.

The administration needs to give greater priority to restoring sovereignty and help lay the groundwork for approving a constitution and holding national elections. In Afghanistan, we obtained the support of the international community for an interim government that was not under American occupation. That process can still work in Iraq, although it would have clearly worked better from the start. As we did in Afghanistan, we need a process to transfer sovereignty to the Iraqis, who in turn, can ask the U.S. and U.N. for assistance.

If the United States is seen as controlling the new government in Baghdad, it will fail—if not now, then later; if not while our forces are still there, then as soon as they are gone. Those who work with such a government are easily dismissed by the Iraqi people as American puppets. We must take the time necessary to give Iraqis the ownership of their government, if we expect it to have any credibility and staying power.

Whether the Bush administration likes it or not, they need a central role for the United Nations to help accomplish this goal. Before becoming National Security Adviser, Condoleezza Rice seemed to understand this.

In a January 2000 article in *Foreign Affairs*, she wrote: "U.S. interests are served by having strong alliances and can be promoted within the U.N. and other multilateral organizations . . .".

She wrote: "The president must remember that the military is a special

instrument. It is lethal, and it is meant to be. It is not a civilian police force. It is not a political referee, and it is most certainly not designed to build a civilian society."

Condi Rice's words indict the administration's own policy now. It is essential to involve the international community as an active and equal partner in the political transition of Iraq.

We need to give the U.N. a central role. The administration's decision to go back to the United Nations is a first step, but it is meaningful only if the administration is genuinely changing its policy. The real test will be whether the administration is now willing to make the compromises necessary to persuade other countries to contribute troops to relieve our soldiers and to bring stability to Iraq. The jury is still out on whether the U.N. resolution will mark a real shift by the administration.

We know from experience of the past decade in this post-cold war world, in Bosnia, in Kosovo, and in other devastated lands, that we can enlist the international community in a major way. We can share responsibility and authority, draw on the strengths and the diversity of the United Nations, achieve security and reconstruction, and an end to the occupation. For many months, the administration has been wrong to try to bypass the United Nations by enticing a few receptive nations to join us if the price is right.

No one doubts that the United States should remain in charge of the military operation. But internationalizing the reconstruction is not a luxury; it is an imperative. Sharing authority with the United Nations to manage the transition to democracy will give the process legitimacy and gradually dispel the current stigma of occupation—especially if it is accompanied by the creation of a more fully representative interim governing council to deal with day-to-day administrative responsibilities.

As soon as possible, we need to redouble the effort to bring in forces with regional faces—especially Muslim faces. Nations such as Jordan, Pakistan, and Egypt could immediately transform this mission with both their diversity and their expertise. The United Arab Emirates contributed effectively to the effort in Kosovo. Morocco and Albania have worked with us in Bosnia. That strategy can work for us in Iraq now as well.

In their joint memoir, "A World Transformed," President George H.W. Bush and his National Security Adviser, Brent Scowcroft, reflected on their own experiences with Iraq and the Gulf War in 1991. They had been criticized in some quarters for halting that war after their dramatic victory in Kuwait, instead of going on to Baghdad to depose Saddam Hussein.

Here is what they wrote:

Trying to eliminate Saddam, extending the ground war into an occupation of Iraq, would have violated our guideline about not changing objectives in midstream, engaging in

'mission creep,' and would have incurred incalculable human and political costs. Apprehending him was probably impossible. . . . We would have been forced to occupy Baghdad and, in effect, rule Iraq. The coalition would instantly have collapsed, the Arabs deserting it in anger and other allies pulling out as well. Under those circumstances, there was no viable 'exit strategy' we could see. . . . Had we gone the invasion route, the United States could conceivably still be an occupying power in a bitterly hostile land. It would have been a dramatically different—and perhaps barren—outcome.

They were right.

It is time for this administration to admit that it was wrong, and turn in a new direction. We need a genuine plan that acknowledges the realities on the ground. We need a plan that gives real authority to the United Nations, so that other nations truly will share the burden. We need to actively engage the Iraqi people in governing and rebuilding their country. Our soldiers now risking their lives in Iraq deserve no less.

Here at home, all Americans are being asked to bear the burden, too—and they deserve more than a phony summons to support our troops by pursuing policies that will only condemn them to greater and greater danger. Yes, we must stay the course—but not the wrong course.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I understand there are 2 minutes left for morning business on this side.

The PRESIDING OFFICER. Two minutes fifteen seconds.

Mr. SPECTER. Parliamentary inquiry: At that point, does the schedule call for going to the bill?

The PRESIDING OFFICER. There are 50 seconds remaining on the Democratic side.

Mr. SPECTER. Madam President, I ask unanimous consent that when we go to the bill, I be recognized to speak first on the bill.

Mr. REID. Madam President, I object. I say this respectfully: We worked very hard last night to get a routine set up here this morning. Senators STEVENS and BYRD agreed to it. Senator BYRD is coming to speak and to offer an amendment. I would be happy to yield our 50 seconds, and after the 3 minutes expires, we should call on Senator BYRD.

Mr. SPECTER. Madam President, I ask unanimous consent that morning business be extended so that I might speak for up to 10 minutes.

Mr. REID. Madam President, that would be extended by 7 minutes on their side; is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. We will extend it by 7 minutes on this side.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to comment on a vote that will be coming up on the

\$20 billion in the form of loans or grants.

Two weeks ago yesterday, on October 1, I spoke at some length in favor of having loans. I believe that is the correct position and focus on the \$20 billion in the context of viewing what is happening in Iraq, which is essentially a bankrupt country where in general bankruptcy proceedings all existing debt would be extinguished and the activities of rebuilding Iraq would be a new day; and, in light of the United Nations resolution in May of this year authorizing the United States and the United Kingdom to use Iraqi oil to rebuild Iraq, that is the appropriate course with the narrow focus on this \$20 billion.

In the intervening 2 weeks, I have consulted with my colleagues and with members of the administration and have rethought the issue. It is my view that in a broader context there ought to be a grant instead of loans. I have come to that conclusion after having, as I said, talked to my colleagues and having met with a group on a bipartisan basis, Republicans and Democrats, who are looking for a structure at least in part for loans, and having talked to the President the day before yesterday and Secretary of State Powell and other members of the administration.

As I am viewing this \$20 billion in the much broader context of the overall strategy, it is my judgment that we ought to give the President leeway to carry out his plan.

The day before yesterday, a group of Senators, both Democrats and Republicans, met with President Bush and with Secretary of State Colin Powell. I have not seen the President with such fervor and such determination and such intensity since I saw him 2 days after 9/11 when he called in some Members from the impacted States. One of the planes went down in Pennsylvania. And he had blood in his eye when he said he was not going to send a \$1 million missile to an empty tent.

The President and the Secretary of State spoke in terms of the broader objectives of the administration beyond this \$20 billion. The Secretary of State talked about the efforts to get a United Nations resolution which would give broader support to the United States' position in an effort to bring in Pakistan, Turkey, and Muslim countries to give the Arabs more confidence. I believe this type of multilateral approach is really necessary.

I tried back on October 11 of last year to carry forward the Lugar-Biden amendment which would have done more to have a multilateral approach before the use of force. But that was yesterday. Today, we are looking at a very different picture.

The funds for the rebuilding of Iraq could be necessary far beyond this \$20 billion. I believe the narrow focus of using the Iraqi oil as authorized by the United Nations resolution is sound. Ambassador Bremer is considering the

long-range plan. I think the sentiment which is fairly strong in this body for loans as opposed to grants ought to be taken into consideration and, if the President's policy is successful on having this as a grant, that there is a strong underlying fervor that there ought to be a repayment and a funding of the rebuilding of Iraq from the Iraqi resources, which is the second biggest pool of oil in the world.

I am not unmindful of the arguments about how much money will be spent by the Federal Government on rebuilding schools in Iowa contrasted to rebuilding schools in Iraq; or how much money will be spent in Vermont building hospitals as opposed to spending money in Baghdad. I am not unmindful of the role of the Congress and the primacy under the Constitution on the appropriations process. In listening to the President as he outlines his broader strategy, I do believe he bears the lion's share of the responsibility.

We are going to have the donor's conference in Madrid later this month. The President is emphatic in his view that we will have a better chance to get more donors if we make a grant instead of a loan, that there will be a better chance to have other countries forgive debt and that, as he is setting out to a trip to the Far East, we ought to be in a position to be supportive as to where he thinks he can best lead the country.

In so doing, I do not relinquish my vote and the authority which I have as a Senator, a Member of Congress, on our appropriations process as we will be looking at very substantial funding in the future. When I think about the issue and reflect on it and rethink beyond the narrower focus of the \$20 billion to the broader strategy, I think of the metaphor of too many cooks spoil the broth. The President has a very heavy responsibility as he moves ahead to the donor's conference through his representatives and on his trip to the Far East.

When I look at the delegation of authority which we have given him on appropriations, the defense budget, the foreign operations budget, and the State Department budget, it proximates in excess of \$400 billion. This is about 5 percent. As I take a look at our overall Federal budget of \$2.2 trillion, the \$20 billion is less than 1 percent. I believe this vote, which we will cast later today, is a very important vote as to how the administration and how Secretary Powell will approach the United Nations and multilateralism. We cast a great many votes in this body but relatively few are really important votes. This is an important vote.

That is why I believe the validity of treating this as a loan is solid on the narrow focus for the \$20 billion as a loan, but on the broader picture of the strategy which the President is trying to carry forward, I am prepared today to defer to him on this and to vote for a grant instead of a loan.

I yield the floor.

Mr. REID. 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. REID. 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. REID. Madam President, the Senator from Pennsylvania is still on the floor, and I wonder how long he wishes to speak on the bill. Senator BYRD is here.

Mr. SPECTER. I thank the Senator from Nevada for his inquiry.

During the course of my remarks, I abbreviated them and cut them short. As I have said to the Senator, I do not appear very often to ask for time. I see Senator BYRD approaching.

In response to the Senator from Nevada, there was one other line of contention which I had intended to make. I can make it in a moment or two.

Mr. REID. Madam President, I yield to the Senator from Pennsylvania 4 minutes.

Mr. SPECTER. That will do it. When the Senator says a minute or 2—my remarks are easily in excess of 4 minutes but I can limit them to 4 minutes.

The other consideration which I had intended to offer in the course of the remarks I have just made, in a broader focus beyond the confines of the \$20 billion debt, is the issue of what is happening day in and day out in Iraq where we are spending, it is estimated, some \$4 billion a month and we are sustaining casualties and fatalities which are very devastating for our country, the men and women in the armed services who are being wounded, suffering fatalities, their relatives and friends.

If we move ahead with greater speed, which we will be able to do on a grant instead of a loan, it may well be that we can cut down the time we will be in Iraq, that it will facilitate the starting of electricity and the infrastructure of Iraq so we can move out and allow the Iraqi Government to take over. With the very heavy costs in casualties, fatalities and dollars, the speed that these grants can help is another factor in consideration so that on the totality of the matter in the broader picture, I am prepared to defer to the President's judgment on this matter, on this vote.

The issue has created enough focus so that the administration will know when the additional funding is to be undertaken that there will be a very strong sentiment in the Congress that Iraqi resources ought to pay for the rebuilding of Iraq and that this decision to have grants instead of loans will further support the good faith and bonafides of the United States that we have not gone into Iraq for their oil but have gone into Iraq to liberate the Iraqi people from the despotism of Saddam Hussein and to build a democracy in that country.

I yield the floor.

Mr. REID. Madam President, I yield back our time for morning business so we can get to the bill.

The PRESIDING OFFICER. All time is yielded back.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

The PRESIDING OFFICER. Under the previous order, the Senate will resume 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 30th, 2004, and for other purposes.

Pending:

Byrd amendment No. 1818, to impose a limitation on the use of sums appropriated for the Iraq Relief and Reconstruction Fund.

Byrd/Durbin amendment No. 1819, to prohibit the use of Iraq Relief and Reconstruction Funds for low priority activities that should not be the responsibility of U.S. taxpayers, and shift \$600 million from the Iraq Relief and Reconstruction Fund to Defense Operations and Maintenance, Army, for significantly improving efforts to secure and destroy conventional weapons, such as bombs, bomb materials, small arms, rocket propelled grenades, and shoulder-launched missiles, in Iraq.

Bond/Mikulski amendment No. 1825, to provide additional VA Medical Care Funds for the Department of Veterans Affairs.

Dubin amendment No. 1837, to ensure that a Federal employee who takes leave without pay in order to perform certain service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

Reed/Hagel amendment No. 1834, to increase the end strength of the Army and to structure the additional forces for constabulary duty. (By 45 yeas to 52 nays (Vote No. 382), Senate failed to table the amendment.)

Feingold amendment No. 1852, to enable military family members to take leave to attend to deployment-related business and tasks.

Daschle amendment No. 1854, to achieve the most effective means of reconstructing Iraq and to reduce the future costs to the American taxpayer of such reconstruction by ensuring broad-based international cooperation for this effort.

Feinstein amendment No. 1848, to require reports on the United States strategy for relief and reconstruction efforts in Iraq, and to limit the availability of certain funds for those efforts pending determinations by the President that the objectives and deadlines for those efforts will be substantially achieved.

Nelson (FL) amendment No. 1858, to set aside from certain amounts available for the

Iraq Relief and Reconstruction Fund, \$10,000,000 for the Family Readiness Program of the National Guard.

Reid (for Landrieu) amendment No. 1859, to promote the establishment of an Iraq Reconstruction Finance Authority and the use of Iraqi oil revenues to pay for reconstruction in Iraq.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, we urge Senators to contact the managers of this bill to try to work out a time when their amendments might be considered, and to see if we have any possibility of dealing with the several amendments at one time. We tried to do that last night with regard to reporting requirements, and I stated to the Senate it is our hope we can blend all of the reporting requirements along with those that are already in the House bill and work out a logical sequence for the reporting and the activities of an inspector general, if that is required as far as the Iraq operation is concerned.

We will be hopeful that today we can look at—there are additional amendments being suggested on the list that was approved last night for reporting requirements, and I would be pleased to consider taking any of those and adding them to the package that is already in the bill for reporting requirements and for details regarding the inspector general. But my purpose for seeking the floor right now is to urge Senators to contact the managers of the bill, and let us work out some logical sequence in terms of the amendments that are pending or will be offered.

This is going to be a long day. We still have the commitment that we will do our utmost to finish by tomorrow. I congratulate my good friend from Nevada, the Democratic assistant leader, for all his efforts in getting us to where we are now in terms of knowing the amendments that are possible to be considered.

But within the timeframe we have, we cannot consider them all without really a great deal of consideration on both sides in terms of the amount of time a Senator takes to explain the amendment and particularly in terms of Senators being willing to cooperate with us to blend amendments so we can deal with one subject maybe in one or two amendments. That is possible. I look forward to working with Senator REID, who is actively involved in trying to reduce the number of these amendments, as well as I am, with our joint staffs.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from West Virginia.

AMENDMENT NO. 1818

Mr. BYRD. Mr. President, I call up amendment No. 1818.

The PRESIDING OFFICER. The amendment is pending under the previous order.

Mr. BYRD. Very well. I thank the Chair.

Mr. President, I congratulate the distinguished chairman of the Appropriations Committee. He is always on the job. And he is effective. He is characteristically courteous. I commend him on the progress he has made already on the bill.

There are several cosponsors of this amendment. I hope they will come to the floor and join in the debate concerning the amendment. I need their voices to blend with my own, mine being the weakest of all. But I need the cosponsors to join and make this supreme effort here to have the Senate adopt this extremely worthwhile amendment.

In all the discussion surrounding the President's request for \$20.3 billion for reconstruction activities in Iraq and Afghanistan—in the question of whether the funding should be in the form of a grant or a loan, in the revelation of a series of frivolous proposed expenditures, in the dispute over whether reconstruction funding is a gold-plated add-on or an integral part of the occupation strategy—there is an overriding issue that we must not allow to be lost in the noise of the debate.

That issue involves the fact that American taxpayers—American taxpayers—are being presented virtually the entire bill for the stabilization and reconstruction of Iraq because of decisions that were made by the President before the war began, decisions to embrace an unprecedented doctrine of preemption and to invade Iraq without the support of the United Nations or the international community.

Those decisions are coming home to haunt us today. The chickens are coming home to roost. Because of the President's obstinance and go-it-alone mentality, it is American soldiers who are patrolling the most dangerous streets and cities of Iraq, and it is American taxpayers who are being asked to foot the bill for the stabilization and reconstruction of Iraq—American soldiers and American taxpayers.

It appears there is little relief in sight. After seesawing back and forth, the United Nations Security Council is now expected to accept a revised U.S. resolution on Iraq, but the resolution on the table is little more than a fancy fig leaf designed to camouflage an empty gesture. The resolution proposed by the United States cedes no meaningful authority to the United Nations and is likely to have little impact on the number of foreign troops or the amount of international financial assistance the United Nations will provide for the stabilization and the reconstruction of Iraq.

American troops in Iraq and American taxpayers at home need real help from the international community. The President needs to reach out to the United Nations, not merely attempt to paper over the glaring lack of support from the international community with a resolution that, as some Texans are wont to say, is all hat and no cattle.

The administration's reckless misadventure in Iraq is exacting a high price in lost lives, lost respect for our Nation in the world, and lost ground in the war on terrorism. And yet, in the past week, the only visible response from the President to the continuing chaos in Iraq has been to reshuffle the chain of command in Washington by creating a new entity to consolidate Iraq's reconstruction in the White House instead of the Pentagon.

The President misses the point. Instead of rearranging the chairs on the deck, the President should be changing direction. Creating a new Iraq policy shop in the White House will not bring relief to American soldiers on the ground, and it will not save American taxpayers from having to shoulder, virtually alone, the staggering financial burden of rebuilding Iraq.

Now, the American people, in the first place, did not buy on to this idea that we were going to rebuild Iraq. They were not told that. They were not told we were going to rebuild a nation there. They were not told about the staggering costs of rebuilding Iraq.

If there is any shift in the balance of power over the reconstruction of Iraq—and there should be—it must be across oceans, not just across the Potomac. It is long past time to bring in the United Nations as a full partner with shared responsibility and shared decision-making for the future of Iraq. The President does not need another in-house committee to advise him on the future of Iraq. He needs to internationalize the stabilization and the reconstruction effort.

Instead of instituting meaningful change in his Iraq policy, the President presented a bait-and-switch proposition to the American people: Don't look too closely at the policy, just keep your attention on the policy shop.

We cannot undo what has been done in Iraq. But we can chart a better course for the future.

First and foremost, the Bush administration should drop its stubborn insistence that the world community not have any authority in the political reconstruction of Iraq. The resolution that will be considered at the United Nations Security Council this morning makes some progress in promoting cooperation between the United Nations and the Iraqi Governing Council but keeps the United Nations at an arm's length from the Coalition Provisional Authority. It is this authority, headed by Paul Bremer, that exercises total authority in postwar Iraq.

If you don't believe what I have said about total authority, just listen. Ambassador Bremer's first regulation as head of the Coalition Provisional Authority reads in part as follows:

The CPA is vested with all executive, legislative, and judicial authority—

How about that? "The CPA is vested with all," not just an itty-bitty part—executive, legislative, and judicial authority necessary to achieve its objectives. . . .

Take a look at the first sentence in article I of the Constitution of the

United States which I hold in my hands. The first sentence in this Constitution, article I, section 1:

All legislative Powers granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

What a sweeping investiture of power that first sentence makes—"all legislative power." It doesn't say anything about executive or judicial power, "all legislative power." But listen to this, Ambassador Bremer's first regulation as head of the Coalition Provisional Authority:

The CPA is vested with all executive, legislative, and judicial authority necessary to achieve its objectives, to be exercised under relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war. This authority shall be exercised by the CPA administrator.

What an enormous grant of power that is. The new resolution that will be voted on today at the United Nations will not change the supreme authority claimed by Paul Bremer who was installed in his post by the President without offering his nomination to the U.S. Senate for its advice and consent.

There is power—power. Remember the old song: There is power, power, wonder working power.

Well, if the international community is going to continue to be squeezed out of the political decisionmaking in the Coalition Provisional Authority, there is little incentive for the world to mobilize to come to the aid of postwar Iraq. The President's "my way or the highway" approach to the governance of Iraq undermines the mission in Iraq and ignores the will of the American people. The United Nations is willing to help, but only if the administration drops its false pride and its bravado.

"Bring them on," the President said. That is bravado.

Before coming into office, then-candidate Bush talked of a humble approach to foreign policy. "Let us reject the blinders of isolationism, just as we refuse the crown of empire," he said. "Let us not dominate others with our power or betray them with our indifference," he said. "And let us have an American foreign policy that reflects American character," he said. "The modesty of true strength, the humility of real greatness," the President said.

Those were the words of candidate George W. Bush, but they have been far from the practice of President George W. Bush.

Similarly, the administration ought to rethink its extreme good-versus-evil mantra that seems to be running this Nation's foreign policy into a morass of confusion and danger. The administration's obstinance continues to strain America's relationship with other countries and undermines our credibility with other foreign powers.

President Bush committed the United States to war without broad international support. He said: If you don't do it, we will. He said: If the United Nations doesn't do it, we will.

He refused to go back to the United Nations prior to launching military attacks and continues to stiff-arm the international community even today, when that help is so vital to the long-term interests of Iraq.

Instead, the Bush administration has adopted a go-it-alone mentality that threatens the stability of the Middle East and could spill over into other global areas.

The United States needs help in Iraq. The United States needs a plan that will bring relief to our overburdened soldiers by attracting significantly more foreign troops to Iraq and bring relief to our overburdened taxpayers by attracting financial assistance from the international community for reconstruction.

The President's proposal does neither. His \$87 billion spending request places the entire burden of securing and rebuilding Iraq squarely on the shoulders of the American forces and American taxpayers. That burden ought not be carried by the United States alone. That is why Senator KENNEDY, Senator LEAHY, other Senators and I have proposed an alternative.

What Senator KENNEDY, Senator LEAHY, and other Senators and I have offered is more than an invitation to the international community to assume a large and vital role in the reconstruction of Iraq; it is a demand, on behalf of the American people, that the President go to the nations of the world and work in partnership with those other nations of the world. It is a mandate for a new policy in Iraq, a policy that will bring peace more quickly and stability more assuredly.

The amendment, in effect, says: Mr. President, your plan for Iraq has not worked. It is costing lives every day and it is jeopardizing the long-term security of the Middle East. We need to share political power in Iraq with the United Nations, and we must be willing to listen to the rest of the world, share the responsibility, attract new partners for peace, and protect our men and women in Iraq.

That is what this amendment would require. It is a commonsense approach to what is quickly becoming an American quagmire in Iraq. These are dangerous times, Mr. President. These are dangerous times—times that demand determined, disciplined leadership.

The path ahead is not a certain one, but what is certain is that the United States cannot afford to blaze this path alone. America relied on strong alliances, diplomacy, and, only when necessary, armed force to lead the world in the 20th century. But the Bush administration's 21st century America seems all too ready to focus solely on armed force rather than on strong alliances and diplomacy.

Simply put, we need a plan that would bring relief to the American soldiers, to help U.S. troops by attracting significantly more foreign military troops to Iraq; and we need a plan that will bring relief to the overburdened

American taxpayers by attracting meaningful financial assistance from the international community for the reconstruction of Iraq. We need a framework to begin to bring American troops home, supplemented by international forces on the ground—not just on paper—in Iraq.

Currently, the United States has approximately 120,000 troops in Iraq. They are augmented by about 20,000 foreign forces, primarily from Great Britain. Another 10,000 troops from Turkey would help, but it would still leave more than 100,000 American troops in Iraq for the foreseeable future.

In an interview published in the Chicago Tribune on October 5, LTG Ricardo Sanchez, the head of the coalition forces in Iraq, predicted that it would be years—years—not months, before the United States can draw down its forces from Iraq.

The American people were not told that, were they, when we went into this war? No, they were not told that. The men and women in the National Guard and Reserves were not told that, were they—that it would be years, not months, before the United States could draw down its forces from Iraq?

Until a new Iraqi Army is trained and ready to assume command, the only relief for American soldiers is to build up foreign troop presence in Iraq.

International financial assistance is equally important. The American taxpayers cannot afford to bear the full cost of the reconstruction of Iraq. We all know that the \$20.3 billion requested by the President in this supplemental is just the beginning, just a downpayment. It is not the alpha and the omega of American taxpayers' dollars that will be asked by the administration in this enterprise.

The Wall Street Journal recently reported that rebuilding Iraq is expected to cost \$56 billion over the next 4 years, according to an estimate reached by the World Bank, the United Nations, and the Coalition Provisional Authority. So far, other countries have pledged less than \$2 billion to the effort.

The amendment that Senators KENNEDY, LEAHY, and I are offering would require the President to reach out to other nations for both military and financial support—reach out, reach out to other nations.

Our amendment provides that, after April 1, 2004, Iraq relief and reconstruction funds can only be obligated if, one, the President certifies to Congress that the U.N. has adopted a new resolution authorizing a multinational security force under U.S. leadership in Iraq and providing a central role for the U.N. in the political and economic development of Iraq; two, the President certifies that he has a detailed plan in place for the reconstruction of Iraq, including a significant commitment of financial assistance from other nations; three, Congress approves the release of the rest of the funds for the reconstruction

of Iraq in another appropriations bill.

As part of his certification to Congress, the President must establish a plan; he must establish a timetable for withdrawing American troops from Iraq. This is the way to get the U.N. in and the U.S. out. It is a real alternative to the administration's bull-rush approach, and it is a significant gesture to the Iraqi people that America is not an occupier but a real liberator.

The Byrd-Kennedy-Leahy amendment limits the funds for the reconstruction of Iraq that may be obligated prior to April 1, 2004, to the \$5.1 billion fund for Iraqi security and \$5 billion for economic reconstruction.

Our amendment compels the President to work with the United Nations. Our amendment requires Congress to evaluate the progress of the reconstruction effort at the halfway mark next year. Most important, our amendment changes the course of the Iraq relief and reconstruction effort from a unilateral burden to an international obligation.

It is important to note that the full \$5.1 billion that the administration has requested for the Iraq Defense Corps and for improving the Iraqi national security force is exempted from this amendment. Only the nonsecurity portion of the reconstruction program is subject to a second vote.

It seems to me that this is the least we can do to provide relief to American soldiers in Iraq—to have a timetable to bring those American soldiers home to once again reunite with their families—and to safeguard the interests of the American taxpayers in the administration's program to finance the rebuilding of Iraq.

We have a far clearer vision today of the cost of rebuilding Iraq than we did 6 months ago. I think we have a right to assume that we will have an even better assessment—or we certainly should have—6 months from now.

This amendment gives the President 6 months to round up international military and financial support for Iraq and gives his administration 6 months to demonstrate that the reconstruction program is working. Most importantly, the amendment gives the American people—the American people who are bearing the burden in the heat of the day—it gives the American people some assurance that Congress is not walking away from its responsibility to provide oversight of the hard-earned tax dollars that are going to Iraq.

If all goes as planned, Congress can quickly and in good conscience release the remainder of the money, but if unforeseen problems or serious shortfalls in expectations emerge, Congress has an opportunity to make a midcourse correction in America's involvement in postwar Iraq. It is the American taxpayers' money, you who are out there in the plains, the mountains, and the valleys of America looking through these electronic lenses. It is your money, your money—deserve no less.

This is not an anti-reconstruction amendment. It does not affect any of the money being appropriated for American military operations in Iraq. It requires, rather, a progress report and a certification from the President of the United States at the halfway mark, and it provides for a vote—another vote—a vote from the people's representatives in Congress on whether the remaining funds for Iraq reconstruction are needed and are justified.

This is a simple amendment to interject congressional oversight into the expenditure of United States taxpayer dollars for the reconstruction of Iraq. I urge my colleagues to accept the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I think we have been here before. This is another amendment—it reminds me of Yogi Berra: It is *deja vu* all over again. We are looking at the same problem. The problem is the disagreement of the Senator from West Virginia with the President's action with regard to Iraq.

I read the Constitution, too. The President is Commander in Chief. He selected an ambassador who, in fact, has been confirmed by the Senate and gave him the powers to execute the actions necessary to move toward establishing a new government in Iraq.

I was interested in the editorial in the Washington Post yesterday: "Stay Resolute on Rebuilding."

Mr. President, I ask unanimous consent that the full editorial be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. STEVENS. The editorial starts off by saying:

This is a critical week for the U.S. mission in Iraq. The test won't be overseas but in the House and the Senate, where lawmakers are to vote on the administration's request for \$87 billion in emergency funding. It's imperative that this spending be approved—not only the money required for military operations but the smaller, more controversial, amount for reconstruction aid. We omit an exact dollar figure from the previous sentence because that's a legitimate subject for debate. The Bush administration is asking for \$20.3 billion in reconstruction spending; the House Appropriations Committee trimmed \$1.7 billion from that amount. What's important is not the precise number but the underlying premise: that reconstruction is in the best interests of both the United States and Iraq.

The editorial goes on:

One of the biggest temptations for lawmakers will be to lend the money rather than spend it outright. This approach has particular traction in the Senate, where a number of Republicans are endorsing it. They argue that oil-rich Iraq can pay for its own reconstruction; giving it the money outright will just allow it to pay off existing debt more quickly to countries that shirked the reconstruction task, at U.S. taxpayer expense. This may play well back home, but it's the wrong way to go.

This amendment will cap reconstruction funds for Iraq at \$5 billion and re-

quire Congress to enact yet another appropriations bill to spend the remainder of the funds. It attempts to sweeten the amendment with \$5 billion for security-rated activities that is excluded from the cap, but it is still a very bitter pill for those in charge of our troops in Iraq to swallow.

As this editorial I just mentioned stated:

Paying to improve life for Iraqis will help create a safer environment for U.S. troops and will hasten the day when they can leave. Rebuilding the electricity grid, fixing the water supply, getting the oil flowing, maintaining public safety—all this is central to hopes for stability and representative government.

In addition to untenable funding restraints, this amendment requires a Presidential certification that the U.N. Security Council has adopted a resolution authorizing a multinational force under United States leadership for Iraq and that reconstruction efforts are being successfully implemented according to a detailed plan before additional funds can be appropriated.

I know of nothing in the Constitution that says the Commander in Chief of our Armed Forces has to give Congress a plan. He did give us a plan. There is a plan, and it is being executed. But to put it in law that the Commander in Chief cannot spend money for our troops or for reconstruction efforts without a detailed plan is going too far.

Ambassador Bremer has a plan, and we are funding it. The President has a plan, and we are following it, and he is the Commander in Chief. I think it is high time we recognize that the Commander in Chief has powers abroad, particularly when we have men and women in the field still under security restraints. There are people over there still being killed daily, and that bothers me greatly.

What I fear most is the loss of momentum in the program being pursued by the amendments being offered that will derail the plan, derail the operations, and put in restrictions so we cannot go forward. I believe the President has a plan and the Bremer plan will work. If it does not, they will be back, I am sure. But if it does, it will be the first time in history where we went from the concept of a victory in the field militarily to establishing a new government in a country that has really been totally destroyed by its former government, the Saddam Hussein regime. It will be the first time we went from a military victory to a new government without a long period of occupation.

The result of the Byrd amendment is that it will assure we will have increased forces over there occupying Iraq for years and years. I don't know where the Senator got that quote from, but no one told me we are going to be there years and years. As a matter of fact, our goal is not that. We have already withdrawn some troops. The general the Senator quoted has already

withdrawn some troops. We are not predicting they are going to be there for years and years. There may well be a United States presence there for some time, whether or not the Iraqi people ask for it. I hope they reach a point where they think they can provide for their own security.

We have this ongoing problem in Afghanistan very clearly that is going to take some time to establish a government there. We do have some international cooperation but not much really in the long run.

The Senator from West Virginia mentions the U.N. Just yesterday, the Secretary of State told us about the improved circumstance in the U.N. today.

We are pursuing a resolution in the U.N. but to make expenditure of our funds conditioned upon the resolution passing in the U.N. is absolutely wrong. This amendment holds reconstruction efforts hostage to the passage of other appropriations bills and hostage to action by the U.N.

Now, I would hope that Senators will read what I consider to be a very appropriate editorial from the Washington Post that I have just placed in the RECORD. It says:

The debate over reconstruction aid has become a means for expressing frustration, much of it legitimate, about the administration's Iraq policy. Why wasn't the administration more honest from the outset about the costs? Why can't it do a better job of getting other countries to help pay? What's the plan for future years? How will it be paid for? Lawmakers are right to use the leverage of debate to seek clearer answers . . .

But debate is one thing; restrictions in the law is an entirely different thing. I do not believe Congress has the power and should not try to exercise the power to put restraints on the Commander in Chief when we have forces in the field. Our job is to provide the money to keep those men and women safe, and that is what this bill does. Sixty-six-plus billion dollars is to maintain our troops. The balance is one of the most distinct things the President has done as a leader, to say let's move forward now. Let's give them a chance to create a new government. Let's help them set up their security. Let's help them restore their means of living. Let's help them restore their energy. Let's help them restore their oilfields. Let's help them restore safety in the streets. Let's work with them so they can take over their own government.

I received a letter this morning from the Coalition Provisional Authority, and I ask unanimous consent that this letter from Ambassador Bremer be printed in the RECORD. I will make copies available for every Senator.

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

COALITION PROVISIONAL AUTHORITY,
Baghdad, October 16, 2003.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: I want to express my personal appreciation to you for your superb

efforts in managing, S. 1689 the President's Emergency Supplemental Appropriation. All of us in the Coalition Provisional Authority are especially pleased with the expeditious manner in which the legislation has moved through the Committee and now in the Senate.

The Supplemental the President has submitted provides a clear strategy for achieving our goal of an early restoration of full sovereignty to the Iraqi people and for making additional progress in the war on terrorism.

I want you and your colleagues to know that we are making every endeavor to operate in a transparent and accountable manner. But any major cuts of specific portions of the President's request will impact the scope and pace of reconstruction efforts, which in turn will delay the return home of the U.S. troops. There is no doubt that these funds will help contribute to the peace and stability of not only Iraq but eventually of the entire region.

Likewise efforts to link U.S. restructuring funds to contributions from the International community would be counterproductive. Such linkage would send the wrong message to our allies that either they match the U.S. dollar for dollar or America will abandon Iraq.

I understand there are various proposals being offered which would convert portions of the funding request to a loan mechanism of some type. Any such proposal would merely add further debt to the already huge debt currently owed by Iraqis. As you know from my testimony three weeks ago, I am concerned that as was the case in the young fragile democracy in Weimar Germany, such a situation could destabilize the young Iraqi democracy before it even gets off the ground. Moreover, if the United States makes its contribution in the form of a loan, we will encourage other nations to follow that example at the Madrid Donors' conference next week, further exacerbating Iraq's debt situation, and I might add, complicating the eventual process of restructuring the country's overall debt burden.

The sooner Iraq is stable and headed toward prosperity, the sooner the American troops can return home. The U.S. stands to gain a great deal of moral capital for deposing the tyrannical Saddam Hussein and then helping to create a stable, democratic and prosperous Iraqi state. Such moral capital would be diminished, if not undercut entirely, if the U.S. forced Iraq to pay the U.S. for its work. Further it would lend credence to the view that the U.S. is an occupier and not a liberator.

All in the coalition are grateful to you and your Senate colleagues for your efforts and it is our hope that you continue to resist any debilitating amendments which will set back our many successes so far.

Sincerely,

L. PAUL BREMER.

Mr. STEVENS. It says:

The supplemental the President has submitted provides a clear strategy for achieving our goal of an early restoration of full sovereignty to the Iraqi people and for making additional progress on the war on terrorism. I want you and your colleagues to know that we are making every endeavor to operate in a transparent and accountable manner. But any major cuts of specific portions of the President's request will impact the scope and pace of reconstruction efforts, which in turn will delay the return home of the U.S. troops. There is no doubt that these funds will help contribute to the peace and stability of not only Iraq but eventually the entire region.

That is the dream the Secretary of State explained to us yesterday, that

we are moving forward in a region that has had instability for a century, and what has been needed is a key country such as Iraq turning toward a democracy, turning toward involving people. Just listening to the people who have seen and talked to the young people in school, we now know that young women in Iraq are going to school for the first time because of this country. A whole new generation will not just have men educated but will have men and women, who are going to participate in their own government. They want to do that. There has been an overwhelming reaction in Iraq toward freedom.

We want to hold it back? We want to put up some gates and say you can go just this far, but you have to come back to Congress for more money? When? In February, and then more money later.

The whole idea is to put the money up and let the Iraqi people know we are assisting them to move forward. We are going to assist them.

Debate is one thing, but gates, obstruction, is another. This amendment is obstructionism. It is intended to require a return to this floor before the money the President has requested in the supplemental can be spent. I think that is absolutely wrong, and when the appropriate time comes I will move to table this amendment.

EXHIBIT 1—STAY RESOLUTE ON REBUILDING

This is a critical week for the U.S. mission in Iraq. The test won't be overseas but in the House and Senate, where lawmakers are to vote on the administration's request for \$87 billion in emergency funding. It's imperative that this spending be approved—not only the money required for military operations but the smaller, more controversial, amount for reconstruction aid. We omit an exact dollar figure from the previous sentence because that's a legitimate subject for debate. The Bush administration is asking for \$20.3 billion in reconstruction spending; the House Appropriations Committee trimmed \$1.7 billion from that amount. What's important is not the precise number but the underlying premise: that reconstruction is in the interests of both the United States and Iraq.

It would be intellectually consistent, though wrong, to argue against both military and reconstruction funding. But to present oneself as a supporter of money "for our troops" and an opponent of reconstruction is contradictory and counterproductive. Paying to improve life for Iraqis will help create a safer environment for U.S. troops and will hasten the day when they can leave. Rebuilding the electricity grid, fixing the water supply, getting the oil flowing, maintaining public safety—all this is central to hopes for stability and representative government.

One of the biggest temptations for lawmakers will be to lend the money rather than spend it outright. This approach has particular traction in the Senate, where a number of Republicans are endorsing it. They argue that oil-rich Iraq can pay for its own reconstruction; giving it the money outright will just allow it to pay off existing debt more quickly to countries that shirked the reconstruction task, at U.S. taxpayer expense. This may play well back home, but it's the wrong way to go.

Iraq is already burdened with about \$200 billion in debt. Either much of that will be

forgiven, in which case a U.S. reconstruction loan will prove most symbolic, or Iraq will struggle for years under a crushing debt burden, in which case another loan only adds to the misery. To make a loan in these circumstances is like swimming out to a drowning man and handing him a ten-pound weight. As a practical matter, no Iraqi entity has the legal authority to enter into a binding agreement. Lending the money will harm the U.S. effort to persuade other countries to donate. And forcing Iraq to encumber itself with debt to the United States, with U.S. companies reaping the reconstruction profits, plays into the hands of those who suspect U.S. motives.

The debate over reconstruction aid has become a means for expressing frustration, much of it legitimate, about the administration's Iraq policy. Why wasn't the administration more honest from the outset about costs? Why can't it do a better job of getting other countries to help pay? What's the plan for future years? How will it be paid for? Lawmakers are right to use the leverage of debate to seek clearer answers and improved performance from the administration. But a failure to obtain satisfaction on these points doesn't justify a vote against needed funding. One of the Democratic presidential candidates who will be called on to vote on the request, Sen. John Edwards (N.C.), said yesterday that he will vote against the aid for this reason, and Sen. John F. Kerry (Mass.) seems inclined to follow this irresponsible course. Former Vermont governor Howard Dean's position—yes, but only if the president comes up with a way to pay for it—is similarly faulty. As much as we would like to see some tax cuts rolled back, that's not going to happen, at least as part of the current debate. Sen. Joseph I. Lieberman (Conn.) had it right the other day, saying that, despite misgivings and his desire to undo some of the tax cuts to pay for it: "We have no choice but to finance this program."

Helping rebuild Iraq is right as a matter of morality and self-interest. Refusing to pay what's needed because the administration's performance has been lacking simply piles error on top of error. Whatever the Bush Administration's failings, it makes no sense to punish the people of Iraq—and, ultimately, of the United States—as a result.

Mr. STEVENS. I want to be courteous to the people on the other side, and I will try to see if we cannot find some time limit. It would be within my right to move to table right now, but I want to be cooperative. The Senator from West Virginia has asked for other Senators to be allowed to speak, so I will seek to find some way to delineate some time limits. I have spoken for about 8 minutes. I know Senator DURBIN, Senator HARKIN, Senator KENNEDY, and I believe Senator BOXER want to speak. I ask unanimous consent that each be recognized for 10 minutes and that I then be allowed the floor.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I urge my friend to please not put such severe time limits on this because for some of us this is an extremely important amendment that goes to the heart of how we feel about the issue. I know my friend vehemently objects. Just the way he vehemently objects, I vehemently support

the Senator. I have not spoken much in this debate thus far and feel that it is extremely important to my constituents, who do not want the status quo, who want a change, to hear my views.

I ask my friend if he could withhold a particular time. My own view is I probably need about 15, 20 minutes, max, but I do not know for sure.

Mr. STEVENS. The Senator has the right to object, and I have the right to move to table. I still have the floor.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I object to the 10 minutes.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, we are going to work out some time limit on this amendment or I am going to move to table. As a matter of fact, right now I believe we have 45 or more amendments remaining. We have an agreement of the Senate, a handshake agreement for a change. It was not a unanimous consent agreement. It was just a handshake between everyone on the floor that we will finish this bill by tomorrow. We are not going to finish this if we have people speaking at length on every amendment.

Now, I have been informed we have 58 amendments remaining. This is the first one. I ask the Senator, what is a reasonable limitation on the Senator's comments?

Mrs. BOXER. For myself, I would like to speak up to 20 minutes. I may only take 15.

Mr. STEVENS. Twenty minutes for the Senator from California, 20 minutes for the Senator from Illinois, 20 minutes for the Senator from Iowa, and 20 minutes for the Senator from Massachusetts, and I assume the Senator from West Virginia wants recognition again. That is more than an hour on 1 out of 58 amendments. I think that is excessive.

I am willing to change it to 15 minutes for each Senator. I ask unanimous consent that Senator DURBIN, Senator HARKIN, Senator KENNEDY, Senator BOXER, and Senator BYRD be recognized not to exceed 15 minutes before I retain the floor to make a motion to table.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I hope my chairman will not press this request at this time. As far as I know, there is no intention on this side of the aisle to lengthen the process by which the Senator would consider this amendment. This is a very important amendment. I hope the distinguished Senator would not press for any time limitation on the amendment at this point.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I still have the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. No, Mr. President.

The PRESIDING OFFICER. There is a unanimous consent request pending. Is there objection?

Mr. BYRD. Mr. President, I have reserved the right to object and expressed the hope that the distinguished chairman would not press this request at this time.

Mr. STEVENS. Mr. President, I will be glad to debate a little bit what is important and what is not important. I have before me 58 amendments, and I do not know of any Senator who says his or her amendment is not important. This amendment is important. I think the amendment of any Senator is important. With 58 amendments pending, we have to find some way to limit debate. The only way I know to limit it is by making a motion to table.

I again seek the guidance of the Members on the other side. I think we really have eight amendments, other than a reservation of amendments to be able to be offered in the second degree. Of the basic amendments that are now here, there are, what, 31?

Mr. REID. Will the Senator yield for a question?

Mr. STEVENS. Without losing the right to the floor, I yield to the distinguished Senator from Nevada for a comment.

Mr. REID. Mr. President, I state to the distinguished manager of the bill, Senator DURBIN is not going to be able to come. I think if we just proceeded with this, it may move more quickly than one would think. Senator DURBIN is not going to come. Senator KENNEDY will speak. Senator BOXER will speak. I think it would move more quickly than one would think.

Mr. STEVENS. Senator LEAHY now; that's a sixth one. If each one takes 20 minutes, we are going to be at 2 o'clock before we vote on this.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. I yield to the Senator without losing my right to the floor.

Mr. BYRD. Mr. President, we have already taken 15 or 20 minutes.

Mr. STEVENS. I have taken 7 minutes.

Mr. BYRD. The Senator has not been alone taking time. I am hoping his sweet nature will prevail and allow Senators to speak.

The PRESIDING OFFICER. The gallery will remain quiet.

Mr. BYRD. I hope the Senator will not press for an agreement this early in the morning. We can move right along. Senators are here. Senator LEAHY is here; Senator KENNEDY is here; Senator BOXER is here. We are prepared to move along. We are not attempting to drag out the time.

I hope the Senator will allow Senators to go forward with this debate. We will save time in the long run by so doing.

Mr. STEVENS. Mr. President, may I inquire of the minority, are they willing to set a firm time for the vote on this amendment?

Mr. BYRD. Not yet, Mr. President.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. REID. I do really think this will move more quickly. We don't need to allocate 20 minutes on this. If we just go forward, things will work out. You still have the right, after somebody completes a statement, to get the floor.

Mr. STEVENS. Let me try this. I ask unanimous consent I be allowed to yield the floor to Senator BOXER to make such remarks as she wishes to make, and when she is finished her remarks, I regain the floor.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, he would get the floor, anyway. He is the manager of the bill. I have no objection to that request.

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

The Senator from California.

Mrs. BOXER. I assure the Senator from Alaska my remarks are really not as long as 20 minutes. I certainly will try to get my points across in short order.

Mr. President, I am very proud to stand with the senior Democratic Senator on the Appropriations Committee, Senator BYRD, and support his amendment to require the administration to develop a plan for Iraq, to share the burden of Iraqi reconstruction and security, and provide Congress with the information it deserves to have, not only as a coequal branch of Government but in behalf of our constituents.

I view this amendment as a very strong alternative to the underlying bill, an alternative that is better for our troops, that is better for our taxpayers, and will finally give us a plan and an exit strategy we should have had a long time ago.

The Byrd amendment withholds half of the money requested for reconstruction until the President certifies and reports to Congress that the U.N. Security Council has adopted a new resolution authorizing a multinational force under U.S. leadership. That would result in more funding and more troops from other nations to relieve our heavy burden. And the burden is, indeed, heavy.

I am very happy the U.N. Security Council just passed a resolution. But, if I might say, what that resolution does—and I am glad they passed it—is it essentially puts them on record as recognizing the United States as the transition power in Iraq. But it does not give one dollar toward the effort of reconstruction. It does not give even one soldier more from another country.

So we have a long way to go. I think in many ways the Senator from West Virginia was prescient, because he put in his amendment not just that the U.N. pass any old resolution, but that the U.N. pass a resolution that will in fact relieve the burden on our troops and on our taxpayers.

Senator BYRD and those of us supporting his amendment also say the administration must certify and report to Congress that our reconstruction efforts are being carried out in accordance with a detailed plan that includes

significant financial assistance from other nations. In short, the Byrd amendment requires leadership from this administration—leadership from this administration—and the American people deserve no less. It is time for leadership.

In addition, the Byrd amendment requires reports to the Congress on efforts to protect our troops. I made a visit to Walter Reed Hospital yesterday. It was a very emotional visit. Our troops are extraordinary. They are incredibly optimistic young people. Each one of them I visited said had they been in a different type of vehicle, they wouldn't have lost their limbs, they wouldn't have lost colleagues. Because, as we have said many times, after the President landed on the aircraft carrier and he said the major hostilities were over, we did not have a plan in place and a lot of our people have paid the price of that.

So we are essentially demanding, asking, requesting, that the President report to the Congress on efforts to protect our troops. We asked for an estimate of the duration and cost of the military mission in Iraq. I might say, for many of us who supported the Levin resolution, we have been asking for that since day one and we really never had it.

Why do you think the American people took a deep breath when they heard \$87 billion for Iraq? They don't even realize, most of them, because it slipped through here with a unanimous vote—and at that time I think rightly so—we already gave \$70 billion for Iraq in an emergency supplemental. So there was \$70 billion, now there is \$87 billion, and if anyone thinks this is the last of it you are mistaken. If we do not get a grip on this, this is a policy that is not in anybody's control. They don't even know who is in control over at the White House. They sent out a press release that Condi Rice was in charge of reconstruction. Then Rumsfeld got mad. Then she came out and said, Well, gee, no, that really wasn't so.

I think Senator BYRD, with all his many years here, his many years living, and his many years witnessing other administrations, has done us all a favor by putting together this very important amendment. Many of us helped put the finishing touches on it. I am very proud of this amendment.

So we ask the President to send a report to Congress on efforts to protect our troops, an estimate of the duration and cost of the military mission in Iraq, an estimated long-term schedule for the withdrawal of U.S. and foreign troops, and a schedule with timetables and costs for the establishment of a fully trained and equipped Iraqi security force.

Why is the Byrd amendment an alternative to be strongly supported? To me it is clear. It is time to end a blank-check policy. It is time to end a blank-check policy. Again, we gave \$70 billion with absolutely no strings attached. We didn't stop it. We didn't say any-

thing. We expected the President at that point would use those dollars and use the trust the Congress placed in him with that \$70 billion to come up with a plan. We still don't have it.

So clearly we should support this very important amendment as an alternative to the underlying bill.

Let me give you other reasons. We were misled about post-Saddam Iraq. There is not one person who is civilized and has a heart and a pulse that beat who isn't glad Saddam is out of the picture. That has never been the issue. That has never been the question. The question is, did we have the right policy so that in the future that part of the world will be more secure, that we will not have a vacuum where terrorists move in, and where the United States is not the only country that is bearing the cost of a post-Saddam Iraq?

The American people—I know I speak for the people of California who have spoken with me about this and, by the way, I have had well over 1,000 calls on this and it is heavily against the \$87 billion—feel for the Iraqi people, and they want to do their share—underline “share.” But they were told the post-war situation would be quite different from what we are seeing.

Let me quote President Bush's press secretary, Ari Fleischer, who was press secretary up until recently. This is what he said about reconstruction:

Well, the reconstruction costs remain . . . an issue for the future, and Iraq, unlike Afghanistan, is a rather wealthy country.

I say to my friends on the other side of the aisle and my friends on this side of the aisle that the spokesperson for the President of the United States said:

. . . unlike Afghanistan, Iraq is a rather wealthy country.

Still quoting, he said:

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.

My friends, that was this year. Ari Fleischer was speaking for the President of the United States who is now putting pressure on us not to see this reconstruction money become loans. Ari Fleischer said:

. . . Iraq has to be able to shoulder much of the burden for their own reconstruction.

What did Deputy Defense Secretary Paul Wolfowitz say? I sit on the Foreign Relations Committee. Let us hear what he said. He said:

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 . . . 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.

Going on, Mr. Wolfowitz, No. 1 in the Defense Department, said:

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

What are we being told by the manager of this amendment, Senator STEVENS? He is saying the Byrd amend-

ment is awful; it is terrible; it is going to stop everything; it is a terrible thing. If you think the Byrd amendment is destructive, why not call Paul Wolfowitz and find out why on March 27, 2003 he said, “We're dealing with a country that can really finance its own reconstruction, and relatively soon”?

Why not call up Ari Fleischer, who spoke to the President and said, “. . . unlike Afghanistan, Iraq can pay for its own reconstruction”?

But it doesn't stop there. There is Defense Secretary Donald Rumsfeld. I am quoting him.

I don't believe that the United States has the responsibility for reconstruction.

My colleagues, I want to reiterate this. Donald Rumsfeld, No. 1 in the Department of Defense, said in March of this year:

I don't believe the United States has the responsibility for reconstruction.

He said:

[Reconstruction] funds can come from . . . frozen assets, oil revenues and a variety of other things, including the Oil for Food, which has very substantial number of billions of dollars in it.

I could have quoted 10 other people from this administration, but from Secretary Rumsfeld who is a key member of this administration, to Ari Fleischer who spoke for the President, to Paul Wolfowitz, second in command at the Department of Defense, they all told us and they told the American people Iraq could pay for its own reconstruction.

I think the underlying bill is very much another blank check based on more statements and promises from an administration that led a brilliant military campaign but was wrong on the weapons of mass destruction, wrong on what would happen after the war, wrong on what the rebuilding would cost, wrong on how many troops would be needed, wrong on oil revenues, and wrong on how much other countries would contribute. That is just a partial list.

My constituents are very leery of another blank check, given this history and given the need here at home.

I could not believe this U.S. Senate couldn't walk down the aisle together, Republicans and Democrats, and take a month's worth of money for Iraq and spend it in this country of ours. We weren't asking for much. The Senator from Michigan wrote a brilliant amendment. In it, she said, All right, we are spending \$5 billion in Iraq. The World Bank tells us they can't really absorb all the money we are budgeting now. Let us take just 1 month and let us keep our promises to our veterans. Let us take just 1 month. That is all—\$5 billion. We can take care of our veterans' health. We can take care of our school construction needs. We can help some people who need health care here in the United States of America.

No. That went down in flames. We can't do that. We can't afford that. We can't afford it. After all, we have a deficit. We had a deficit only after this

President took office. We had a surplus before he took office. Now this body won't even pay for this war. They won't even pay for this war. They make ringing speeches about America, the greatest leader in the world. And I agree with every speech. But every time America led the world, we didn't tell the wealthiest few that we will give you more tax breaks so our sons and daughters can go off.

This amendment says to me everything that needs to be said. It puts an end to a blank-check mentality. We can't afford another blank check. We have these pressing needs at home with a deficit that is racing out of control.

I thank Senator BYRD for his leadership. I have enjoyed working with him and with his staff, as well as the staff of Senators LEAHY and KENNEDY, to put forward an alternative that puts our troops and our taxpayers ahead of a blank-check policy. I hope we will have a strong vote.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Under the previous order, the Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have a management problem. I ask unanimous consent that the vote on this amendment not occur before 3 o'clock.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am an original cosponsor of this amendment, and I strongly support it. I will not take a great deal of time. But Senator BYRD and Senator KENNEDY, two senior Members of the Senate—actually the two most senior Members of this Senate—have been such resolute voices of reason and caution concerning our actions in Iraq. Senator KENNEDY and Senator BYRD have done a thorough job of explaining what this amendment does and why it is important.

There is no secret that I did not support the resolution authorizing the use of military force against Iraq. I felt it gave the President authority that should be reserved to the Congress. It was used by the President to justify abandoning the United Nations prematurely, rejecting the recommendation of our allies, and launching a unilateral preemptive attack against Iraq with dubious justification.

Since then, almost everything the White House and the Pentagon have said about Iraq has turned out to be wrong. The justification for the war, that Saddam Hussein was on the verge of having nuclear weapons, has evaporated. There was no link between Saddam Hussein and the September 11 attacks despite what the President said—until recently. While the Vice President continues to try to make the connection, at least the President has finally said there is no connection.

Is Saddam Hussein a bad man? Of course, one of the most evil people I

have ever read or heard about. Amazingly enough, it is the same Saddam Hussein we strongly supported in many ways in previous administrations. Is he a tyrant? Certainly. Did he carry out torture and genocide? Of course he did. He gassed the Kurds. The then Reagan-Bush administration continued to send military aid. Is he a bad man? Yes, we all agree on that.

Did he have nuclear weapons? Of course not. Was he an imminent threat to the United States? Of course not. Was he worse than some of dictators we actively support around the world today? That is an open question.

Now we have a different question, as the senior Senator from West Virginia and the senior Senator from Massachusetts and others have pointed out: The cost to the United States taxpayers in rebuilding Iraq. We were told that would be paid with Iraqi oil revenues. But suddenly that cost has skyrocketed. Our troops, we were told, would be greeted as liberators. They are under constant attack and threat of attack.

I remember when the administration came before the Congress and said the costs of rebuilding would be under a couple billion dollars. They assured Members, assured the Appropriations Committee of that. They had to know they were not being truthful.

Look at what has happened. Hundreds of our service personnel have been killed, many more have been wounded, something the administration prefers not to talk about. The wounded are brought back after midnight, making sure the press does not see the planes coming in with the wounded. They were not talking about wounded. These are not a broken wrist or scratched leg. These are terrible wounds—lost limbs, lost eyesight, lifetime disabilities. I think of the soldier who fought bravely for the United States who is back in Walter Reed now finally getting his citizenship. He raised his right hand to take the oath. That was the only limb he could raise. He lost his other arm and both legs, like our former colleague, Senator Cleland, in Vietnam. These are terrible wounds.

We have lost more of our military since the President said the mission was accomplished, the war is over, than we did before. We have lost more of our soldiers since the President said: Bring it on. Unfortunately, they must have listened because they brought it on and more Americans have died since then than died before.

Having said that, I am not one of those who say everything in Iraq is a failure. I do not say that at all. We are far from that. We are making progress in Iraq on many fronts. But the situation is dangerous. We are there virtually alone. Contributions of troops and money from other nations have been a pittance. But who can blame them? We ignored the words of caution from our allies. We dismissed our allies as irrelevant. We called them "Old Eu-

rope," and we refused to give them any meaningful say in the political development or economic reconstruction of Iraq. Now, having insulted them, having ignored them, having not consulted them, having brushed them aside as irrelevant, we expect them to jump behind a policy they opposed when they find that so many of the things we said to justify our policy turned out not to be true? It is not surprising they are not hurrying to get in line behind us.

This amendment of Senator BYRD, Senator KENNEDY, myself and others, acknowledges what is obvious to everyone except perhaps those in the White House who are so convinced of their own version of reality that they only see what they want to see. We need help. We need the active involvement of the international community. In order to get that active involvement of the international community, we need to give these nations a bigger say in rebuilding Iraq and doing so to take the targets off the backs of our soldiers and defray the financial cost to the American taxpayers. We cannot take the attitude that uncle knows best and only uncle knows. We want others to help us if we want to be in a position to take our brave young men and women out of the line of fire.

This is essential, not only for the success of our policy in Iraq but for our ability to work constructively with other nations in all the other fights we have in fighting terrorism, in combating poverty, in stopping disease, in protecting the environment, in dealing with so many other global problems. We are the wealthiest, most powerful nation history has ever known. It is almost inconceivable—even when I was born, 1940—that we would have any nation as powerful as we are. But we have responsibilities around the world that go with that. It is not just Iraq.

There is an AIDS epidemic; there are contagious diseases, including ebola; there is ignorance, poverty, environmental damage. All of these things need U.S. leadership—not leadership arrogance but U.S. leadership. The American people are good people. The American people have the heart and the will to do what is best.

The American people do not need to have leaders who show arrogance. That is not the American way. I think of the young people who go in the Peace Corps; I think of the young missionaries who go abroad; I think of the teachers, of the older retired people going to other parts of the world to help out. They do not go with arrogance, they do not go with simplistic answers; they go with humbleness, respect, and love.

This amendment allows half the Iraq reconstruction funds, \$10.1 billion, more than can be spent next year, to be made available immediately. In other words, this amendment would get that money out the door with no strings attached. Putting this in perspective, \$10.1 billion is equal to more than half the amount of foreign aid we give to

the rest of the world, and we will give that amount of money to one country immediately. The \$10.1 billion includes \$5.1 billion for security, public safety, border enforcement, and justice activities. The balance of the \$10 billion will be released after April 1, 2004, if the President certifies that the United Nations adopted a new resolution authorizing a multinational military force of the United States command and a central role for the U.N. in the political and economic development of Iraq, but the Congress would have to vote to release the balance of the funds.

Over a quarter of a century ago, I went on the Appropriations Committee because I believed very strongly—and I don't have to tell the senior Senator from West Virginia who has forgotten more about this than all the rest of us would know—I believe very strongly the Congress has the power of the purse. It is one of those wonderful, brilliant acts done by our Founders to have these checks and balances—our judiciary, executive, our Congress. It has served us in good stead.

Has the Congress always been right? Of course not. Has the executive or judiciary always been right? No. But generally it stays in balance and it works very well. The big mistake would be if we just gave it away, if we said that the American people do not have a voice so we would have to vote to release the balance of these funds.

This is extremely generous. But the reason I mentioned the power of the purse is that we have a duty to protect the taxpayers' money.

In this Senate, there are only 100 of us who have the privilege to serve—and it is a privilege—at any given time. We have 270 million Americans. We have a responsibility—a responsibility—not just to Americans from Vermont or West Virginia or anywhere else but to all Americans. It is their money.

Now, none of us could predict what is going to happen in Iraq between now and April first. It makes no sense to bundle up this \$21 billion and toss it out the door, without ever asking questions—whether the funds are being used wisely, whether other nations are contributing, and whether it makes sense to release another \$10 billion.

It is absurd. It is totally unnecessary. It is not only absurd, it is unnecessary. This is the thing I cannot understand: Why are we rushing pell-mell to give away \$21 billion lock, stock, and barrel, all at once? Every one of the administration's own people say they cannot spend it. They want it, but they cannot spend it. It is like "give me, give me, give me, and I will make up my mind when I want to spend it." I would hate to run my household finances that way.

We should not run the Nation's finances that way. It is not the way it was done with the Marshall plan. Everyone comes up here from the administration and talks about the Marshall plan, the Marshall plan, the Marshall plan. I wish one of them would pick up

a history book and read about the Marshall plan. The way they describe it, I don't think they could even spell it.

There was far more detailed justification for the Marshall plan, far more opportunity for review, far more oversight. Let's learn from history, especially if we are going to claim to repeat it.

I am tired of historical sloganeering by people who obviously have no idea what the heck they are talking about. For the Marshall plan, we had hundreds of witnesses. That was several years after the end of World War II. We had special bipartisan committees that really worked at overseeing that plan.

When I first came to the Senate, I talked to some of the Members who had been here at that time. They were watching what was going on. They knew what was going on. And it was not a blank check. It was not a blank check. It was, however, one thing: We worked with other countries. We led the effort, of course. We worked with other countries.

I think it is long past time that we should reach out to our friends and allies, not with this fig-leaf resolution being discussed at the U.N. this week—and that is all it is; it is a PR fig leaf—but in a way that builds a genuine coalition that is no longer a unilateral policy.

I want to be fair. The U.N. resolution to be voted on today is welcome. It sets the stage. That is what it does. It is a stage-setting piece for what should have been months ago, by recognizing the key role that other nations can and should play in Iraq.

It would authorize a multinational military force. It would encourage other nations to participate and make contributions to the force and to the costs of reconstruction in Iraq.

It also makes clear that the Coalition Provisional Authority is temporary. That is something on which I believe all Members of the Senate, Republican and Democrat alike, would agree. It has to be temporary.

So it is a step in the right direction, but it is basically a statement of good intentions. There is nothing wrong with good intentions, but I think some of us who have been here for a few years would like more than just good intentions. We have no idea how it is going to be interpreted by the White House, which has resisted meaningful input from other nations, nor how it is going to be implemented.

Will the multinational force be anything more than a fig leaf for an indefinite U.S. military operation involving more than 100,000 troops, as it is today—100,000 American troops over there facing the danger of being killed every single day? Will other nations contribute or will U.S. taxpayers continue to shoulder 99 percent of the cost?

Mr. President, save me the stories I hear from the administration about 30 countries, 40 countries joining us. I think there is one country that has

sent over two people. Of course, we had to pay their way. Others were willing to send a few thousand dollars. But as ranking member of the Appropriations Subcommittee on Foreign Operations, I know we are going to have to pay more than that in foreign aid they all want. I do not want fig leaves. I do not want rhetoric. I want reality.

Right now, the reality is, we are paying 99 percent of the cost. Is the administration going to give us a detailed plan, including timetables and cost? How about an exit strategy for when our troops will come home? That is what I would like to know. We do not know. We do not know what is going to come out of that.

It is good to have, at least, a resolution that says nice things. It does not do an awful lot, but it says a lot of nice things at the United Nations. But I am not a member of the United Nations. I am not a delegate to the United Nations. I am the senior Senator from the State of Vermont. I am here to speak on behalf of the people of the United States in the U.S. Senate. That is my role. I have one vote here out of 100. I take that very seriously.

This amendment is extremely important. It builds on the U.N. resolution. It requires tangible results, not just good intentions. If the U.N. resolution accomplishes what it says, the President should have no difficulty making the certifications called for in this amendment.

We need to know if the U.N. resolution represents the "internationalization" of policy long overdue or if it is nothing more than political cover to maintain the status quo, to continue along as we are today—alone, with our troops under fire and U.S. taxpayers paying through the nose.

And then we need to vote on whether to release the remaining \$10 billion. There is no reason—there is none—there is not one word in all the testimony before the other body or before ours that says they need this other \$10 billion right now—not one word that says we should not have another chance to review this policy and vote again in 6 months. That is the responsible thing to do. Again, they cannot spend the money now.

So our amendment steers a middle ground. It releases half of the aid up front, but it tells the administration we want a multilateral approach. We want other nations involved, and not just nations that can only contribute enough troops for a small town police force or provide a handful of second-hand jeeps.

I admire the political will of some of these small countries in sending people over. From my own State of Vermont, we have sheriffs departments that are bigger than some of the forces they are sending. That does not detract from their political will in doing it. It is a nice symbol, but let's not fool anybody.

I think the administration takes a strange view of Americans if they think we are going to be fooled by this.

Virtually every American knows who is paying the bill. We Americans are.

So this amendment is in Iraq's interest. It is certainly in the interest of the American taxpayers, something we should be concerned about.

I am very proud of my friend, the senior Senator from West Virginia, for offering the amendment. I have had the privilege of serving with him for 29 years. I have learned as much from him as any one in the hundreds of people I have served with in this body, right from the very first day I met him as a young Senator elect, as a former prosecutor.

I think of my good friend from New England, the senior Senator from Massachusetts, a man I first met back when he was a brand-new Senator and I was a semineew prosecutor in Vermont.

I think what the two Senators have done is go back to history and back to reality and set a good course. Our country will actually be stronger and better and, ironically, the Iraq reconstruction will be done better, if we follow their course.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join in thanking our good friend and cosponsor, the Senator from Vermont, for his excellent presentation and compelling argument. And I, once again, thank our leader on this issue, and someone who has been such an eloquent voice for sane and responsible foreign policy for so many years, and particularly in the whole debate on Iraq, our friend from West Virginia, Senator BYRD.

I think it is important at this time to understand exactly what this amendment is and what it is not.

The Byrd amendment is not cutting the \$20 billion. There have been other amendments that have suggested that and have done so. This amendment is not doing that. The purpose of this amendment is plain and simple: This is the only amendment that has been offered—and I believe will be offered—that is going to require a change of course in our policy in Iraq and give us the opportunity in 6 months to have a chance to review the administration.

As pointed out by the Senator from California, otherwise, with this \$87 billion, we are effectively giving a blank check and a statement that we support the current policy, which I believe is a bankrupt policy, one that is being made up every day. I spoke earlier on it.

One of the reasons the amendment of the Senator from West Virginia is so responsible and compelling is, first, the World Bank has estimated that Iraq could only use \$6 billion over the next year. He is letting \$10 billion go, \$5 billion for security, but the other \$5 billion. Over a 6-month period the World Bank says the most Iraq could use is \$6 billion. This is going to let \$10 billion go for 6 months. All we are saying is,

perhaps after that 6 months, the rest of the money would be freed up as well. But at least we here, as the people's representatives, will have a chance to review the bidding at that particular time.

I listened to our friend—and he is our friend—from Alaska say we ought to stay the course. I believe we ought to stay the right course. That is what we are talking about—staying the right course which is in the interest of the security of our troops and of the United States. Others are saying: Why not just give us a blank check?

The Senator from West Virginia remembers clearly, as ranking member on the Appropriations Committee, it was not long ago when administration officials said: We don't need any money at all in terms of reconstruction. Iraq is a wealthy country. The oil revenues will be able to handle it. Three months ago they said: We think maybe \$1.7 billion will be able to handle it over the next year. Now they ask for \$20 billion and say: Stay the course; why are you trying to interfere with us?

They have been moving these numbers all around and failing to give a full plan. Yes, they gave us some working documents from last year and, yes, they gave us a budget but not the plan. The wisdom of the Senator from West Virginia is the fact that it is going to require that the administration come back in 6 months and give us an opportunity to review.

Finally, as the Senator from Vermont has pointed out, the \$20 billion for reconstruction is what the United States provides for economic aid for the rest of the countries all over the world. This is not an insignificant amount. The American people understand that. It is 20 times what the Federal Government spends annually on afterschool programs, 20 times. This \$20 billion is 20 times what we spend on afterschool programs that reach hundreds of thousands of children, helping them get the supplementary services which are so important in terms of their education, giving them outlets in terms of participation in sports. This \$20 billion is 20 times that amount.

It is also double the amount that this President proposed on education to assist the schools. This \$20 billion is effectively twice as much as we are providing in K-12 federal spending on the title I education program for disadvantaged children. We know how important that is.

It is over two times the amount we spend in helping those who have special needs. It is four times what the Government spends on cancer research. This is not an insignificant amount of resources.

The only thing the Senator from West Virginia is saying is: Let's get another look at it in 6 months. Why should the administration be so opposed to that? Doesn't it make sense, in terms of our national interests, to galvanize the country in support of foreign policy? Are the people who are al-

legedly supporting whatever this policy is so uncertain about what is going to happen in 6 months from now, they say, don't do that; you are going to interfere and obstruct our whole effort by coming back to the Congress and permitting them to make a judgment in 6 months? That is apparently what they are prepared to do.

I commend the Senator from West Virginia. I know from personal experience the amount of time and effort and energy and thought that has gone into this amendment. This is the one amendment that says: We are giving you 6 months to move ahead. That is sufficient to meet the vital needs at the present time. And we are prepared to give you 6 months after that, in March-April of next year, when the Congress will be back and prepared to vote. But at that time at least we will know, at that time the American people will know that there are going to be other nations that will be a part of the team, that are going to be supplying resources, that are going to be supplying additional troops. We will be able to indicate to the American service men and women an end strategy, an exit strategy.

I was asked a couple of hours ago about mentioning the exit strategy; doesn't this just suggest we are talking about cutting and running? That is not what we are talking about. We are talking about being sensible and responsible.

Actually the words "exit strategy" were included in the foreign affairs article that was written by Brent Scowcroft and former President Bush, Bush 1, to which I referred earlier. He was talking about what the alternatives were at the end of the first gulf war. He was pointing out that this was a world transformed, President George H.W. Bush and his National Security Adviser, Brent Scowcroft, in their joint memoir on the experiences of the gulf war in 1991.

There was no viable exit strategy that we could see.

That was former President Bush 1, "no viable exit strategy that we could see."

He believed at the time of the first gulf war we ought to have an exit strategy that we could see.

We haven't got that. It is not in the \$87 billion. What the amendment of the Senator from West Virginia is saying is, OK, it is not in there. OK, it is not in the \$20 billion. But let's come back in 6 months and we will have a chance to see where we are.

I commend the Senator for offering his amendment. I hope our colleagues will give it strong support.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I wish to express appreciation to the other Senators who have spoken in support of this amendment: Senator KENNEDY, Senator LEAHY, Senator BOXER. There are some other cosponsors of the

amendment who may or may not wish to speak on it: Senators HARKIN, DURBIN, JEFFORDS, and KERRY.

The amendment provides that not more than \$5 billion may be obligated or expended before April 1, 2004, from the total of \$20.3 billion.

It provides that the excess of the total amount so appropriated over \$5 billion may not be obligated or expended after April 1, 2004. We are talking about \$10 billion of the \$20 billion—\$10 billion may not be obligated or expended after April 1, unless, 1, the President submits to Congress in writing certain certifications and unless Congress enacts an appropriations law, other than this act, that authorizes the expenditure of such funds.

Keep in mind, I say to Senators, the \$5.1 billion provided under the heading "Iraq Relief and Reconstruction Fund for Security," including public safety requirements, national security, and justice, which includes funds for Iraqi border enforcement, and so on—keep in mind that these moneys are not affected. They will go forward to Iraq—the \$5.1 billion for the Iraq Relief and Reconstruction Fund for Security. They will go forward immediately, and \$5 billion of the remaining \$15 billion may be spent before April 1, 2004. The passage of this bill would provide for such expenditures. But the remaining \$10 billion would not, could not be obligated before April 1, 2004, and may not be obligated or expended after April 1, 2004, unless the President submits to Congress in writing certain certifications described in the amendment and Congress enacts an appropriations law, other than this act, that authorizes the obligation and expenditure of the remainder of the fund.

Now, the certifications that have to be provided by the President of the United States before the remaining \$10 billion may be expended are as follows, in brief: a certification that the U.N. Security Council has adopted a resolution that authorizes a multinational security force under United States leadership for post-Saddam Hussein Iraq and provides for a central role for the U.N. in the political and economic development and reconstruction of Iraq; and the President must also certify that there must result a substantially increased contribution of military forces and amounts of money by other countries to assist in the restoration of security in Iraq and the reconstruction of Iraq. There must be a certification by the President that the United States reconstruction activities in Iraq are being successfully implemented in accordance with a detailed plan, which includes fixed timetables and costs and with a significant commitment of financial assistance from other countries, so that the American taxpayer does not have to continue to bear all the burden; a detailed plan that provides for the establishment of economic and political stability in Iraq, including prompt restoration of basic services, such as water and elec-

trical services; the adoption of a democratic constitution in Iraq, the holding of local and national elections in Iraq, the establishment of a democratically elected government in Iraq that has broad public support, and the establishment of Iraqi security and armed forces that are fully trained and appropriately equipped and are able to defend Iraq and carry out other security duties without the involvement of the United States Armed Forces—so that American men and women who are bearing the military burden there today can come home.

Additionally, not later than March 1, 2004, the President shall submit to Congress a report on United States and foreign country involvement in Iraq that includes the following information:

1, the number of military personnel from other countries that are supporting Operation Iraqi Freedom, together with an estimate of the number of such personnel to be in place in Iraq for that purpose on May 1, 2004;

2, the total amounts of financial donations pledged and paid by other countries for the reconstruction of Iraq;

3, a description of the economic, political, and military situation in Iraq, including the number, the type, and location of attacks on coalition, U.N., and Iraqi military public safety and civilian personnel in the 60 days preceding the date of the report;

4, a description of the measures taken to protect United States military personnel serving in Iraq;

5, a detailed plan containing fixed timetables and costs for establishing civil, economic, and political security in Iraq, including restoration of basic services, such as water and electricity services;

6, an estimate of the total number of United States and foreign military personnel that are necessary in the short term and in the long term to bring to Iraq stability and security for its reconstruction, including the prevention of sabotage that impedes the reconstruction efforts;

7, an estimate of the duration of the United States military presence in Iraq and the levels of United States military personnel strength that will be necessary for that presence for each of the future 6-month periods, together with a rotation plan for combat divisions, combat support units, and combat service support units;

8, an estimate of the total cost to the United States of the military presence in Iraq that includes, A, the estimated incremental cost of the United States Active-Duty Forces deployed in Iraq and neighboring countries; B, the estimated cost of United States Reserve component forces mobilized for service in Iraq and in neighboring countries; C, the estimated cost of replacing United States military equipment being used in Iraq; D, the estimated cost of support to be provided by the United States to foreign troops in Iraq;

Furthermore, an estimate of the total financial cost of the reconstruc-

tion of Iraq together with, A, an estimate of the percentage of such costs that would be paid by the United States and a detailed accounting specified for major categories of cost and, B, the amounts of contributions pledged and paid by other countries, specified in major categories;

10, a strategy for securing significant additional international financial support for the construction of Iraq, including a discussion of the plan for implementing the strategy;

11, a schedule including fixed timetables and costs for the establishment of Iraqi security and armed forces that are fully trained and appropriately equipped and are able to defend Iraq and carry out other security duties without the involvement of the United States Armed Forces;

12, an estimated schedule for the withdrawal of United States and foreign armed forces from Iraq; so here we have a requirement in the report that is to be submitted by the President, an estimated schedule for the withdrawal of United States and foreign armed forces from Iraq;

13, an estimated schedule for the adoption of a democratic constitution in Iraq, the holding of democratic local and national elections in Iraq, the establishment of a democratically elected government in Iraq that has broad public support;

And, finally, the timely withdrawal of United States and foreign armed forces from Iraq.

Every 90 days, after the submission of this report, under subsection C, the President shall submit to Congress an update of that report. The requirement for updates under the preceding sentence shall terminate upon the withdrawal of the United States Armed Forces other than diplomatic security detachment personnel from Iraq. The report and updates shall be submitted in unclassified form.

Here at last is a requirement that the President provide a report to the Congress and to the American people, information the Congress has needed and requested but which has been denied thus far.

This amendment would require that the President make these certifications I have mentioned and that he submit a report which outlines the various provisions I have read and, in the final analysis, he has to submit a timetable for the withdrawal of American men and women from Iraq.

It is time for the U.N. to get in and the U.S. to get out. That is what this amendment would require, in essence. The amendment would help save American lives. It would ease the Iraqi fears that America is following a policy of compassionate colonialism. This amendment moves reconstruction forward. This amendment moves Iraq forward. This amendment brings the world together in the overall peace effort on those distant sands.

This amendment would put in motion a plan—a real plan—that would bring

peace more quickly and stability more assuredly, and it would say to the people of Iraq that the United States is your friend, not your sovereign.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the pending amendment offered by the ranking member of the Appropriations Committee, the distinguished Senator from West Virginia, Mr. BYRD, Senator KENNEDY, myself, and others, I believe is key as to whether this bill includes any real measure of accountability to Congress and, thus, to the American people for this country's policy in Iraq.

This is essentially similar to an amendment I had offered during the committee markup. We had an excellent substantive debate in the committee, and we are having I hope again today a debate on accountability of this administration.

I thank Senator BYRD for his tremendous leadership on this issue. I thank the chairman of our full committee, Senator STEVENS, for permitting us again—I know at some point he will want to move to table, but I thank him for allowing us to have this time to have our say and make our points about why we feel so strongly that this amendment should be adopted.

The amendment allows funding for our military needs in Iraq and Afghanistan. The amendment we are debating allows \$10.1 billion for Iraqi relief and reconstruction over the next 6 months, until April of 2004; \$5.1 billion of that is set aside for police and military training in Iraq and about \$5 billion would be for reconstruction aid. I note the \$5 billion is the amount of reconstruction aid the World Bank believes Iraq can absorb over the next full year, let alone in just 6 months.

Further taxpayer funding for Iraq beyond that \$10.1 billion would be contingent on important accountability to Congress and the American public. In order to receive Iraqi relief reconstruction funding beyond the \$10.1 billion, the President would have to certify to Congress that the U.N. has adopted a new resolution authorizing a multinational military force in Iraq under U.S. command. The President would also have to certify that he has a concrete plan for stabilization and democracy in Iraq, with fixed timetables and cost estimates, and the President would have to submit a report to Congress detailing the international support for our efforts in Iraq, both in terms of money and troops, as well as a report indicating troop levels and duration for our involvement in Iraq. In other words, what is our exit strategy?

Finally, and most important, this amendment would say there must be an additional vote taken by Congress before we spend any more money.

Again, I have listened to our ranking member, my good friend from West Virginia, many times in this Chamber talk about the Founding Fathers and how smart they were and how they

wanted to balance the powers in this country so we did not have a dictator or king or someone who could run amok with the public treasury. That is why the clause in the Constitution that gives us control over the purse strings is so important.

The intention of the Founding Fathers, at least as far as I have come to understand and read in my history books, is they did not mean to give us the purse strings so we could open it up and dump money into the White House. They wanted us to be accountable to the American people for every dime that was spent; that we had to keep a tight pull on those purse strings, parcel that money out in a deliberative manner so that no President—Democrat, Republican, Independent, or whatever—would be given a blank check with the taxpayers' dollars.

This amendment is in keeping with the best traditions and intentions of our Founding Fathers and keeping our faith with the Constitution of the United States in being diligent at controlling the purse strings of taxpayers' dollars.

I just cannot explain why the administration is so stubborn in resisting even this most commonsense accountability. They are insisting on a blank check. Again, even the World Bank says we cannot spend any more money than that \$5 billion in a year. Yet they want \$21 billion. When people like me and the Senator from West Virginia and others raise questions about accountability, the administration, in effect, is saying: Trust me. That is exactly the line we heard before the war in Iraq.

I admit publicly—it is on the record—one year ago I voted for the Iraq war resolution because I opted to trust the President. I opted to give him the benefit of the doubt. In the lead-up to the war, the President's approach boiled down to two words: Trust me. Trust me that Saddam is in cahoots with al-Qaida because we have that information, he said.

Trust me that Iraq has vast stockpiles of chemical and biological weapons and weapons of mass destruction and the means to deliver them.

Trust me, said the President, that postwar reconstruction will be self-financing because Iraq has fabulous oil wells.

Trust me, said the President, that we have a serious plan to manage postwar Iraq.

And today the administration dares to say one more time: Trust me that this \$20 billion for reconstruction is absolutely necessary, and that if you will only give us a blank check, we will spend it wisely.

There was a story on the front section of the business section of today's New York Times which illustrates how this vast amount of money—if not diligently looked at, if we don't keep a tight rein on those purse strings—can boil down to what in World War I and World War II was called war profiteering.

The business section of the New York Times this morning showed that Halliburton, for example, was making over 66 cents a gallon on fuel that it was selling to the United States government for use in Iraq, and we were paying them for it. We are paying them these profits. It showed how much Halliburton was spending, up to \$1.70 a gallon for fuel when they could have gotten the same fuel in the region for basically 66 cents less a gallon. Where is that money going? We don't know.

That is the problem with all of this money floating around: Trust me, the administration says. As the old saying goes, there is no education in the second kick of a mule. Quite frankly, I admit publicly I have been kicked repeatedly by this administration's mule saying, Trust me.

A few years ago, the administration pushed through this No Child Left Behind bill for education. The President said: Trust me, we will come up with the resources to make sure it works. Now we have the mandates but we do not have the resources.

Trust me, they said, that we will have the evidence that Saddam Hussein had weapons of mass destruction, chemical and biological weapons, the means to deliver them, that he had connections with al-Qaida. We now know none of this is true.

I am basically here today saying, Not this time around; I am not willing to give a blank check; I insist on a measure of basic accountability.

I recall President Reagan's policy with regard to arms control. Remember what he said? He said, Trust but verify, and that is exactly the purpose of this amendment. It allows \$10.1 billion for Iraqi reconstruction through the end of March 2004. Further funding would be contingent on two things: The President must certify to Congress that the U.N. has adopted a new resolution authorizing a multinational military force in Iraq under United States command; and, two, the President must certify that he has a coherent plan for the reconstruction of Iraq, including a significant commitment of financial assistance from other nations. In short, trust but verify, no blank check.

The administration will be on notice that additional money for Iraq reconstruction will not be automatic. The President first must come forward with a coherent plan to internationalize the occupation of Iraq, to stabilize and democratize Iraq, and then bring our troops home as soon as possible.

Everyone is talking about "supporting our troops," and certainly we want to do everything we can to support our troops. At issue is, how do we best support the troops?

The Stars and Stripes, the newspaper all of us relied upon during our tenure in the military, has just released a poll showing that one-half of the troops surveyed say their unit's morale is low in Iraq. Almost 50 percent say it is very unlikely or not likely that they will reenlist when their term is up. According

to Stars and Stripes, a key reason for this dissatisfaction is:

Uncertainty about when they will be returning home.

Let me be clear, nothing will be better in terms of support for our troops than to compel this administration at long last to internationalize the reconstruction efforts in Iraq, to internationalize the military involvement in Iraq. As the distinguished Senator from West Virginia has said many times, it is time to get the U.N. in and the U.S. out. That, along with a clear and credible exit strategy from Iraq, is how we best support our troops, who are risking their lives every day, separated from their friends and their families, many of them not continuing with their education, not knowing when they are going to come home, performing duties for which really they were not trained.

The Byrd amendment is the amendment that supports our troops, and that is why it should be adopted.

I yield the floor.

AMENDMENTS NOS. 1832, 1853, 1865, AND 1866

Mr. STEVENS. Mr. President, both sides have cleared for approval four amendments that I ask be considered en bloc. The first is amendment No. 1832 by Senator FEINGOLD. The second is amendment No. 1853. The other two have not been filed. I send the amendments to the desk on behalf of Senator HOLLINGS and Senator DURBIN, and I ask unanimous consent that these four amendments be considered en bloc. They are primarily technical in nature.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HOLLINGS, proposes an amendment numbered 1865.

The Senator from Alaska [Mr. STEVENS], for Mr. DURBIN, proposes an amendment numbered 1866.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1832

(Purpose: To require reports on Iraqi oil production and revenues to be made available to the public in English and in Arabic)

On page 35, line 14, strike "available," and insert "available in both English and Arabic,".

AMENDMENT NO. 1853

On page 6, before the period on line 12, insert the following:

: *Provided further*, not less than \$4,000,000 shall be transferred to "Office of the Inspector General" for financial and performance audits of funds apportioned to the Department of Defense from the Iraq Relief and Reconstruction Fund"

On page 24, line 14, insert after \$4,000,000 the following:

"of which not less than \$4,000,000 shall be transferred to and merged with "Operating Expenses of the United States Agency for

International Development Office of Inspector General" for financial and performance audits of the Iraq Relief and Reconstruction Fund and other assistance to Iraq"

On page 38, after line 20, insert the following:

"SEC. 2313. GENERAL ACCOUNTING OFFICE REVIEW.

(a) The Comptroller General of the United States shall—

(1) review the effectiveness of relief and reconstruction activities conducted by the Coalition Provisional Authority (hereafter in this section "CPA") from funds made available under the "Iraq Relief and Reconstruction Fund" in this title, including by providing analyses of—

(A) the degree to which the CPA is meeting the relief and reconstruction goals and objectives in the major sectors funded under this title, and is enhancing indigenous capabilities;

(B) compliance by the CPA and the government departments with federal laws governing competition in contracting; and

(C) the degree to which the CPA is expending funds economically and efficiently, including through use of local contractors;

(2) report quarterly to the appropriate congressional committees on the results of the review conducted under paragraph (1).

(b) In this section, the term "appropriate congressional committees" means—

(1) the Committees of Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees of Appropriations, Armed Services, and International Relations of the House of Representatives.

AMENDMENT NO. 1865

(Purpose: To clarify the fiscal year limitation in a provision of the Public Law 108-11)

Paragraph (1) of section 1314 of Public Law 108-11 is amended by inserting "without fiscal year limitation" after "available" the first place it appears.

AMENDMENT NO. 1866

(Purpose: To require quarterly reports on the status of the efforts of the Iraq Survey Group to account for the Iraq weapons of mass destruction programs)

At the end of title I, insert the following: SEC. 316. (a) FINDINGS.—Congress makes the following findings:

(1) The Iraq Survey Group is charged with investigating the weapons of mass destruction programs of Iraq.

(2) The Special Advisor to the Director of Central Intelligence for Strategy and Iraq heads the efforts of the Iraq Survey Group.

(b) QUARTERLY REPORTS ON STATUS OF EFFORTS OF IRAQ SURVEY GROUP.—Not later than January 1, 2004, and every three months thereafter through September 30, 2004, the Special Advisor to the Director of Central Intelligence for Strategy and Iraq shall submit to the appropriate committees of Congress a comprehensive written report on the status of the efforts of the Iraq Survey Group to account for the programs of Iraq on weapons of mass destruction and related delivery systems.

(c) FORM OF REPORT.—Each report required by subsection (b) shall be submitted in both classified and unclassified form.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(2) the Permanent Select Committee on Intelligence and the Subcommittee on defense of the Committee on Appropriations of the House of Representatives.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

Mr. STEVENS. Mr. President, we are trying to go back and forth here. Senator WARNER has an amendment he would like to offer. After that, I understand Senator LAUTENBERG has an amendment to offer.

At the moment, there is another Senator on the floor. I see that the current occupant of the chair might be interested in a comment he wishes to make about some Cubs. I asked him if they were little bears, but he said no.

I yield 5 minutes of our time to the Senator from Illinois, if he would agree to that amount of time, to talk about the Cubs.

The PRESIDING OFFICER. Is there an objection?

Mr. STEVENS. The current occupant of the chair may not consent to that.

The PRESIDING OFFICER. Do I have a right to object?

The Senator from Nevada.

Mr. REID. It is my understanding that Senator DURBIN is going to speak for 5 minutes. We are going to move to set aside for Senator WARNER and, following that, move to set aside for Senator LAUTENBERG. Is that right?

Mr. STEVENS. That is right. I do not know if he is going to call up his amendment or just file it, but in any event, yes, we are prepared to do that.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. REID. Before we go to Senator DURBIN, will the Chair approve the unanimous consent request that was propounded?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, the Senator from New York also wants to do something.

Mr. SCHUMER. Reserving the right to object, I have an amendment which I know is not yet in the queue, but after Senator DURBIN speaks, I would also like to speak for 5 minutes about the tragedy that happened in New York. I was going to ask to do that later but it seems an appropriate time, and I ask unanimous consent to be able to do that, and only that, for 5 minutes.

Mr. STEVENS. We would have no objection to a statement about that very serious accident that happened in the Senator's State.

It is my understanding it would be 5 minutes for Senator DURBIN, 5 minutes for Senator SCHUMER, and then we return to Senator WARNER. Following Senator WARNER, we would go to Senator LAUTENBERG.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, the only thing I would like to ask before we get started is, does the Senator from Alaska think the Presiding Officer is qualified to speak about baseball?

Mr. STEVENS. I would say to the Senator from Nevada, I have heard the current occupant of the chair talk about some of his experiences in baseball and one of these days we ought to convene the Senate and listen to him for a while.

Mr. REID. I would like that very much.

Mr. STEVENS. There is some marvelous history we could learn from the Senator about baseball, but I am out of order.

The PRESIDING OFFICER. Yes.

Mr. STEVENS. Has the unanimous consent request been agreed to?

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois is recognized.

Mr. WARNER. Will the Chair recount, for the benefit of the Senate, the order that has just been accepted.

The PRESIDING OFFICER. The order that has just been accepted is Senator DURBIN has 5 minutes, Senator SCHUMER has 5 minutes. Then it is the Senator from Virginia's turn to offer an amendment.

Mr. WARNER. I thank the distinguished Presiding Officer.

Mr. STEVENS. Followed by the Senator from New Jersey?

The PRESIDING OFFICER. Followed by the Senator from New Jersey.

The Senator from Illinois.

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

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

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

AMENDMENT NO. 1867

(Purpose: To increase the Federal share of the cost of disaster relief provided in connection with Hurricane Isabel; and to provide for repair or replacement of Department of Defense infrastructure damaged or destroyed by Hurricane Isabel)

Mr. WARNER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, and Mr. ALLEN, Mr. SARBANES, Ms. MIKULSKI, and Mrs. DOLE proposes an amendment numbered 1867:

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. Notwithstanding any other provision of law, the Federal share of the cost of any disaster relief payment made under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for damage caused by Hurricane Isabel shall be 90 percent.

SEC. 3003. Of the funds appropriated by this Act, \$500,000,000 shall be available for repair or replacement of Department of Defense and National Aeronautics and Space Administration infrastructure damaged or destroyed by Hurricane Isabel, related flooding, or other related natural forces.

Mr. WARNER. Mr. President, I purposely desired the clerk to read the short amendment because this affects the interests in 6 States. This tragic hurricane struck North Carolina, Virginia, Maryland, West Virginia, Delaware, Pennsylvania, and the District of Columbia.

Those are the States that were declared by the President as Federal disaster areas. The technical decision has been made by the appropriate authorities that these States suffered severe damage.

On the 19th of September, the hurricane caused 45 deaths, and approximately \$1.7 billion of total damages, of which approximately \$450 million was sustained in Virginia and \$410 million in Maryland.

I offer this amendment on behalf of colleagues in all of those States. I have listed thus far myself, Senator ALLEN, Senator SARBANES, Senator MIKULSKI, and Senator DOLE. I expect other Senators from those States will desire to add their names at their own initiative.

Why on this particular bill should this funding be provided? It is a legitimate question.

No. 1, it is taken out of the funds in this bill for the Department of Defense. It is not an add-on or an end run. It is straightforward from the Department of Defense. In consultation with the individual military services, it was relayed to me that the functioning of these military facilities in the States enumerated is essential to the current operations of the United States military.

Senator ALLEN, members of the Virginia delegation, and I, together with the Secretary of the Department of Homeland Security went down to these hard-hit communities. We spent at least 1 day with the Secretary of Homeland Security looking at the damage in the Commonwealth of Virginia; and specifically, to the Langley Air Force Base and NASA facility. It is a relatively modest sum, but the Langley facility has a dual purpose. It serves both for the Department of Air Force and the National Aeronautics and Space Administration.

We simply couldn't have the construction and repairs eligible for one part of the facility and not the other. Of course, the debate was primarily for the Department of Air Force. That is one very modest and minor technical aspect of this.

But the Department of Defense is willing to take those funds necessary for NASA from the funds I put in here, the reason being you simply cannot take a water line, for example, for a flood-damaged area and stop at the arbitrary line between where NASA operates and where the Department of Air Force operates.

I am hopeful colleagues will not look upon that as any significant departure from the managers' effort to contain this legislation to expenditures related to the military. I really urge col-

leagues to support this. Our colleagues from these 6 States support it. I cannot speak for those who are not on here. I intend to visit with the distinguished senior Senator from West Virginia on this matter in the course of the day as well as the junior Senator from West Virginia. It is my hope this Chamber will accept this amendment.

Again, there was a Presidential designation of areas of destruction, and here in the Nation's Capital some of our military installations suffered damage.

I point out that in the course of my trips—I think I made seven trips back to my State in connection with this very frightful hurricane—I worked with FEMA. I commend FEMA. The FEMA people came in, as well as the Small Business Administration, and helped tremendously. I recall being in Alexandria along with the Small Business Administration people, and we walked in and out of the various places of business—small restaurants and shops where water had come up waist high the previous evening. You can't imagine the despair on the faces and in the minds of a shopkeeper who was there amidst all of this mud, debris, foul-smelling effects of the flood; and then also trying to get briefed on the pathogens that could flow from the mold that will come forward.

But I found the Small Business Administration people, and particularly FEMA, to be very reassuring to those people who were overcome with emotion and despair. Senator ALLEN and myself on this particular day, and FEMA and the Small Business Administration people, gave assurance that the Federal Government would give a measure of help: Here are the forms, here is the instruction book, there will be a representative from FEMA and SBA at this location. You can go to that entity and seek assistance.

That all worked quite well in my State. However, SBA or FEMA is not available to provide assistance to the military installations who were damaged. It is left up to the commander of those bases to finance these costs. I spent considerable time with the commander at Langley Air Force Base. I commend him. He stayed throughout the storm even though the base was largely evacuated. It was important to get the military equipment out of the path of the storm and locate that equipment in a remote area so they could continue to function. There was no gap in the fulfillment of the military mission. That commander and indeed the general officer in charge of that base and others are to be commended.

I could recite other bases and installations, including Fort Story, the same thing: The commander and senior officers and enlisted personnel stayed throughout the storm. By and large, they helped save property and lives, no question about it. Had everyone departed and tried to get back—in some instances the roads were severed and

you could not get back and more destruction would occur in that passage of time.

There was considerable bravery from military and civilians on the military installations. FEMA cannot by law step in, nor can the Small Business Administration. Who is to fill the vacuum? The Congress. That is why I am asking the support for this amendment.

Again, this includes six States. I have an evaluation of the various damages assessed by the military department in the several States. As far as I can determine, they are good, hard substantiated figures. There is no padding that I know of nor would I permit it.

For example, in the U.S. Marine Corps, \$16.5 million, primarily in North Carolina and right here below the District of Columbia, Quantico; the U.S. Army, \$92 million; the Navy, \$185 million; and the Air Force, \$210 million.

Mr. President, this amendment will provide approximately \$500 million to repair and replace military and NASA facilities along the east coast that were damaged by Hurricane Isabel. These are the facilities in which our military personnel and their families live and work. The Air Force alone suffered approximately \$210 million, much of that was the result of flooding at Langley Air Force Base. Damage at Naval facilities is estimated to exceed \$180 million, while damage at Army and Marine Corps facilities is estimated to exceed \$100 million. There was also an estimated \$5 million in damage at the NASA facility in Langley.

Make no mistake, this damage will have to be repaired and unless we provide the funding in this bill, it will come at the expense of operations and training.

I am hopeful colleagues will support this amendment.

I will leave it to the managers of the bill to decide how and when this matter is addressed formally, either by voice or recorded vote.

I ask unanimous consent this be the pending business subject to the managers, and I yield the floor.

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

Mr. SARBANES. Mr. President, I am pleased to be a cosponsor of the amendment offered by my colleague, Senator WARNER, which seeks to address the damages at Department of Defense installations in those States impacted by Hurricane Isabel.

The State of Maryland was particularly hard hit by Hurricane Isabel and the strong winds and flooding that accompanied it. Entire communities were submerged, power was lost in some areas for a week and countless individuals sustained damage to their homes, businesses and property. A number of Maryland's military facilities were similarly affected.

Perhaps the hardest hit was the United States Naval Academy in Annapolis which suffered approximately

\$39 million in damage. Several weeks ago, I met with the Academy's Superintendent, Vice Admiral Rodney Rempt, who shared with me photographs of the destruction brought on by the hurricane. Hurricane-related swelling of the Chesapeake Bay, the Severn River and the Annapolis Harbor resulted in the flooding of academic buildings and laboratories, the submerging of athletic fields and the destruction of electrical systems. Our future Naval officers are now forced to take classes wherever they can be offered in the chapel, on a Navy barge, in administrative offices.

Hurricane destruction was not limited to Annapolis alone. Officials at the Army's Aberdeen Proving Ground, Patuxent River Naval Air Station and the Naval Surface Warfare Center Indian Head Division, among others, also report significant amounts totaling in the millions of dollars to repair roofs and buildings, replace piers, and clean up debris related to the storms.

As you know, Operation and Maintenance funding at our bases is routinely among the most thinly stretched. And that is in years without a major natural disaster. This amendment provides \$500 million to cover the much-needed cost of repair at facilities along the East Coast facilities whose continued operation are vital to our national defense. I urge my colleagues to join with me in supporting its passage.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I am going to talk about an amendment that I will be sending to the desk, and that is why I sought recognition. However, I also take just a couple of minutes to commend Senator BYRD for his leadership on this issue, for reminding Members we have an obligation to examine the conditions under which we operate to make certain funds that are expended—I served with Senator BYRD in the Appropriations Committee for many years, and he is just as diligent on the floor as he is in the committee—to make sure the funds we expend, our taxpayer funds, are clearly examined and clearly understood before we make the commitment to send those funds on their way.

For the almost 19 years I have served in the Senate, I am always impressed when I hear Senator BYRD stand up and act as the conscience of the Senate, reminding all Members of our responsibilities in such eloquent ways. I am grateful to him for the time he has allowed me to speak today as we discuss the supplemental appropriations bill.

AMENDMENT NO. 1868

I send an amendment to the desk and ask for its immediate consideration, and I ask the pending amendment be laid aside to accommodate that.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey, [Mr. LAUTENBERG], for himself, Mr. SCHUMER, and Mr. CORZINE, proposes an amendment numbered 1868.

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

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

The amendment is as follows:

(Purpose: To prohibit the use of funds for any contract or other financial agreement or arrangement with any entity that pays compensation in the form of deferred salary to certain United States Government officials)

On page 38, between lines 20 and 21, insert the following:

SEC. 2313. (a) SHORT TITLE.—This section may be cited as the "Ethics in Government Contracting Act of 2003".

(b) PROHIBITION ON CONTRACTS WITH CERTAIN ENTITIES.—None of the funds appropriated or otherwise made available by this title may be obligated or expended for any contract, any financial agreement, or any other arrangement between the United States and any entity that—

(1) at the time of such obligation or expenditure, is obligated under an agreement or otherwise to pay deferred compensation to any individual who holds a position listed in subsection (c); or

(2) has issued to such an individual one or more options for such individual to purchase a total of more than 1,000 shares of stock of such entity.

(c) COVERED INDIVIDUALS.—The positions referred to in subsection (b) are—

- (1) President;
- (2) Vice President;
- (3) Secretary of State;
- (4) Secretary of the Treasury;
- (5) Secretary of Defense;
- (6) Attorney General;
- (7) Secretary of the Interior;
- (8) Secretary of Agriculture;
- (9) Secretary of Commerce;
- (10) Secretary of Labor;
- (11) Secretary of Health and Human Services;
- (12) Secretary of Housing and Urban Development;
- (13) Secretary of Transportation;
- (14) Secretary of Energy;
- (15) Secretary of Education;
- (16) Secretary of Veterans Affairs;
- (17) Secretary of Homeland Security;
- (18) Director of the Office of Management and Budget;
- (19) United States Trade Representative;
- (20) Administrator of the Environmental Protection Agency;
- (21) Director of National Drug Control Policy; and
- (22) Assistant to the President and Chief of Staff.

(d) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act.

Mr. LAUTENBERG. Mr. President, along with Senators SCHUMER and CORZINE, I offer an amendment to this supplemental called the Ethics in Government Contracting Act. We must ensure that taxpayer-funded contracts in Iraq are of the highest ethical standards for contracting that we can achieve.

The question arises as a result of a contract that is now worth over \$1.4 billion and was awarded without competitive bidding or public notice. The contract was given to the Halliburton Corporation, a company in which Vice President CHENEY maintains a financial interest. The definition of the "financial interest" is confirmed by the

Congressional Research Service, which is the nonpartisan research arm we turn to when we have questions. They have a great deal of skill and ability, and they agreed with me that despite the Vice President's claim to the contrary, that he had no financial interest, in fact, the conditions under which he is operating in connection with Halliburton do indicate a financial interest.

Now, there is no accusation here of any wrongdoing. But I have got to ask, Is the taxpayer best served by the award of a lucrative contract to a company formerly headed by the Vice President and from which he still draws compensation?

It is well known that the standard for ethics is not just to avoid wrongdoing but also to avoid the appearance of impropriety because public perception of insider deals can be just as damaging as a wrongdoing itself.

Right now we are looking at a stark example of activity that gives rise to the appearance of impropriety. To put it simply, the largest recipient of reconstruction contracts in Iraq is currently paying a salary directly to the Vice President of the United States. In addition, the Vice President holds hundreds of thousands of unexercised stock options in this company.

We toppled a corrupt dictatorship to instill democratic principles in Iraq, but what does it say to the Iraqi people when the largest recipient of United States reconstruction contracts in Iraq is paying compensation to the second highest official in the U.S. Government? I say it sends the wrong message to the people of Iraq and certainly sends the wrong message to the people in our country.

Also, in an untimely fashion, it sends a message to those who are serving in our military in Iraq. Today's Washington Post, on the front page, has the result of a poll that was taken by the Stars and Stripes, the bible all of us use when we are serving our country, in which there is considerable criticism about the way they are being asked to serve and the conditions under which they do it. Many say they do not plan to reenlist, and that is a terrible condemnation of what is going on.

Now, these are brave souls. These are good, loyal people. And the one thing we are not discussing in this \$87 billion supplemental is whether or not the troops are being supported, because outside of the \$20 billion that is under discussion now, there is unanimous support, in my view, for just getting those funds out there that can help protect, that can help make our military more efficient, make their living conditions better. No question about that.

So when those who are serving see that it appears there is an inside relationship, that Halliburton got this fantastically fat contract, estimated to be worth a lot less than is now being spent—the American people are already skeptical about the pricetag of

this supplemental appropriations bill, and if we are going to spend such a massive amount of their money, we have to help reassure them we are following the highest ethical standards with these funds.

My amendment would make the ethics standards very clear. It says that none of the Iraq reconstruction funds may be used to award a contract with a company that currently pays compensation, including stock options, to the President, Vice President, or any member of the President's Cabinet.

Ideally, there should not be a need for such an amendment, but over the last few weeks it has become clear we need to draw some very visible ethical lines.

As I mentioned, the most controversial contract in Iraq is the one that was awarded to the Vice President's former company, Halliburton, to repair and maintain oil fields. This contract was negotiated in private, with no competition from other bidders.

Last winter, we heard that this no-bid contract with Halliburton might cost \$50 million and was there for the exclusive mission of putting out oil well fires. Then we were told that the contract was for much more than putting out fires; that it would be operating and maintaining oil facilities across Iraq. And now this sole source, no-bid Halliburton contract is growing at an accelerating rate.

Halliburton has been billing taxpayers at a furious pace under this no-bid contract. In September, the amount of money billed by Halliburton under this contract rose to \$1.4 billion. That was estimated to be a \$50 million contract, done in the dark of night—from \$50 million up to \$1.4 billion.

If we just look at this chart, we see what has happened. If you go back to January 2003, it was just starting. And these are amounts in millions on the chart. The acceleration, the shape of the curve, tells you just what has happened. Look at where we are on October 1, 2003—10 months after this contract began—and we are up to \$1.4 billion. Look at the spike in just September alone. The contract doubled over that 1-month period.

This no-bid, exclusive contract for Halliburton was negotiated in private and not revealed to the public until Members of Congress demanded information. And now the Army Corps has finally agreed to open this contract for competitive bidding, but it is unclear when the new contract will be effective.

Rather than offer reassurance to the American people that the no-bid Halliburton contract was above board, the Vice President raised suspicion with his recent comments. On national television, the Vice President recently said, regarding Halliburton, that he—and I quote—"severed all of my ties with the company, gotten rid of all my financial interest."

He went on to say—and I quote again—"I have no financial interest in

Halliburton of any kind and haven't had, now, for over three years."

The problem is that the Vice President's own financial disclosure reports contradict that claim. His financial disclosures reveal that he has received over \$205,000 from Halliburton in deferred salary in 2001—more than his salary as Vice President. In 2002, he received \$162,000 in deferred salary from Halliburton. His financial disclosure forms indicate that he expects to receive similar compensation this year, and in 2004 and 2005.

The Vice President's statements regarding his ties to Halliburton were not correct. And I called on him to correct the record. He did not do that.

The Vice President is currently receiving salary payments from Halliburton worth hundreds of thousands of dollars, as this administration doles out billions of dollars in contracts to Halliburton.

In addition, the Vice President holds 433,000 unexercised Halliburton stock options. And even though the exercise price is above the current market price, the options extend to 2009, and any option holder—Mr. President, I come out of the corporate world—has to hope that the stock price surges so the value of the options increase. One way this can happen is to be sure that lucrative contracts keep coming from the U.S. Government.

Halliburton's stock value has increased 75 percent over the last year, even though the rest of the oil services industry has remained relatively flat. And we know that the biggest boost Halliburton has gotten is the multibillion-dollar Government contract in Iraq. This has an unwholesome appearance.

We want to change the environment in which we are presently operating. I offer this amendment. I urge my colleagues to support the ethics in government contracting amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, this amendment has more than a whiff of politics in it. If I had the power to do so, I would close the room and turn on some fans. This is the most outrageous amendment I have heard in my time in the Senate in 35 years. As a practical matter, it is also wrong.

Contracts were bid. Brown and Root contracts were bid. The December contracts were entered into for Bosnia, Kosovo, by the last administration.

The Vice President stated what the Senator from New Jersey said in part. He did not say fully what the Vice President said. Let me say what the Vice President said on September 14:

I have no financial interest in Halliburton of any kind and haven't had now for over three years. And as Vice President, I have absolutely no influence of, involvement of, knowledge of in any way, shape or form, of contracts let by the Corps of Engineers or anybody else in the federal government . . .

The Vice President has a deferred compensation obligation from his

former employer. He has no financial interest in Halliburton. The Senator's amendment cleverly works through a connection to the Vice President because he does have a deferred compensation concept. He has a right to receive money that was owed to him by Halliburton before he left that company for work he did before he left that company. The deferred compensation is money the Vice President earned as part of his monthly salary while he was at Halliburton but elected not to receive until he left the firm. This is done in many cases. It is a fixed amount that is being paid out over a period of time. The amount is not tied to the success or failure of Halliburton in any way. It is money owed by Halliburton to the Vice President for the time he was employed by the company before he left the company.

While employed by Halliburton, the Vice President routinely deferred a portion of his salary. That was his right to do. And each year he had the option of electing to receive a deferred salary in a lump sum payment when he left the firm or in a stream of payments over a period of time. In December of 1998, long before he contemplated returning to public life, Vice President CHENEY elected to defer a portion of his 1999 compensation and receive it over a period of years following his departure from the company. Once he made that election in 1998, it was irrevocable.

When the Vice President left Halliburton some 2 years later, he was not able to change this election, and Halliburton was required to distribute the 1999 compensation in five annual payments. To avoid even the appearance of a conflict of interest, the Vice President voluntarily complied with the practice then required by the Office of Government Ethics and purchased an insurance policy to ensure that he had no financial interest in the future of Halliburton. The Vice President purchased this policy out of his own pocket. He paid the premium himself. The insurance policy guarantees the Vice President will receive the deferred compensation owed to him, whether Halliburton is successful or goes bankrupt. The insurance policy ensures the Vice President has no financial interest in the success or failure of this company.

The Vice President eliminated any potential conflict of interest related to his deferred compensation arrangement and he resolved any financial interest he had in Halliburton. The Vice President reported the deferred compensation arrangement in his 2001 and 2002 public financial disclosure forms.

On January 18, 2001, the Vice President signed an irrevocable agreement donating to charity the after-tax proceeds from the exercise of his Halliburton stock options. Again, this is something the Senator from New Jersey could have found very easily.

Under the agreement, the Vice President divested himself of all economic benefits of the options and gave them to charity. The three charities named

in the agreement are the Capital Partners for Education, the George Washington University Medical Faculty Associates, and the University of Wyoming. The Vice President has no control over the remaining stock options. This agreement gave the administrative agent the power to exercise the stock options and pay the proceeds to the charities. The administrative agent has total discretion to decide when to exercise the options without consultation with Mr. CHENEY.

Under the agreement, the Vice President will owe not a penny more or a penny less in taxes. The Vice President reported his gift arrangement on his 2001 and 2002 public financial disclosure forms.

If you read this amendment, it covers every official of the executive branch on a senior level. Beyond that, it covers assistants to the President, the director of national drug policy. I wonder why the Senator didn't include every Senator in the United States. I have never had the honor to own 1,000 shares of stock in anything. Some Senators do. I just wonder what is going on here in terms of this concept. We already accepted an amendment that requires any contract entered into using the funds in this bill to be full and open competition. But this contract was full and open. It is competed approximately every 5 years. It is a Brown and Root company to which Halliburton is related.

This is a slur against the Vice President of the United States. I have known him now since he was over in the House of Representatives as assistant to former President Ford. I have known this man for years and years and years. I know no more honorable man who has served in government than DICK CHENEY. That is why I am here. I heard about this amendment.

I am sad to say that I am here to respond to it. I never expected this from the Senator from New Jersey. It would unfairly and unwisely punish those who have been successful in the private sector and then voluntarily enter into the service of the United States in the executive branch. It doesn't touch the legislative branch or the judicial branch, only executive, and it does so very unfairly.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion to table amendment No. 1868.

Mr. STEVENS. 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. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the call of the quorum be rescinded.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that the vote on or in relation to the Byrd amendment occur at 3 p.m., without any amendments being in order to the Byrd amendment. I further ask unanimous consent that following the Byrd amendment there be a vote on my motion to table the Lautenberg amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, if I could, would it be appropriate to have 2 minutes equally divided prior to the vote on the Lautenberg amendment?

Mr. STEVENS. That is all right with me. I thought we had a standing order that there are 2 minutes on either side.

Mr. REID. Also, I ask that Senator BYRD have 2 minutes.

Mr. STEVENS. I ask unanimous consent that there be 2 minutes on either side.

The PRESIDING OFFICER. The Chair cannot hear what the Senators are saying. Please talk one at a time.

Mr. STEVENS. I ask unanimous consent that when we order a vote on this bill, there be 2 minutes of debate on either side on amendments prior to a vote.

Mr. REID. I ask that it be 1 minute on each side. OK, 2 minutes is fine.

Mr. STEVENS. Two minutes.

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

Mr. STEVENS. Mr. President, we have the Warner amendment also. I would like to have scheduled for a vote following the Lautenberg amendment, the vote on the motion to table.

Mr. REID. Reserving the right to object, I think we have come close to clearing that amendment on this side. I don't think it will require a vote. I don't know if we need to waste the time on that.

Mr. STEVENS. I will withdraw that. I thought there would be a necessity for a vote.

Mr. REID. Mr. President, I ask also if the second vote—the one on the motion to table the Lautenberg amendment—can be a 10-minute vote. I don't see why we cannot speed this up a little.

Mr. STEVENS. I have no objection to that. I ask unanimous consent that the second vote be a 10-minute vote.

The PRESIDING OFFICER. Without objection, the second vote will be 10 minutes.

Mr. STEVENS. The Warner amendment is still pending, is it not?

The PRESIDING OFFICER. Yes.

Mr. STEVENS. I ask it be scheduled for a vote. It may not require a vote or the yeas and nays, but I want to dispose of it now before the Lautenberg amendment.

Mr. REID. If I may say to my dear friend, we have a number of amendments at the desk that are entitled to consideration before that one. I will do my best to get Warner cleared, but I would rather not have a vote on that because we have some at the desk also that have been offered and debated. So I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENTS NOS. 1863, 1814, AS MODIFIED, AND 1855, EN BLOC

Mr. STEVENS. Mr. President, I have amendments Nos. 1863, 1814, and 1855. The first amendment is by Senator MCCONNELL, which I will send to the desk. The second is an amendment by Senator LEAHY, No. 1814, as modified. The third is No. 1855 by Senator HARKIN. I send them to the desk and ask that they be considered en bloc.

Mr. REID. Mr. President, I haven't had the opportunity to talk to Senator BYRD or his staff.

Mr. STEVENS. We rely on our staffs and they have been cleared.

Mr. REID. We have no objection.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. MCCONNELL, proposes an amendment numbered 1863.

The Senator from Alaska [Mr. STEVENS], for Mr. LEAHY, proposes an amendment numbered 1814, as modified.

The Senator from Alaska [Mr. STEVENS], for Mr. HARKIN, for himself and Mrs. CLINTON, proposes an amendment numbered 1855.

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, the question is on agreeing to the amendments.

The amendments were agreed to, as follows:

AMENDMENT NO. 1863

On page 34, line 1, strike everything after "proviso," through "Iraq"; on line 5, and insert in lieu thereof:

striking the first proviso, and inserting in lieu thereof:

Provided, That subject to the determination and notification requirements of this section, exports are authorized to Iraq of lethal military equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military, private security force, other official Iraqi security forces or police forces, or forces from other countries in Iraq that support United States efforts in Iraq:

AMENDMENT NO. 1814, AS MODIFIED

(Purpose: to require the Coalition Provisional Authority to provide additional information justifying allocations for capital projects in Iraq)

On page 25, line 21, before the colon, insert the following:

: *Provided further*, That none of the funds appropriated under this heading may be allocated for any capital project, including construction of a prison, hospital, housing community, railroad, or government building, until the Coalition Provisional Authority submits a report to the Committees on Appropriations describing in detail the estimated costs (including the costs of consultants, design, materials, shipping, and labor)

on which the request for funds for such project is based: *Provided further*, That in order to control costs, to the maximum extent practicable Iraqis with the necessary qualifications should be consulted and utilized in the design and implementation of programs, projects, and activities funded under this heading

AMENDMENT NO. 1855

(Purpose: To provide for a report by the Comptroller General on certain contracts performed in, or relating to, Iraq, and for other purposes)

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. (a) The Comptroller General shall conduct studies on the effectiveness and efficiency of the administration and performance of contracts in excess of \$40,000,000 that are performed or are to be performed in, or relating to, Iraq and are paid out of funds made available under this Act or the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11). The studies shall specifically examine the profits, administrative overhead, management fees, and related expenditures for the management of subcontracts (and further subcontracting) under any such contract. In conducting studies under this section, the Comptroller General shall have access to any information and records created or maintained by the United States, or by any entity receiving funds for contracts studied under this section that the Comptroller General considers appropriate.

(b) Not later than 6 months after the date of enactment of this Act and again 4 months thereafter, the Comptroller Government shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that includes—

(1) an evaluation of the studies conducted under this section; and

(2) any recommendations for the improvement of the contracting process for contracts performed or to be performed in Iraq and for contracts generally, including the selection process, contract content, and oversight of the administration and performance of contracts.

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.

Mr. LEAHY. Mr. President, the administration's justification materials for the \$20 billion in reconstruction funds for Iraq, which we received just last week, contains broad categories of projects with no supporting details about how the administration arrived at the expected costs of those projects.

For example, they want \$400 million for two prisons, at a cost of \$50,000 per bed. How is that possible? Are we going to ship the cement over there?

They budget \$150 million for a tertiary care, pediatric hospital, with no details about how they arrived at that number and no explanation of why this is the best use of these funds in Iraq, versus far less costly public health clinics and immunization programs.

They want to spend \$100 million for seven housing communities. Housing is short in Iraq, but should American taxpayers really pay \$100 million?

We simply do not have nearly enough information to justify these exorbitant expenditures.

My amendment says that before funds are allocated for capital projects like prisons, hospitals, railroads, and government buildings, the Coalition Provisional Authority must submit a report to the Committees on Appropriations describing the estimated cost on which the request for funds for the project is based.

The amendment also says, that in order to control costs, to the maximum extent practicable, Iraqis with the necessary qualifications should be consulted and utilized in the design and implementation of reconstruction projects. We want to employ Iraqis, not \$500 and hour consultants.

I don't doubt that Iraq needs new prisons, government buildings, and housing, although I am not yet convinced the American people should pay for these things. This amendment does not prevent any project from being built.

But we hear about spending millions of dollars in Iraq for things—from vehicles to cement factories—that with a minimum of frugality could be bought or built for a fraction of the price.

Before we spend 5 or 10 times more than we need to, let's find out what we are paying for to be sure it is the best use of the money.

That is what my amendment does. It requires the administration to give us the information that justifies these costs, before the funds are allocated. The American people deserve to know what their money is paying for, before it is spent.

I thank the managers for agreeing to this amendment.

Mr. HARKIN. Mr. President, I appreciate the Senate's passage of the amendment Senator CLINTON and I proposed today that requires the General Accounting Office to report to the Congress in 6 and 10 months about the contracting and subcontracting process in Iraq. I appreciate Chairman STEVENS' support.

The GAO would study the effectiveness and efficiency of those contracts, particularly looking at profit and things like administrative overhead as the contracts turn into subcontracts and subsubcontracts.

It calls for the GAO to make recommendations on how to improve the process. I believe we must do a lot of work to improve how we are doing things before the Congress gets the next large request for funds for Iraqi reconstruction.

I would like to insert into the RECORD at the end of my remarks a letter of support for the amendment from Taxpayers for Common Sense, a non-partisan watchdog group.

I fear that there is a lot of very poor performance and clear waste going around for the grants already let. I fear we may be seeing some of the worst taxpayer wastes in decades. That is saying an awful lot.

I would note that there are press reports that U.S. AID only has 14 employees in Iraq overseeing \$3 billion in contracts. That is maladministration.

The first Iraqi military battalion has just been trained under a \$49 million contract to Vennel, a subsidiary of Northrup Grumman. The work got subcontracted to something called MPRI. The interesting thing is that first battalion was not detailed to work in areas where there are difficulties in Iraq. Instead of taking a load off of American troops, they have been assigned to the desert to defend against Iran. It smells like nobody trusts the quality of that work and we are hiding the result.

It looks like Halliburton is charging the U.S. \$1.62 for gasoline that can be bought and transported to Iraq for about 96 cents. Price gouging would be a kind way of saying it.

The budget documents indicated that \$50,000 is being budgeted for the creation of 8,000 new prison cells. I fear contracts will be issued at that level when the real cost of construction in Iraq is far, far less. Given the cost of construction, it makes one wonder why the price is so high. It is, I believe more than it would cost to build such facilities in the United States, where labor costs are far higher.

There is a plan for an \$800 million Iraqi police training facility. I am told there is likely to be a \$26 million per month "management fee" associated with this project.

We need to understand what the reality is on expenditures like these. We need to have real examination of what is going on and make sure that the structure is in place that U.S. taxpayers' money is well used and not wasted.

I ask unanimous consent that the following letter be printed in the RECORD.

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

INCREASE CONTRACT ACCOUNTABILITY FOR
IRAQI RECONSTRUCTION EFFORTS
TAXPAYERS FOR COMMON SENSE
ACTION,
October 15, 2003.

DEAR SENATOR HARKIN: Taxpayers for Common Sense Action, a non-partisan budget watchdog group, strongly supports your amendment to require the Comptroller General to conduct a review of the effectiveness and efficiency of all contracts in excess of \$40,000,000 that are performed in Iraq and paid out the Emergency Wartime Supplemental Appropriations Act.

With a \$20 billion pot of available funds, Congress must ensure that federal taxpayer dollars are spent wisely on Iraqi reconstruction efforts. Current oversight of Iraqi reconstruction contracts has been virtually nonexistent. We need to reintroduce accountability and transparency into the process to ensure that federal tax dollars are spent judiciously. This is especially true in light of current skyrocketing budget deficits.

Your amendment is essential to ensure the American people that the federal government is not improperly wasting Iraqi reconstruction dollars.

Sincerely,

JILL LANCELOT,
President.

Mrs. CLINTON. Mr. President, I am pleased that the Senate passed the Harkin-Clinton amendment.

The Constitution gives the responsibility for appropriating taxpayer funds

to the Congress. Thus, Congress has a responsibility to ensure that the taxpayers' money is well spent. However, the size and scope of the administration's \$87 billion request makes it harder for Congress to exercise its oversight responsibilities.

Our amendment ensures that Congress will have the information that it needs to track expenditures and monitor the use of taxpayer funds. It would require the Comptroller General to conduct studies on the effectiveness and efficiency of the administration and performance of contracts in excess of \$40 million that are paid out of this bill or the previous supplemental. The studies would specifically examine the profits, administrative overhead, management fees, and related expenditures for the management of subcontracts, and further subcontracting, under any such contract. The Comptroller General would be required to submit a report to Congress within 6 months that includes this evaluation and any recommendations for improving the contracting process.

Thus, we will know if companies are making reasonable profits or are simply exploiting the situation for huge profits. In almost every major war in our country's history, there have been instances of war profiteering where companies take advantage of the rush to get the job done to gouge the taxpayer. Usually, instances of war profiteering are discovered after the war is over and the damage has already been done. Here is an opportunity to be ahead of the curve and ensure that this abuse does not take place at all.

With the huge sums being expended in Iraq, we need to ensure that there is a level of accountability. As my colleague Senator Johnson pointed out, there are literally plane loads of cash being flown into Iraq. According to a Wall Street Journal story from August, the United States has already sent a billion dollars in cash to Iraq. As the story says, "the U.S. has improvised a money pipeline that runs from a New Jersey warehouse, to a Maryland air base, down Baghdad's Ambush Alley, and even, at times, underneath the black burkas of two middle-age female accountants—until it ends up in the pockets of ordinary Iraqis." The story details how the United States is currently flying planes full of cash to Baghdad, and that these banknotes are "seeping" into the economy through cash payments to guards, pensioners, and other Iraqis.

With an additional \$87 billion being added to the mix, \$20 billion of which will be spent on Iraq reconstruction, it is critical that we understand how these funds are being spent. Furthermore, we need to know how much of these taxpayer funds are actually going to rebuilding Iraq and how much is filling the coffers of U.S. contractors?

I certainly hope that the General Accounting Office study called for in this amendment will reveal that contractors are not raking in outside profits or hiding profits in user and management fees. However, if we discover that there

are abuses by contractors receiving taxpayer funds, it will be incumbent upon the Congress, which has the Constitutional authority to appropriate these funds, to take steps to prevent profiteering. This \$87 billion appropriation is not the end of Congress's responsibilities to safeguard taxpayer funds, it is only the beginning.

I thank my colleagues for supporting the Harkin-Clinton amendment.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 1872

Mr. SCHUMER. Mr. President, I have an amendment I will be offering shortly. First, I am going to discuss it for a little bit to inform colleagues about it. The amendment I will offer expresses a sense of the Congress that the Attorney General should appoint a special counsel to conduct an independent investigation of the leak of a CIA agent's identity. The bottom line is this—and we have been through this on the floor, so I will not go over the basic facts, other than to say that, to me, this act—disclosing the name of an undercover agent—is dastardly. It places a gun to the head of that agent; it puts in grave danger operatives that agent may have had while he or she was undercover and, of course, perhaps most important of all, it says to every member of our intelligence community who puts themselves on the line, just as our soldiers do, if you go seek the truth, report the truth as you see it, and somebody upstairs doesn't like it, you are putting yourself or your spouse in real danger.

To me, this is something that is not befitting of a great power, not befitting not only because of its immorality—and I believe it is immoral to do such a thing—but also for practical reasons, because when great powers, as history shows us, lose touch with what is actually happening and begin to delude themselves one way or another, they lose power.

This country has had as its hallmark truth, open debate, and has had as its hallmark, if you disagree, speak out. That, by the way, has been one of the great things about our intelligence services, certainly since World War II. The CIA, the DIA, and many of the other intelligence services are known for reporting the truth. That is why they are somewhat insulated. That is why the CIA was separated and made its own agency. The day this country cannot gather the truth, at least as seen by the brave men and women representing us in the intelligence services, is the day we begin to decline. Yet that seems to be what has happened here.

Ambassador Wilson went to Niger and reported the truth, as he saw it, on a mission he was asked to undertake, and somebody didn't like what he said. First, they tried to suppress it, and then when they couldn't because Ambassador Wilson had the courage to go

forward, it seems that somebody—it seems likely maliciously this was done but perhaps not; we don't know; we don't know all the facts—gave to Mr. Novak the name of his wife and identified her as an agent of the Central Intelligence Agency.

That, in itself, is a crime. It doesn't matter what the motivation is. That is a serious crime punishable by up to 10 years in prison. So it is a very serious act.

Democrats, Republicans, liberals, conservatives—people from every corner of the country—are totally aghast that this happened.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. SCHUMER. I will after I finish my basic outline. I have great respect for my friend from Arizona and will yield for a question at the conclusion of what I have to say.

Mr. MCCAIN. I thank the Senator.

Mr. SCHUMER. I may be a little while. He might want to take his seat. He is a strong man. He can stand if he likes. I just want to inform him.

There was a view that we ought to get to the bottom of this situation. I think, again, that was universally held. Our President himself stated it. However, when we looked at the mechanism to get to the bottom of this, there didn't seem to be a very good one. You couldn't go to the inspector general of either the Justice Department or the Defense Department because they can't look at the White House. The independent counsel law had lapsed, and to allow the Justice Department itself to conduct the investigation seemed to many of us at the outset to pose, at the very least, an apparent conflict of interest that now seems to be a very real conflict of interest given the facts that have come out about the Attorney General's relationship with Karl Rove and some of the others who, it is banded about with no backing in the sense there is proof, but there are signs, have said that he was involved. So many of us called for a special counsel. A special counsel is still allowed.

Special counsel was the type of law that allowed Archibald Cox and Leon Jaworski to get to the bottom of Watergate. A special counsel does not run into the problem that the independent counsel did: that it can run amok and just look at everything under the Sun because it is still under the Attorney General's control ultimately. If that special counsel were to decide to, say, investigate something that went on in Indonesia unrelated or something related to the President's campaign finances, the Attorney General could snip it right off. That was the main objection to the independent counsel law.

The advantage of the special counsel is very simple, particularly if someone of some stature and independence is appointed, such as some of our previous colleagues—Senator Danforth, Senator Rudman, Senator Mitchell, or Senator Nunn. Then there is an assurance of some independence and integrity and,

at the same time, the day-to-day operations of the special counsel are not under the control of the Attorney General.

The special counsel, if he or she were blocked by the Attorney General, would at the end of his or her investigation have to report to the Congress that "I wish to interview so and so and the Attorney General said no." Or "I wish to pursue this lead, and the Attorney General said no."

We all know the Brandeisian quote: Sunlight is the great disinfectant and, therefore, as long as this becomes public, there is almost a prophylactic effect. People will be unlikely or be far more reluctant to block an avenue of investigation or the interrogation of a certain witness.

The investigation has proceeded, and it is very clear that all of the things we worry about—we worry about an apparent conflict of interest. That obviously exists. We worry about a conflict of interest that, too, still exists.

By the way, because the Attorney General is a close political friend and associate of the President's, all the more reason that a special counsel was then and still is needed.

There are two models for appointing Attorneys General in this sense anyway. One is to appoint a close friend, confidante, even relative. President Kennedy appointed his brother. That is reasonable to do, but you lose independence. The other is to appoint someone more independent, the Janet Reno model. But in this case, the President chose to appoint someone politically tied to him, someone with a close relationship, so no one even believes there is much independence there. We ask for this special counsel to avoid both apparent conflict and the real conflicts that exist.

Those pleas, done certainly by me earnestly—I am just outraged by what happened, and I think we have to get to the bottom of it no matter where it leads. I called for this investigation on July 22, long before any names such as Rove or some of the others were banded about because I felt so strongly that whoever did this should be punished. It is a despicable act. But as the investigation began to unfold, we saw there was an additional problem, and that is that the investigation was not being run very well; that by textbook prosecutorial rules and ways of operating, this investigation had a number of failures. In fact, our leader, Senator DASCHLE, and my colleagues Senators BIDEN and LEVIN, and I sent a letter to the President on October 9 that outlined some of these missteps. I thought I would read the parts of the letter that are relevant.

I ask unanimous consent that the entire letter be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, October 9, 2003.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write to express our continuing concerns regarding the manner in which your Administration is conducting the investigation into the apparently criminal leaking of a covert CIA operative's identity. You have personally pledged the White House's full cooperation in this investigation and you have stated your desire to see any culprits identified and prosecuted, but the Administration's actions are inconsistent with your words.

Already, just fourteen days into this investigation, there have been at least five serious missteps.

First, although the Department of Justice commenced its investigation on Friday, September 26, the Justice Department did not ask the White House to order employees to preserve all relevant evidence until Monday, September 29. Every former prosecutor with whom we have spoken, has said the first step in such an investigation would be to ensure all potentially relevant evidence is preserved, yet the Justice Department waited four days before making a formal request for such documents.

Second, when the Justice Department finally asked the White House to order employees to preserve documents, White House Counsel Alberto Gonzales asked for permission to delay transmitting the order to preserve evidence until morning. That request for delay was granted. Again, every former prosecutor with whom we have spoken has said that such a delay is a significant departure from standard practice.

Third, instead of immediately seeking the preservation of evidence at the two other Executive Branch departments from which the leak might have originated, i.e., State and Defense, such a request was not made until Thursday, October 1. Perhaps even more troubling, the request to State and Defense Department employees to preserve evidence was telegraphed in advance not only by the request to White House employees earlier in the week, but also by the October 1st Wall State Journal report that such a request was "forthcoming" from the Justice Department. It is, of course, extremely unusual to tip off potential witnesses in this manner that a preservation request is forthcoming.

Fourth, on October 7, White House spokesperson Scott McClellan stated that he had personally determined three White House officials, Karl Rove, Lewis Libby and Elliot Abrams, had not disclosed classified information. According to press reports, Mr. McClellan said, "I've spoken with each of them individually. They were not involved in leaking classified information, nor did they condone it." Clearly, a media spokesperson does not have the legal expertise to be questioning possible suspects or evaluating or reaching conclusions about the legality of their conduct. In addition, by making the statement, the White House has now put the Justice Department in the position of having to determine not only what happened, but also whether to contradict the publicly stated position of the White House.

Fifth, and perhaps more importantly, the investigation continues to be directly overseen by Attorney General Ashcroft who has well-documented conflicts of interest in any investigation of the White House. Mr. Ashcroft's personal relationship and political alliance with you, his close professional relationships with Karl Rove, and Mr. Gonzales, and his seat on the National Security Council all tie him so tightly to this White House that the results may not be trusted by the American people. Even if the

case is being handled in the first instance by professional career prosecutors, the integrity of the inquiry may be called into question if individuals with a vested interest in protecting the White House are still involved in any matter related to the investigation.

We are at risk of seeing this investigation so compromised that those responsible for this national security breach will never be identified and prosecuted. Public confidence in the integrity of this investigation would be substantially bolstered by the appointment of a special counsel. The criteria in the Justice Department regulations that created the authority to appoint a Special Counsel have been met in the current case. Namely, there is a criminal investigation that presents a conflict of interest for the Justice Department, and it would be in the public interest to appoint an outside special counsel to assume responsibility for the matter. In the meantime, we urge you to ask Attorney General Ashcroft to recuse himself from this investigation and do everything within your power to ensure the remainder of this investigation is conducted in a way that engenders public confidence.

Sincerely,

TOM DASCHLE.
JOSEPH R. BIDEN.
CARL LEVIN.
CHARLES E. SCHUMER.

Mr. SCHUMER. I thank the Chair. I am going to read these five steps that, again, fly in the face of good prosecutorial practice:

First, although the Department of Justice commenced its investigation on Friday, September 26, the Justice Department did not ask the White House to order employees to preserve all relevant evidence until Monday, September 29. . . .

Second, when the Justice Department finally asked the White House to order employees to preserve documents, White House Counsel Alberto Gonzales asked for permission to delay transmitting the order to preserve evidence until morning and the request for delay was granted.

In both these instances, every seasoned prosecutor knows that is not standard practice. You don't give those who might—underline "might"—want to destroy evidence an opportunity to do so. The first thing a good prosecutor does is gather as much evidence quickly and as broadly as possible.

Third, instead of immediately seeking the preservation of evidence at the two other Executive Branch departments from which the leak might have originated, i.e., State and Defense, such a request was not made until Thursday, October 1. Perhaps even more troubling, the request to the State and Defense Department employees to preserve evidence was telegraphed in advance not only by the request to White House employees earlier in the week, but also by the October 1st Wall Street Journal report that such a request was "forthcoming" from the Justice Department.

I have talked to prosecutors who flipped their lid at that one. You put in the newspaper that you are going to request evidence of potential suspects? Wow. Something is wrong. Is it done nefariously? I do not know. Perhaps not. But it does not matter. Certainly, the leaker, whoever he or she is, is under a cloud and worried about potential criminal prosecution. Whether this was done by accident or by design, it does not make a darn bit of difference.

It fouls up the investigation to a fare-thee-well.

Fourth, on October 7, going back from the letter, White House spokesman Scott McClellan stated that he had personally determined that three White House officials: Karl Rove, Lewis Libby, and Elliott Abrams, had not disclosed classified information. According to press reports, Mr. McClellan said he had spoken to each of them individually.

What is going on? We have the White House press spokesperson on his own—or maybe with authorization. Did he get it from Justice? I doubt it, but I sure would like to know—goes and interviews the witnesses, or potential witnesses?

He then came to a conclusion and told it to the Nation: They were not involved in leaking classified information, nor did they condone it.

Again, this comes from prosecution 101. A media spokesperson does not have the legal expertise to be questioning possible suspects or evaluating or reaching conclusions about the legality of their conduct.

In addition, by making this statement, the White House has now put the Justice Department in the position of having to determine not only what happened but whether to publicly contradict the White House spokesperson.

Fifth, and maybe most importantly, the letter goes on to say that the investigation continues to be directly overseen by Attorney General Ashcroft, who has well documented conflicts of interest in any investigation of the White House.

So we renewed our plea. Now, let me make two additional points that have not come out since we last spoke about this on the Senate floor. First, we do not know who is in charge. Who is running this investigation? Is it, as some newspaper reports have said, the head of the Counterterrorism Division within the FBI, a gentlemen named Mr. Dion? Is it the head of the FBI, Mr. Mueller? Is it the Attorney General? Is it the Assistant Attorney General in the Criminal Division or somebody else? Who is making the decisions? How the heck can there be a prosecution when we do not know who is in charge?

Then, of course, we do not know if that person is reporting to Attorney General Ashcroft day to day. Is this person available? If the White House press spokesperson will do his own little investigation and tell everyone what happened, how about letting the public at least get an idea from who is doing the investigation not to talk publicly about the details but to let them know what is going on because, when one looks at the press reports, it is either Judge Gonzales or a Justice Department spokesperson or a member of the Justice Department who gets up and says this is what is happening. It is unheard of. This investigation already is so tainted.

So many of us ask, if they are not going to go for a special counsel, which

is what should happen, at least Attorney General Ashcroft should publicly recuse himself. He has not even done that. What kind of assurance does the public have that we are going to get to the bottom of this?

Then the President says we may never get to the bottom of it. Well, maybe he is just stating what he thinks, maybe he is just stating what he hopes, or maybe he is sending a signal. I do not know which is which, but he should not have said that. One day he said he wants to get to the bottom of it, and we should, and that was great. The next day he says, well, we may never know.

So this investigation is fraught with mistakes and errors, whether by design or by accident, that imperil its results, whatever they come to be.

I have never quite seen anything like it. I was on the Judiciary Committee in the House of Representatives for 16 years and have now been in the Senate for 5 years. I am somewhat familiar with how our Federal justice agencies work. In all of my years, I have never seen what happened. We can be sure that if this had happened during the Clinton years, and these mistakes were being made, what we are saying and asking to be done would be mild, would be pabulum, compared to what some of my colleagues on the other side would be asking for.

One other point before I get to the substance: This morning's New York Times reported the following, and the headline is, "Senior Federal Prosecutors and FBI Officials Fault Ashcroft Over Leaked Inquiry." I ask unanimous consent that this article be printed in the RECORD.

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

[From the New York Times, Oct. 16, 2003]
SENIOR FEDERAL PROSECUTORS AND F.B.I. OFFICIALS FAULT ASHCROFT OVER LEAK INQUIRY

(By David Johnston and Eric Lichtblau)
WASHINGTON, Oct. 15.—Several senior criminal prosecutors at the Justice Department and top F.B.I. officials have privately criticized Attorney General John Ashcroft for failing to recuse himself or appoint a special prosecutor to investigate the leak of a C.I.A. operative's identity.

The criticism reflects the first sign of dissonance in the department and the F.B.I. as the inquiry nears a critical phase. The attorney general must decide whether to convene a grand jury, which could compel White House officials to testify.

The criminal justice officials, who spoke on the condition that they not be identified, represent a cross section of experienced criminal prosecutors and include political supporters of Mr. Ashcroft at the department's headquarters here and at United States attorneys' offices around the country.

The officials said they feared Mr. Ashcroft could be damaged by continuing accusations that as an attorney general with a long career in Republican partisan politics, he could not credibly lead a criminal investigation that centered on the aides to a Republican president.

Democrats have criticized each step of the inquiry as tainted by Mr. Ashcroft's relationship with the White House.

The investigation is trying to determine who told the syndicated columnist Robert Novak, as he wrote in July, that Valerie Plame, the wife of a former ambassador, Joseph C. Wilson IV, was a C.I.A. employee. Mr. Wilson was a critic of the administration's Iraq policies.

A senior Justice Department official acknowledged on Tuesday that the question of whether Mr. Ashcroft should step aside had stirred discussion in the department, but said that the dissent was limited and did not reflect the overall thinking of the career lawyers who are in daily control of the leak case. The official said that the option of recusal or referral to a special prosecutor remained "wide open."

The official said that the question of whether Mr. Ashcroft should step aside had been discussed among Mr. Ashcroft's senior advisers, but that so far none of the career lawyers on the case had recommended that the attorney general remove himself.

The official said Mr. Ashcroft had twice gathered his investigative team to urge them to find out who had leaked the identity of the C.I.A. operative and to prosecute that person if possible. "He's angry about this," the official said.

* * * * *

But Mr. Ashcroft and the F.B.I. director, Robert S. Mueller III, operate as major members of Mr. Bush's antiterror team, a closeness that complicates a criminal inquiry at the White House managed by Mr. Ashcroft and Mr. Mueller.

Several alternative approaches have been suggested both inside and outside the Justice Department, the officials said. In one approach, Mr. Ashcroft would recuse himself from the case once James B. Comey, the federal prosecutor in Manhattan, took over as deputy attorney general in either an acting or permanent basis.

Mr. Bush said earlier this month that he intended to appoint Mr. Comey as deputy attorney general. Mr. Comey brings established prosecutorial credentials to the job.

If Mr. Comey took charge, it would avoid the time-consuming prospect of appointing a special counsel who would then have semi-independence to investigate the case, but would still be answerable to the attorney general.

Mr. Ashcroft is aware of the political sensitivity of the case, and aides said he had worked hard to ensure an aggressive investigation.

After a news report indicated that the F.B.I. would move cautiously because of the intense scrutiny, an angry Mr. Ashcroft had an aide call the F.B.I. immediately to let officials there know that that would not be the case, a Justice Department adviser said. "He wants to make certain we're moving with all appropriate dispatch."

Mr. Ashcroft and Alberto R. Gonzales, the White House counsel, have also been under fire for their initial handling of the case. The Justice Department allowed the White House to wait overnight on Sept. 28 before sending an electronic message ordering White House employees not to destroy records related to the leak.

Ashley Snee, a spokesman for Mr. Gonzales, said he believed the delay was acceptable because no one in the White House had any idea there was an investigation. But The New York Times and The Washington Post had reported the day before that the C.I.A. had forwarded the matter to the Justice Department for possible investigation.

Mr. SCHUMER. So now we are finding that even people within the Justice Department mention in the article that political supporters of Mr.

Ashcroft at the Department's headquarters and at the U.S. Attorney's Offices around the country object, take issue with the way this investigation has been conducted.

Again, this was a serious crime.

This is what former President George H. W. Bush says about the leaking of names of undercover CIA agents: I have nothing but contempt and anger for those who betray the trust by exposing our sources. They are, in my view, the most insidious of traitors.

Serious stuff, traitors, not in the words of some partisan Democrat but of our present President's father, our former President.

Here we are running an investigation that makes one scratch one's head and wonder how serious, how competent, and how careful this investigation is.

I quote a former CIA agent, Mr. Marcinkowski, from an October 7 appearance on CNN, where he said:

As an operations officer on scene in a country, the effects of this—

The leak—

are that anyone who knows you or did know you will now look at your mosaic. They will look at the people you've come in contact with. They will suspect those people, be they official contacts or innocent contacts. They will suspect those persons of being intelligence agents. They could be subject to interrogation, imprisonment and even death, depending on the regime that you may be operating under.

He goes on to say:

There's also ramifications for CIA morale. I'm not naive enough to say this is having a huge impact, but certainly, it contributes to a decline in morale when you know that your own government can identify you as a clandestine operator. Certainly, there's going to be a reluctance on the part of foreign nationals that may want to help the United States in these trying times. They're going to be reluctant to serve and help us with information, based on the fact that their identification may be revealed by the government.

So it is more obvious now than when we tried to ask for it several weeks ago that at the very minimum we need a special counsel and that Attorney General Ashcroft should recuse himself immediately. Yet we get continued mistakes and continued handling of this case as if someone does not know how to do it or someone does not care or someone is afraid to do it in a full-fledged sense.

I say to my colleagues on the other side of the aisle, this is not going to go away. The best thing we could do, not only to serve our country, which is in a time of war and I have had sympathy for that, but to serve this administration, is to put this out of any question, appoint a special counsel of high repute and integrity, and let the investigation go forward on its own and see wherever it leads.

That is why the amendment I will be introducing shortly is so important to all of us. I am not going to introduce it as of yet because I know several of my colleagues wish to speak.

Mr. HARKIN. I wonder if the Senator will yield for a question.

Mr. SCHUMER. I will be happy to yield to my colleague from Iowa for a question.

Mr. HARKIN. First, I thank the Senator from New York for his very early and very eloquent statements on this issue, going clear back to July. It was the Senator from New York who first started alerting this body and the American people as to this disclosure by the Bush administration of an undercover CIA agent's name and the ramifications it had. So we owe the Senator from New York a great deal of gratitude for his leadership on this issue because it is a matter of very grave national security importance.

I have been listening to the Senator from New York talk about the need for a special counsel and why it is so important for the Attorney General to recuse himself from this. But I ask this of the Senator from New York. It seems to me one of the ways we might really get to the bottom of this in a hurry would be if those who leaked the information to the journalists were to release the journalists from any obligation to hide the sources.

I ask the Senator, would it not be possible for the President of the United States to call in all of his senior staff, have them sit down at a desk and sign a piece of paper releasing Mr. Novak and any other journalists from protection of his or her name as a possible source of the leak? Couldn't the President just have all of the senior White House people, senior administration people sign such a thing? Then wouldn't that release the duty or obligation of the journalists to protect their sources? And wouldn't that get to the bottom of it in a hurry? I ask the Senator from New York.

Mr. SCHUMER. I thank my colleague from Iowa for his question, which is an interesting question, as well as his dogged pursuit in regard to the truth in this matter. I know this is one of many times he has come to the floor.

The bottom line is this gets us into the realm of journalists' rights and the shield law and other things. I think if the President would ask all of those in his office to release journalists from any strictures, any compunction about letting it be known—if they believed it appropriate—who leaked to them, that would be a very good idea.

I hasten to add that the journalists themselves might not do it. They have not done it in previous times. We probably would still need this investigation. But it certainly—and my colleague from Iowa is right and I wouldn't want to compel them and I know he wouldn't either, but it certainly would, again, call into good light the desire, professed desire, of those in the White House, including the President himself, to get to the bottom of this because obviously it could, and it could quickly, provided the journalists who were so released would be willing to come forward.

Mr. HARKIN. I say to the Senator from New York, it seems to me if the

President really wants to get to the bottom of this—and I don't really know that he does want to get to the bottom of this—I say to the Senator from New York, it seems odd the President has been so nonchalant about it, actually joking about it with foreign reporters.

Let's say, if I were a senior administration official working for the President, and the President called me in and said: "Tom, I want you to sign this thing; it just says, 'I, Tom Harkin, hereby release any and all journalists from any obligation they may have to me to protect my name as any possible source of a leak of this information regarding Valerie Plame,'" and he'd ask me to sign it, it seems to me if I had nothing to hide, I would sign it. If I had something to hide, I might not want to sign it. Then the President would know.

You are obviously right, you don't want to force anyone, but obviously they work for the President.

I ask the Senator from New York, doesn't it strike you as odd that the President, who has spoken so forcefully about leaks and national security, has been so nonchalant about this? Doesn't it strike the Senator as odd?

Mr. SCHUMER. It does. I thank my colleague. It does strike me as strange. I agree with you. The times there has been joking or bantering about this, it bothered me very much.

Another thing that bothers me, along the same line as to what he has asked: This President, in my judgment, to his credit, has made it a point that we have to do everything we can to defend our soldiers on the front lines. Whatever one's opinion of the war in Iraq, whatever one's opinion of our actions in Afghanistan and Kosovo and everywhere else—Korea, where we have soldiers—this President has made it a hallmark of defending those troops and doing everything to defend those troops. In fact, we are here in the Chamber defending, of the \$87 billion, the vast majority, I guess—over \$60 billion—to help defend them in Iraq, something that most of us, myself included, support.

Yet when it comes to defending an agent who was on the front lines and has been betrayed by, in the words of President George H. W. Bush, a traitor, we get nonchalance, a joke here and there, "What's the bother? What's the fuss?" Excuses—"This wasn't an agent, it was an analyst." Or, "This wasn't done by malice"—the effect still being the same. That is serious.

I would say one other thing to my colleague. The President could also demand that the culprit turn himself or herself in. I haven't heard that yet. Would you think that would be the case if someone had betrayed some of our soldiers in the field in Iraq?

There is sort of a strange dichotomy that my colleague from Iowa is absolutely right to point out. That is, for this betrayal of a soldier, if you will, who has been on our front lines, there is a nonchalance, an attitude: Well, who cares too much about this?

Do you know what it makes the average American think? It makes them think maybe there is something there, because if the President were certain that it might not go to one of his close associates, or the President were certain in his belief we had to get to the bottom of this, I don't think we would see the kinds of actions we have seen from the White House and even from the prosecution, because the prosecution itself, as I said, is not being handled well. Again, maybe not by design, but just by the structure that the President—the buck stops at his office—has allowed to persist, the structure being investigation.

Mr. HARKIN. I thank the Senator for his response.

I have one last inquiry I would like to make and have the Senator address. A lot has been focused on the individual, Valerie Plame—whom I never met, of course. But a lot has been focused on her as sort of an isolated incident, just one person, and that is it.

It has occurred to this Senator, as the Senator from New York has so plainly stated, there are more than just the uniformed soldiers in Iraq fighting the war on terrorism. It is all of our undercover agents, our CIA, our information-gathering apparatus around the world to give us forewarning of what is going to happen, to get access to that vital information that we need in this fight against global terrorism.

Can the Senator address himself to the kind of chilling effect such a disclosure might have on operatives of ours in the CIA, around the globe today, who may be out there? They are getting their sources of information. But what if they think at some point in the future they could be outed, their name could be spread out there? What about, not only them personally, but what about all their contacts? Now their contacts are thinking: My gosh, if they are outed, I am outed and my life is at risk.

Could the Senator address himself to the broader kind of effects this might have on our fight on global terrorism?

Mr. SCHUMER. I thank my colleague from Iowa for his good question.

Mr. STEVENS. Mr. President, I have been very patient. It is not a question. It is a request to make a statement.

The PRESIDING OFFICER. The Senator from Alaska is correct. The Senator may only yield time for the purpose of a question.

Mr. HARKIN. Will the Senator yield for a question?

Mr. SCHUMER. I would be happy to yield for a rephrased question.

Mr. HARKIN. Does the Senator believe that such a disclosure could have a chilling effect on operatives of ours in the field today and who in the future may be out there risking their very lives gathering information that we need on the war on terrorism? Does the Senator believe this could have a chilling effect?

Mr. SCHUMER. I would like to answer my colleague. I do indeed. Don't

take my word for it. A few minutes before my colleague came to the Chamber, I quoted former agent Mr. Marcinkowski who said that on CNN. It has been reported by the media all over the place that those who have served in intelligence say exactly that—that perhaps the greatest danger that has occurred here may not have been to the individual agent, may not have even been to the group of contacts that agent had when undercover but, rather, to the morale of the intelligence agency and, as importantly, to the effectiveness because agents know they can be "outed" because they or someone they are close to says someone high up may not like it and it could well have a chilling effect.

My reports are that the CIA from top to bottom is just furious that this happened for the very reason of my friend's question, and the answer to that which I was just giving.

The only way to alleviate it—the only way to restore that credibility—is to get to the bottom of this in a full and thorough investigation.

Mr. HARKIN. Will the Senator yield for one last question?

Mr. SCHUMER. I am happy to yield.

Mr. HARKIN. The question is, Has the investigation been tainted so far? One instance which comes to this Senator's mind is when the Department of Justice announced an official investigation but they waited for days to notify the White House. I ask the Senator: Is this not an indication that the investigation has already been tainted by the Justice Department?

Mr. SCHUMER. In answer to my colleague's question, I believe this certainly calls into question the effectiveness of this investigation, perhaps the desire to get to the bottom of it, how strong that is and how full that is. In a letter, which I, along with Senator DASCHLE, Senator LEVIN, and Senator BIDEN, sent to the President, we raised that very question. We have not yet received an answer.

Mr. HARKIN. I thank the Senator.

Mr. SCHUMER. I thank my colleague.

I know my friend from Alaska is eager to draw this to something of a close and still allow us to have a vote.

Mr. STEVENS. If the Senator will yield to answer my question?

Mr. SCHUMER. For the purpose of a question.

Mr. STEVENS. The Senator's amendment, if offered, is subject to a point of order. Haven't we been working on something now for 45 minutes which is not germane to this bill?

Mr. SCHUMER. In answer to my colleague—and let me say I thought there was a gentlemen's agreement between leaders FRIST, DASCHLE, the bill managers, yourself, and our colleague from West Virginia that if the minority agreed to help complete work on this important bill by Friday the majority would not raise points of order against our amendments. In fact, as I understand it, a number of amendments have

been allowed to be voted on where points of order might stand.

Also, if I might just continue the point—

Mr. STEVENS. Will the Senator yield?

Mr. SCHUMER. In 1 minute. I want to finish the answer to the question. It was indeed a question and not an invitation for a statement. I understand that.

But if this agreement was designed to address the fact that the House hasn't completed its work yet on the supplemental, it makes it impossible for Senators to defend the germaneness of our amendments without the text of a House bill to which to refer. We don't know what is in the House bill, nor if the House bill has a provision in there which might make this germane. That is why we came to that agreement.

Again, I wish to underscore the fact that my colleague from Alaska has honored the agreement and allowed votes on a number of amendments which clearly would be not germane. I think our side has honored the agreement as well, and we have tried to proceed without undue delay with our own amendments. Yet now we are arguing that this amendment might not be germane.

First, I disagree. It is utterly germane to the debate we are now involved in about supporting our troops overseas. As I mentioned, Valerie Plame was just as much a soldier in the war on terrorism. She was an expert on weapons of mass destruction, which is the *casus belli* of where we are. It is vital we get to the bottom of it.

I think this amendment is quite germane—more germane, in fact, than others. The supplemental includes \$600 million to fund further weapons inspections. If we are going to spend \$600 million, we have to know there is an honest assessment of whatever they may find or not find without fear of retaliation.

I understand that my colleague from Alaska has the right to object to this under germaneness. But I also understand—and I ask the question of him: Hasn't there been an agreement to allow nongermane amendments, and hasn't my colleague, in keeping that agreement, allowed nongermane amendments to be called up for a vote on the floor?

I yield to him for an answer.

Mr. STEVENS. I wonder if the Senator realizes he has just yielded the floor.

Mr. SCHUMER. Just for a question.

Mr. STEVENS. The Senator asked me a question. But I will not argue.

The PRESIDING OFFICER. Without objection, the Senator from New York will be allowed to yield to the Senator from Alaska for the purpose of asking a question.

Mr. SCHUMER. I thank the Chair.

Mr. STEVENS. A gentlemen's agreement was entered into that we would not raise a point of order under rule

XVI for germane amendments. But for those that are not germane, we made no such agreement. This is not germane to this bill. Therefore, I hope the Senator will not offer it. As a matter of fact, I hope he will take into account another answer which I will give to him about the question of germaneness. This matter is now in the counterintelligence section of the Department of Justice. That section has decades of experience and has really enormous experience in working on matters of this type.

It is my judgment, and I ask the Senator this question: Does he realize that this sense-of-the-Senate resolution has a connotation of lack of confidence—no confidence—in the work of the counterintelligence section, a group that has very distinguished career people, and that the legislative liaison for the CIA has indicated to me through my staff that they are following the standard procedures of a series of administrations in handling this matter, and both the CIA and the counterintelligence section believe there is no need for a special counsel at this time? Does the Senator realize that this is not something which is sought by those professionals experienced in the area?

Mr. SCHUMER. I thank my colleague for his question. He underscores my point. I understand what he is saying. But we have no knowledge if the Counterintelligence Division is solely in charge of this investigation. They have to report to the Attorney General, or to the head of the FBI, or to somebody else at every move they make. Have they been countermanded in where they want to go? We know none of that. In fact, the very statement my friend from Alaska related about his staff inquiry is the most information that has been publicly given about how this investigation is being conducted.

The problem we are trying to get at here and the reason a special counsel is so needed is very simple; that is, we don't know who is in charge. My colleague from Alaska said, staff to staff, they say it is counterintelligence.

May I yield to him for the purpose of a question only and then reclaim the floor? I ask my colleague for that permission.

The PRESIDING OFFICER. Is there objection to the Senator from New York yielding to the Senator from Alaska for the purpose of answering a question?

Without objection, it is so ordered.

Mr. SCHUMER. I thank the President. I thank my colleague from Alaska.

Does my good colleague know if Mr. Dion, head of the Counterintelligence Division—I have nothing bad to say about him—is required to report to anybody about whom he subpoenas, whom he questions, what kind of facts he is allowed to pursue, or can he do this completely on his own?

Mr. STEVENS. Mr. President, from my experience with this section—and I do not get involved with this section

too often—it is a counterintelligence section of the Department of Justice. They have their own system of investigation. It has a very broad agenda in terms of portfolio. They have the scope of the whole intelligence network to work with.

I share the Senator's umbrage about the leak. The question is, how to handle that leak. It is in the hands of the people who are trained and who have in the past discovered such leaks. Who will it be reported to? I am sure the criminal division of the Department of Justice, if and when they find who is responsible for the leak, because it is a violation of the criminal statute.

Mr. SCHUMER. I thank my colleague for his answer. I simply say that in an area such as this, which is so unusual, this is not just the typical leak. The counterintelligence division handles scores of leak cases every year. My good colleague from Alaska is correct. However, none, as far as I am aware, have involved the revealing of the name of an agent. It is a much more serious situation. It is a crime in itself.

The bottom line is very simple: This is so important that we cannot leave to conjecture that the counterintelligence division generally does a good job so we will assume they are doing a good job here. I appreciate my colleague being on the floor when I spoke, but there have been a number of missteps along the way not caused by the counterintelligence division but by others. This is too important to leave to supposition. That is why we are seeking a special counsel. We cannot just say they generally do a good job, we assume they will do a good job on this. This is a crime, a matter of great importance. I would like to go further than that. That is the purpose of this amendment which I hope my colleague will allow us to offer and vote on, given the agreement.

I am happy to yield for another question.

Mr. STEVENS. On what basis does the Senator say this is a unique case? In my experience, I have known several leaks and several individuals who were apprehended for leaks, some prosecuted, some not. Is it the Senator's impression this is a case of first impression?

Mr. SCHUMER. It is my impression, in answer to my colleague's question, this is a question of rare impression. The number of times the name of an agent has been publicly published in the newspaper and leaked by somebody not on the other side but rather by somebody who is "a high administration official," I cannot think of a one. I know some spies leak names. Aldridge Ames leaked names and was punished for it, but I don't know of a single instance where someone within the administration leaked the name of an agent.

If it is not a first impression, it is a very rare impression, quite different than most of the leaks we have had. That is my answer to my colleague's

question. I don't think this is usual or typical. I pray to God it is not.

Mr. President, I ask unanimous consent to lay aside the pending amendments and consider the amendment which I send to the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. DASCHLE, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. KENNEDY, Mr. DURBIN, Mr. BAUCUS, Mr. HARKIN, Mr. BAYH, Mr. HOLLINGS, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, Mr. GRAHAM of Florida, Mrs. BOXER, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. JOHNSON, and Mr. EDWARDS, proposes an amendment numbered 1872.

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

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

The amendment is as follows:

(Purpose: To express the sense of Congress concerning the appointment of a special counsel to conduct a fair, thorough, and independent investigation into a national security breach)

At the appropriate place, insert the following:

SEC. ____ SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.

(a) FINDINGS.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence operatives being able to operate undercover and without fear of having their identities disclosed;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert intelligence agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and stature to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

Mr. STEVENS. I thank the Senator for yielding the floor. Now, I am sorry to say, I make a point of order under rule XVI that this legislation on an appropriations bill is not germane.

Mr. SCHUMER. Will the Senator yield for a minute?

Mr. STEVENS. I don't know if that is debatable or not. I do not want to lose the floor.

The PRESIDING OFFICER. The point of order is not debatable. The Senator has raised a point of order under rule XVI. The amendment does

not appear to be germane and the point of order is sustained. The amendment falls.

Mr. STEVENS. If I still have the floor, I say to the Senator from New York, I have background being a U.S. attorney and being deeply involved in intelligence matters now for 35 years. I share his umbrage at the whole process. I will do everything I can to get to the bottom of this matter, but I do not think this is the time for a special counsel. There may come a time it will be required.

Mr. REID. Will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. REID. You talk legal background, but you did not go to a very good law school, did you?

Mr. STEVENS. No.

AMENDMENT NO. 1873

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I have an amendment which is on the list which has been announced, and I would like to send this amendment to the desk. I ask unanimous consent it be put in the appropriate place of the queue of amendments to be considered later on this day.

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

Mr. STEVENS. Parliamentary inquiry.

Mr. DURBIN. I ask unanimous consent that the amendment be sent to the desk, be set aside, and be scheduled at an appropriate time as agreed to on both sides. I would like the remaining 5 minutes before the vote.

Mr. STEVENS. My parliamentary inquiry is, may I raise rule XVI at this point?

HIV/AIDS is not germane to this bill, either.

The PRESIDING OFFICER. The amendment has not yet been reported.

Mr. STEVENS. I do not object to receiving the request.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. LEAHY, Mr. FEINGOLD, and Mr. LAUTENBERG, proposes an amendment numbered 1873.

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

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

The amendment is as follows:

(Purpose: To provide funds for the prevention, treatment, and control of, and research on HIV/AIDS)

At the appropriate place, insert the following:

SEC. ____ (a) GLOBAL HIV/AIDS FUNDING.—For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on HIV/AIDS, in addition to funds appropriated under the heading "Global AIDS Initiative" in the Foreign Operations, Export Financing, and Related Programs Act, 2004, \$879,700,000 to remain avail-

able until expended: *Provided*, That the funds appropriated by this section shall be made available in accordance with the amount authorized in accordance with sections 202(d)(1) and 202 (d)(4) of Public Law 108-25.

(b) OFFSET.—The total amount appropriated under title II under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE—FUNDS APPROPRIATED TO THE PRESIDENT—IRAQ RELIEF AND RECONSTRUCTION FUND" (other than the amount appropriated for Iraqi border enforcement and enhanced security communications and the amount appropriated for the establishment of an Iraqi national security force and Iraqi Defense Corps) shall be reduced by \$879,700,000.

(c) NOTIFICATION.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the President shall consult with, and provide a written report to, the appropriate committees of Congress, concerning the amount by which each sector, program, and activity is reduced pursuant to subsection (b).

(2) COMMITTEE PROCEDURES.—The report submitted under paragraph (1) shall be subject to the regular notification procedures of the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

Mr. STEVENS. Mr. President it is my understanding this is an amendment pertaining to HIV/AIDS, and I support all activities concerning that, but it is not germane to this bill.

The PRESIDING OFFICER. The Senator from Alaska raises a point of order under rule XVI.

Mr. DURBIN. Mr. President, may I address the point of order?

Mr. STEVENS. A point of order is not debatable.

The PRESIDING OFFICER. The Chair will entertain debate on the motion.

Mr. DURBIN. It is my understanding this \$87 billion emergency appropriations requested by the administration includes foreign aid that is going to the nation of Iraq as well as Afghanistan. What I am suggesting is this item, some \$800 million, in the nature of foreign aid be sent to fight the global AIDS epidemic. It would seem it is germane to the same issue before the Senate in the pending supplemental appropriations bill.

Mr. STEVENS. That would be earmarking this money for a matter that is not germane for this bill. It is true that money could be used for that purpose, but I do not believe amendments are in order to start earmarking this money for items that are not germane to the bill.

I am raising that it is legislation on the appropriations bill.

Mr. DURBIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Could the Chair address the question of the defense of germaneness if we are not entertaining a bill first passed by the House.

The PRESIDING OFFICER. Restate the question.

Mr. DURBIN. Could the Chair inform me as to the defense of germaneness and whether it applies in this situation

where we are not dealing with a bill already passed by the House and a question as to whether our amendment is germane to that House-passed bill?

The PRESIDING OFFICER. The defense of germaneness does not apply when the Senate is considering a Senate bill.

Mr. DURBIN. Is the Chair prepared to rule on the germaneness question raised by the Senator from Alaska?

The PRESIDING OFFICER. The Chair's understanding is the Senator from Alaska has challenged the amendment on the grounds that it is legislating on appropriations.

Mr. DURBIN. I am sorry, I thought—

The PRESIDING OFFICER. The Chair is prepared to rule.

Mr. DURBIN. Is that debatable?

The PRESIDING OFFICER. No, the ruling is not debatable.

The point of order is sustained. The Chair rules the amendment constitutes legislating on an appropriations bill. The amendment falls.

AMENDMENT NO. 1818

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided on each side on the Byrd amendment.

Who yields time?

The Senator from West Virginia.

Mr. BYRD. Mr. President, this amendment is cosponsored by Senators BYRD, KENNEDY, LEAHY, BOXER, HARKIN, JEFFORDS, and KERRY.

The administration needs to change its course in Iraq. If the United States is ever to work successfully with the international community to obtain the contributions of troops and money that are needed to share the heavy burden of postwar Iraq, the White House must take real steps to share power with the United Nations.

The Byrd-Kennedy-Leahy amendment would push the administration to do more to share power in Iraq. It would also require the President to submit reports to Congress about the participation of other countries in Iraq, as well as a plan for supporting American troops by bringing them home.

The amendment gives the President \$10.1 billion in reconstruction funds immediately but requires another vote by Congress before the other \$10.2 billion in reconstruction funds can be spent.

It is imperative that Congress review the situation in 6 months to determine whether the President's efforts at the U.N. have paid off in more foreign contributions to the future of Iraq. Congress should also evaluate the President's plan for how to get the U.N. in, and the U.S. out of, Iraq. A vote in 6 months' time on whether to release the additional \$10.2 billion in reconstruction funding would give Congress the opportunity to make a midcourse correction if our occupation of Iraq is still going poorly.

The Byrd-Kennedy-Leahy amendment is a simple amendment to help Congress watch the people's money and to support our troops by getting the international help they need.

Mr. President, I urge the Senators to support the amendment.

I yield the floor.

Mr. KERRY. Mr. President, 6 months ago, President Bush took the country to war with Iraq, without the support of key allies other than Britain, without the support of the international community at large. We didn't need international support to win the war. We all knew that our brave fighting men and women would defeat Saddam Hussein's forces easily. But we did—and we do—need the international community to help us win the peace—a painfully obvious truth that this administration has steadfastly refused to accept.

As long as Iraqis see us as occupiers rather than liberators, our troops will remain at increased risk and our efforts to rebuild Iraq's economy and political system will be suspect. The process of reconstructing Iraq and creating a new Iraqi government must be an international process—not an American process. Only then will it gain full legitimacy in the eyes of the Iraqi people and the world.

The Bush administration's brazen go-it-alone policy has placed the burden and the bill for rebuilding Iraq almost solely on the shoulders of the American people. They don't deserve it, and they don't want it. We need an immediate change of course.

For months I have been urging the administration to bring the United Nations and the international community into the process of rebuilding Iraq's economy and political system. The United Nations must be given a clearly defined, central role in the reconstruction of Iraq and in the process of establishing a new Iraqi government. U.N. Secretary General Kofi Annan has been very clear: he will not send U.N. personnel back to Iraq—and risk their lives—without improvements in the security situation and an unambiguous U.N. role with clear lines of authority. In my view, the best way to achieve this is to transfer the authority over reconstruction and governance to the United Nations. The United Nations is not perfect but it has far more experience and capacity in these areas than the Pentagon and the Coalition Provisional Authority. Finally, the Iraqi people must be assured that political power and responsibility for reconstruction will be transferred to them quickly.

The administration's resolution, which the Security Council passed today, is long overdue. It will provide a modicum of international legitimacy which is essential to our success in Iraq. And it does require that the Iraqi Governing Council lay out by December 15 of this year a timetable and program for the drafting of a constitution and national elections. But this resolution does not fundamentally change the lines of authority and responsibility for the reconstruction and governance of Iraq. It is really more show than substance. The resolution will not

gain meaningful international support for our efforts in Iraq. After months of dismissing and ridiculing the international community, the Bush administration will not gain tangible support for our efforts in Iraq—that is, boots on the ground and money in the coffers at this month's donor conference—as a result of this resolution.

In simply terms, the Security Council resolution adopted today is not the triumph of diplomacy, but rather the beginning of a much-needed process to bring real international support to our effort.

We in the Congress have a responsibility to push the administration to advance the diplomatic effort and not rest content with a fig leaf resolution that hides what remains an American occupation in Iraq. The amendment that Senator BYRD is offering, which I am pleased to cosponsor, seeks to do just that. It requires the President to certify that the U.N. resolution provides tangible international contributions, including substantial troop and financial contributions from other countries. In addition, it requires the administration to certify that reconstruction activities are being implemented in accordance with a new detailed plan to be submitted to the Congress no later than March 1 of next year.

This is a good amendment. It sends a clear message to the administration: You need a real, detailed plan for reconstruction Iraq and you need to do the hard work of diplomacy to internationalize the military and civilian sides of the operation to reduce the risks to our soldiers on the ground and take some of the financial burden off the American taxpayer.

I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, the amendment is an amendment that will require Congress to enact another appropriations for the balance of the reconstruction money. It will cap the reconstruction funds at \$5 billion. It puts another road block in the way of the reconstruction efforts.

I referred earlier to yesterday's editorial in the Washington Post, which said:

Paying to improve life for Iraqis will help create a safer environment for U.S. troops and will hasten the day they can leave. Rebuilding the electricity grid, fixing the water supply, getting the oil flowing, maintaining public safety—all this is central to hopes for stability and representative government.

I think the loss of momentum that will come from requiring another bill to be enacted before we get more money for reconstruction will destroy the whole concept of the plan that Ambassador Bremer is working on.

I call to the attention of the Senate, I also put in a letter I received by fax from Ambassador Bremer just today reaffirming his plea to us to pass this bill as soon as possible.

I do not think it is in the best interests of our troops. I do not think it is in the best interests of the Iraqi people. It certainly is not in the best interests of the person in charge of the whole effort, Ambassador Bremer, for the Byrd amendment to be approved.

For that reason, I move to table the Byrd amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1818. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

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

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 385 Leg.]

YEAS—57

Alexander	Cochran	Frist
Allard	Coleman	Graham (SC)
Allen	Collins	Grassley
Bayh	Cornyn	Gregg
Bennett	Craig	Hagel
Bond	Crapo	Hatch
Breaux	Dayton	Hutchison
Brownback	DeWine	Inhofe
Bunning	Dole	Kyl
Burns	Domenici	Landrieu
Campbell	Ensign	Lott
Chafee	Enzi	Lugar
Chambliss	Fitzgerald	McCain

McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts

Akaka
Baucus
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dodd
Dorgan

Santorum
Sessions
Shelby
Smith
Snowe
Specter

NAYS—42

Durbin	Leahy
Edwards	Levin
Feingold	Lincoln
Feinstein	Mikulski
Graham (FL)	Murray
Harkin	Nelson (FL)
Hollings	Pryor
Inouye	Reed
Jeffords	Reid
Johnson	Rockefeller
Kennedy	Sarbanes
Kerry	Schumer
Kohl	Stabenow
Lautenberg	Wyden

NOT VOTING—1

Lieberman

The motion was agreed to.

NOTICE

Incomplete record of Senate proceedings. Today's Senate proceedings will be continued in the next issue of the Record.