The world needs to do more. The U.N. has to become more involved. The Security Council should be briefed by U.N. Special Envoy Razali Ismail on the situation in Burma and Security Council action should be seriously considered.

My purpose in speaking, obviously, is to support this legislation. However, I wanted to take a moment to praise the deep and personal effort by the Senator from Kentucky on Burma. He has shown courage, but, perhaps more importantly, he has demonstrated tremendous persistence in keeping our attention focused on Burma. Sometimes we forget some of what we say is heard and has an impact in other parts of the world. In some cases, it may not be make it back to our own States, but it is heard in the parts of the world where is makes a big difference. This is one of those times.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Vermont for his kind comments on the Burma bill and appreciated his forceful advocacy of passage.

In terms of the parliamentary situation, is there time left on the Burma bill on both sides?

The PRESIDING OFFICER. That is correct.

Mr. MCCONNELL. I am prepared to yield back the time that remains on this side if the Senator from Vermont would do the same.

Mr. LEAHY. I will do the same. Should we ask for the yeas and nays?

The PRESIDING OFFICER. All time is yielded back.

Mr. MCCONNELL. Do we need to ask for the yeas and nays on the Burma bill?

The PRESIDING OFFICER. That would be appropriate.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the question is on the third reading of the bill.

The bill (H.R. 2330) was ordered to the third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to vote on passage of the bill at a time determined by the majority leader, after consultation with the Democratic leader.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2658, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Dorgan amendment No. 1264, to require from the President a budget amendment for the budget for fiscal year 2004 on the amounts requested for military operations in Iraq in fiscal year 2004.

The PRESIDING OFFICER. There will now be 30 minutes equally divided in relationship to amendment No. 1264 by Senator DORGAN.

Who yields time?

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time of the quorum call not be charged either to the Republican or Democratic side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, my understanding is there is a 30-minute timeframe on my amendment.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Mr. President, let me indicate I have just been sitting with my colleagues, Senator STEVENS and Senator INOUYE, discussing this amendment. I want to discuss just for a moment why I have offered this amendment and then indicate that I think we have a responsibility here in the Congress to try to understand how much these operations in Iraq and Afghanistan and other areas of the world cost us and how we plan to pay for them.

Before I do that, let me say the chairman of this subcommittee and the ranking member, two Members for whom I have the highest regard—and I happen to serve on this subcommittee—have distinguished military records. The ranking member has the Medal of Honor. The chairman flew over the hump in China during the Second World War. He has a very distinguished record. I very much appreciate working with them. They have done an extraordinary job with the piece of legislation brought to the floor of the Senate to fund our defense needs.

I visited Afghanistan during the past year or so. I have not visited Iraq. But I happen to think what we have done, with the wonderful men and women who wear America's uniform, is kick the Taliban out of Afghanistan and free the people of Afghanistan. What we have done is to drive underground—at this point—Saddam Hussein and liberate the people of Iraq. It has been done by very brave, courageous, and wonderful young men and women, and with equipment which is funded by this subcommittee.

I know my colleagues likely have done what I have done. They have visited the site where they are producing a little airplane called the Predator. It is not much bigger than a little Piper Cub. It flies at about the same speed. It is a little airplane without a pilot which sits up there for nearly a day and flies around the battlefield and with a sensor can give you a vision of exactly what is on the battlefield, and you have someone sitting in Florida watching a television monitor seeing what is on the battlefield in Afghanistan or Iraq. It is really breathtaking technology which is being used.

The Predator is low tech. The Global Hawk does the same at multiples of altitude. The Global Hawk is also an unmanned aerial vehicle that has been used extensively in both theaters.

Those are the kinds of new technologies that are really quite remarkable—the technologies that are funded by this subcommittee.

In addition to the technology, weapons, and air assets and ground assets, the soldiers themselves are quite extraordinary. I appointed a young man to the United States Naval Academy, Jason Frye, from Hazen, ND. Jason Frye was recently at the Bethesda Naval Hospital. In fact, Senator INOUYE called Jason on Friday. He is a young marine who was in Iraq. He had part of his arm blown off by a rocket-launched grenade. When I went to visit him at the Bethesda Naval Hospital, he was worried about his unit. He wanted to be back with his unit. He wondered how his unit was doing in Iraq. This young man had a battlefield injury. They had to use the cord from the radio in his Humvee to wrap around his arm as a tourniquet to stop the bleeding. He got medical attention at a field hospital in Iraq.

What a remarkable young man. He is a symbol of all the young men and women who answered the call and have done their duty. Our thoughts and prayers are with them. Our hearts go out to those who have been injured and killed, and to their families.

This piece of legislation is extraordinary. It was introduced by two remarkable legislators. I am pleased to be a part of the subcommittee that supports our national defense needs and supports the men and women who serve this country.

The amendment which I have offered says there is kind of an illusion going on with respect to the cost of what we are doing in defense. It is not a deliberate illusion by anyone. It is this:

We are spending about $3.9 billion a month in Iraq at the moment—almost $4 billion. We are spending nearly $1 billion at the moment in Afghanistan. Those are the costs of the ongoing activities in both countries. Both of these activities are very important.

If we are spending about $5 billion a month—an annualized rate of about $60 billion—the question is, How will all of that be funded? Some of it is funded in this legislation. The salaries of the soldiers who would be stationed at Fort Sill, or Fort Lewis, or some other post, we would be paying those salaries anyway. Now they are in Iraq. They are being paid in Iraq.

The question is, What are the extra costs in the $5 billion a month we are spending to be in these two theaters, Afghanistan and Iraq?

The answer is, we don't know. The President likely doesn't know. The OMB and the DOD do not know. But the Pentagon's chief financial officer said last week they have a ''pretty good sense'' of what is going on on the ground for next year. Obviously, they have some planning. My expectation is we will have substantial numbers of troops on the ground in Iraq for some long while. It is not unlikely that we could see more troops going to Afghanistan at some point. If they have a good sense of what is going on on the ground, we ought to plan for that.

I respect the fact that some would say we don't know what this is going to cost next year. We know the answer is not zero. My only concern, as I indicated to the Senator from Alaska, the chairman of the subcommittee, is I don't want us to be in a situation where each spring we have to produce larger and larger supplemental appropriations bills. I would prefer we do some planning. It is certainly true, as the chairman pointed out, that we have been doing this for a long time, but not in the theaters of Bosnia, Kosovo, and others. I understand that. But these are larger numbers. We have not been confronted with $4 billion a month, and then another $1 billion on top of it, or $5 billion a month. We have never done this. We have never done this at a time when the front pages of the newspapers say we have a Federal budget deficit of $450 billion. It is a different time. We face different circumstances.

My point is we know what the answer for the cost of these operations next year is not. It is not zero. It is something. The question is, What? If the comptroller at the Pentagon has a pretty good sense of what is going to be on the ground in the next fiscal year, I would prefer we get a sense of what that is and try to plan for that and estimate that in our regular appropriations bill.

I understand the difficulty. I understand why in previous years we have always said, Well, let us just wait; we will see what the Pentagon spends on it. We will add it up and replace it in a supplemental appropriations request. I think this is a different set of circumstances.

I know there is disagreement in the Chamber. I think we are going to be in Iraq for some long while. We have been in Agfhanistan for some while now. The troop strength has been drawn down. But I think there are some storm clouds over Afghanistan. I worry a great deal about what the needs are going to be there and how to solidify and maintain what we have achieved in Afghanistan.

My own feeling is we would be better served at this point as we try to produce a final piece of legislation on Defense appropriations if we would have a supplemental amendment that says here is what we think we will need in the coming fiscal year for these operations.

Again, if the comptroller at the Pentagon has a pretty good sense of what is going to be on the ground, they very likely have documents that tell them, at least, and perhaps us, what they think they will need. Is it accurate? I do not know. But again, I know zero is not the starting point.

Having said that, I offered an amendment that asked the President to send us in 2 weeks a budget amendment giving us the information the Pentagon apparently has in terms of having a ''pretty good idea'' of what is going to be on the ground for the next fiscal year and tell us what those costs will be above that which already exists.

The chairman makes a point that money previously appropriated in a supplemental is available—a $60-plus billion supplemental, $30-plus billion of which was to replace money taken from previous accounts.

If there is money available, how much above that will be required for expenditure, and do the comptroller at the Pentagon and others know what their estimate might be of what our costs will be in the coming fiscal year? That is what my amendment is requesting.

I have visited with the chairman and ranking member about my amendment. I wanted to make the comment that I, on a general basis, believe this bill is an extraordinarily good bill. The work of the chairman and ranking member is, in my judgment, some of the best work in the Senate. I am proud to be a member of the subcommittee. I believe we ought to find a way to do this differently with respect to major theaters of operations in the annual spring request with respect to very large and larger supplementals each year.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Alaska.

Mr. STEVENS. Madam President, I strongly oppose Senator DORGAN's amendment. The Secretary of Defense has testified that the cost for this last month was $3.9 billion in Iraq and $900 million in Afghanistan. As was stated, we provided, in a supplemental, $62.6 billion in late April. By the time it was available, it was May. And $30-plus billion, as the Senator said, went to pay costs that had already been incurred in moving our forces to Iraq.

But the Senator's proposal would instruct the President to submit a fiscal year 2004 budget amendment for the cost of the war in Iraq. Congress has not and should not instruct the President to submit such an amendment. As a matter of fact, Congress should not instruct the President to request funds now for future contingency military operations. We have opposed that concept in the past. We have not done it, and we should not start now.

We only need to review the recent history of financing military contingencies to know this would be a dangerous precedent. Just take into account that the number of times the Congress has directed a President, any President, to submit a budget to pay for future operations is zero. We did not do it in Desert Storm. We did not do it in Somalia. We did not do it in Haiti. We did not do it in Bosnia. We did not do it in Kosovo. We did not do it in Afghanistan. And we should not do it now. The reason is clear: because to try to estimate contingency costs in the future would lead us to creating contingency funds, which could be spent in any way the Department wants them.

Any submission would be inaccurate because the operational situation could change repeatedly during any time in the future. The Department does not know how much it might need for Iraq. They do not know what accounts they might need it in. That depends on the strategy that evolves as we deal with the situation in Iraq.

I personally believe the costs in Iraq are coming down. Slowly but surely, they are coming down. The amendment would force the administration to request a large, unspecified fund from which they would transfer money to pay for whatever contingency developed. We denied that. We denied that this year. The administration made such a request and we said no, we will not do that. That would only reduce congressional oversight and would give the Department of Defense a blank check.

I asked the Congressional Research Service to look at this matter and tell us how we budgeted for wars in the past. I quote from the CRS report:

> Presidents have not requested and Congress has not provided funding for wars in advance [never]. Rather, administrations have requested . . . and Congress has subsequently appropriated money to meet specific, documented budget requirements.

That is what the O&M account is for. Presidents use the O&M account. We subsequently get their requests to add money and replace it in the accounts from which they have taken it. They show us what they have spent it for, and we go ahead and budget after the amounts have been determined.

In keeping with longstanding practice, the Department did supply us, in the President's submission, a peacetime budget for fiscal year 2004. That is for the ongoing baseline programs of the Department of Defense. It is not a wartime budget. As operational requirements change, we will see such a budget. Funding war costs separately, and in a supplemental, if necessary, makes the costs visible to Congress and ensures we do not distort the baseline funding.

We believe the Department will be able to define what the costs are when they determine what they are going to do. As they spend their money, they will come to us with fully explained, well justified, reasons for their expenditures of the moneys they have, and we will replace those moneys.

I do oppose Senator DORGAN's amendment. If he is going to present it as it is currently before us, I will move to table it.

Again, let me say, as I did yesterday, Congressman YOUNG and I did meet with the President about the problem of the total amount of money in this bill for defense and other matters, and we took $3 billion out of the President's 2004 request. His budget request has been reduced by Congress, and this amendment would require him to submit us a supplemental now to pay for costs for Iraq.

We have already agreed, in effect, that the money the President has now, the Department of Defense has now, should fund the requirements of Iraq until we determine what permanent relationships there will be there. Hopefully, that will be done by early next year, and we will know. As these account amounts decline—and I believe they will—they should not average more than $2 billion a month, in my opinion, for this calendar year. If that is the case, there will be money left in the supplemental that has already been passed and adopted by the Congress and accepted by the President.

I believe we should follow the tradition of appropriations and handle money for defense based upon a firm understanding of what the costs are, not upon predictions of what the costing will be when we are at war. We deal with a prediction budget in the overall concept of 2004. Every year we get the President's prediction of how much money needs to be spent and will be spent in the coming fiscal year, and based on that prediction we provide money.

Wartime expenses have always been treated differently. No President has asked for money in advance, no President has ever received money in advance for a wartime budget. They have had concepts, like the supplemental we passed for 2003 to carry through in terms of the 2003 actions which will carry into 2004. And we will get a supplemental for 2004 when the time comes, if that is necessary.

I yield the remainder of my time to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, listening to my chairman reminded me of my days of youth. During World War II, when I was a young man, I had the high honor of serving as platoon leader of 40 men. It was a small part of the war. But if someone had come up to me, say, my colonel, and said: How many men will you lose in the next 30 days? How many rounds of ammo will you use during the next 12 months? How many grenades will you explode during the next 12 months?—my answer would have had to have been: I don't know. There is no way of knowing how many men I will lose in this battle or the next battle. I have no idea how many rounds we will fire or how many grenades we will throw. We will do our best to maintain our force.

But to require any commander to come forth with even a good guess as to what one can anticipate—who in his right mind could have predicted what Midway would turn out to be like or the battle of Guadalcanal? No one had any idea. We had contingency plans as to how we should cope with the enemy if it came from the northern slope or the southern slope, but as for the outcome, we went into a battle once that lasted 5 days and we thought we would come through with minimal casualties. In those 5 days, we incurred 800 casualties in my little regiment, 300 dead—in a battle we thought we could resolve in 3 days. But we had no idea the opposing forces were three times our size.

I realize my colleagues are very eager to know what the costs of this war will be. Senator STEVENS and I would like to know that also because we are in charge of bringing forth to this body our recommendations on what to spend. Frankly, we have no way of knowing. We can make a calculated guess. We tried to do that the last time, and we did not succeed. So we have called upon the administration to do their best. And when the time comes they need supplemental appropriations, we will consider that, and we will inspect and just look over every account. Keep in mind, if it is going to be a calculated guess, we have no way of conducting oversight. So I hope my colleagues will be a bit more patient with us.

I realize that it may pay political dividends in some cases. But in this case we are dealing with the lives of men and women. I hope that in dealing with the lives of men and women, we will make certain that we conduct the affair in the best way possible.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Madam President, we find much to agree about, as a matter of fact. We do not fund wartime budgets in advance because we don't know what a war will cost. There is no disagreement on that score. We do not have a wartime budget, and we do not have an appropriations bill in front of us that deals with the cost of war. We agree with that.

In fact, all of us know the President indicated the war in Iraq was over. We understand at this point we have had some difficulty restoring order completely and there is some violence occurring in Iraq, but most of our troops in Iraq are not fighting. Most of the troops in Iraq are engaged in some kind of peacekeeping and restoration of order.

The point I was trying to make is this: This country always supports its troops and does so very aggressively, and no one will question whether that is the case. This subcommittee does that and does it aggressively. If we find in Iraq and Afghanistan—two theaters in which we have been engaged for some while—that troop strength in those areas remains about the same level as it has been and we are spending about $5 billion a month, my understanding is somewhere near the end of this year we will be about out of money, and we will be taking money from other accounts.

So there will be 9 months left in the next fiscal year. If they continue to spend money at that level, we are talking about $40 or $50 billion. The chairman says he expects that not to happen. I hope it does not happen. I hope we are not confronted with that choice.

My point is, if the Pentagon at this point understands some notion about what kind of troop strength they intend to have for some long while in Iraq or Afghanistan, then we should understand how we prepare and plan for paying for it.

We now face a very large Federal budget deficit. Frankly, we don't have a choice in dealing with these issues. We must pay the bill. We can't commit our sons and daughters to a war, send them overseas, whether they are restoring order or keeping peace or actually war fighting, we can't do that and say: We will not provide everything you need to be successful. That is what this subcommittee has always done under the leadership of the chairman and ranking member.

It is important for us to understand that we have a $450 billion estimated budget shortfall. It is growing by leaps and bounds. The point I am trying to make is that we are likely to face much larger expenditures in the coming 12 months to meet our military needs, and they do not exist in this bill.

The chairman has explained properly that in the past we have never required it to be a part of this bill. He indicates it is because we don't fund wars in advance. I say that we are not at this point in an active war in Afghanistan or Iraq. The war is over. The columns of humvees and tanks and mechanized vehicles moving into Iraq have stopped. Now there is a different circumstance. It is heartwrenching some mornings to hear of the attacks on American troops. But most of what is happening in Iraq is the restoration of order and the peacekeeping. It seems to me that if we are going to be there for some while, it makes sense for us to evaluate what the Pentagon thinks. They are finding documents and they are talking about them. What will that cost? And then ask the President to submit that to us along with his vision of how we deal with that, how we pay for it.

My colleague indicated we would have to fund it. Look, this is part of a broad set of priorities. Yes, this has to be funded but how? What are the consequences of it and how and where does it come from?

My point is not to cause angst to the chairman and the ranking member. If we are going to be involved in longer term theater operations that are not wartime operations but require the commitment of troops—140,000 troops

in Iraq perhaps, 20,000, 25,000 troops in Afghanistan, and that may increase—if we are going to require the placement of troops in these theaters for some longer period of time, if we have longer anticipated costs, we ought to figure out what those are and put them in the regular appropriations bill. That is the point I am making. We just have a disagreement about that.

To me, it is just about where we find ourselves in fiscal policy, what the requirements are with respect to military policy, and whether we can find a way to more orderly anticipate the future costs that we almost certainly know, and the Pentagon has some notion, and trying to respond to those and deal with them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, it is beautiful, the way my colleague from Hawaii remembers things that happened in his own life and puts in perspective what we are dealing with. I hope the Senate listens because the problem that the Senator from Hawaii had as a platoon leader is exactly the problem the Commander in Chief has right now: How much are they going to spend and where are they going to spend the money.

The Senator from North Dakota wants us to tell the President, submit a budget to tell us how money will be spent, and we don't know what the plan is because the contingencies are so great.

Let me mention to you what we have just come through. We originally intended to send part of our forces into Iraq through Turkey. When we found out we had a difficulty there because of the change in administration in Turkey, we had to take those troops out, send them back through the canal and then come back up through the Persian Gulf into Kuwait.

Could we have anticipated those costs? Could the President have submitted us a budget for that operation? Absolutely not.

One of my tasks is to handle the appropriations bills and try to assist in handling the funding for our executive branch and all branches of the Government. But one thing continues to bother me about the emphasis on the current deficit. It is big. It is going to get bigger. Do you know why? Our whole economy is getting bigger.

When I first came to Washington, I had a mortgage of about $45,000. I sort of choked about that. My God, how could I do that? Our income at the time was $30,000 a year. I thought, this is a pretty tough thing but we had to have a house for our family of seven. Now our mortgage is 10 times that. Do you know why? My income has expanded.

The same thing has happened to our Nation. Our overall gross domestic product is so large that $450 billion, $500 billion is not as great as the deficit was at least 3 years of the Clinton administration. Percentage-wise we have to start thinking about what the debt is and how it relates to overall economic activity. I hope one of the joint economic committees will come forth and explain this deficit to us. It is bad. I don't like high deficits. I don't like to owe a mortgage either.

I hope the Senate will concentrate on what we are spending and not what the size of the deficit is right now. We want to hold down expenses. I think the best way to hold down expenses is to follow the precedent we have followed in every war to date.

I am reading a book right now about the revolutionary period and how Washington tried to get the Continental Congress to give him money. He was forced to spend money and then have them help him pay for it. We borrowed money around the world, particularly from France in those days.

You talk about a deficit; my God what the Continental States must have had in terms of a deficit. Somehow or other, the country survived based upon faith and trust in the system.

The system we have followed so far is that we do not fund wars in advance. I hope the Senate will defeat this amendment.

Does the Senator have any further time?

What is the time situation?

The PRESIDING OFFICER. The Senator from Alaska has 10 seconds remaining.

Mr. STEVENS. How much time on the other side?

The PRESIDING OFFICER. There is no time on the other side.

Mr. STEVENS. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Under the previous order, that vote will occur later, and the order of the stacked votes will be determined by the leaders; is that correct?

The PRESIDING OFFICER. The order has already been determined. This amendment is first.

Mr. STEVENS. I thank the Chair.

AMENDMENT NO. 1268

The PRESIDING OFFICER. All time having expired, the Senator from New Mexico, Mr. BINGAMAN, is now recognized to offer an amendment on which there shall be 40 minutes of debate equally divided in the usual form.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I send an amendment to the desk on behalf of myself and Senators SPECTER, DASCHLE, BYRD, LEAHY, LEVIN, ROCKEFELLER, CORZINE, DURBIN, and CARPER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. SPECTER, Mr. DASCHLE, Mr. BYRD, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. CORZINE, Mr. DURBIN, and Mr. CARPER, proposes an amendment numbered 1268.

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

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

The amendment is as follows:

(Purpose: To require a report on the individuals being detained by the United States Government as enemy combatants)

Insert after section 8123 the following:

SEC. 8124. (a) REPORT ON INDIVIDUALS DETAINED AS ENEMY COMBATANTS BY UNITED STATES GOVERNMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the individuals being detained by the United States Government as enemy combatants.

(b) ELEMENTS.—Except as provided in subsection (c), the report under subsection (a) shall set forth the following:

(1) The name and nationality of each individual being detained by the United States Government as an enemy combatant.

(2) With respect to each such individual—

(A) a statement whether the United States Government intends to charge, repatriate, or release such individual; or

(B) if a determination has not been made whether to charge, repatriate, or release such individual, a description of the procedures (including the schedule) to be employed by the United States Government to determine whether to charge, repatriate, or release such individual.

(3) With respect to each such individual who the United States Government intends to charge, the schedule for the filing of the charges and the trial of such individual.

(c) CLASSIFICATION OF CERTAIN INDIVIDUALS.—(1) If the Secretary determines that the inclusion of an individual in the report under subsection (a) would harm the national security of the United States, the Secretary may include such individual in a classified annex.

(2) Determinations under paragraph (1) shall be made on a case-by-case basis.

(3) If the Secretary determines to omit one or more individuals from the unclassified form of the report, the Secretary shall include in the report an explanation of the omission of the individual or individuals.

(d) FORM.—The report under subsection (a) shall, to the maximum extent practicable, be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and the Judiciary and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''enemy combatant'' means—

(A) an individual held under the authority of the Military Order of November 13, 2001 (Volume 66, No. 222, pages 57833–57836 of the Federal Register); or

(B) an individual designated as an enemy combatant and held under other legal authority.

Mr. BINGAMAN. Madam President, I came to the floor two days ago to express my concern about the administration's detention policies with respect to three different categories of

individuals, and this is particularly in the period since 9/11.

One of those groups I spoke about was immigrants. There, of course, the concern has been underscored by the report done by the inspector general in the Department of Justice pointing out the abuses that have been engaged in by both the Department of Justice and the FBI with regard to immigrants after the 9/11 tragedy.

Another group I spoke about were material witnesses. There have been several abuses there. In some cases, I think the FBI has acknowledged that. I think, again, we have a serious issue there of adequate attention to civil liberties and human rights.

The third group I spoke about is the group designated by the Department of Defense and the President as so-called enemy combatants. That is a group my amendment deals with today.

The amendment is very straightforward with regard to these individuals. It requires a report. It says to the Department of Defense, the Secretary of Defense, give the appropriate committees of the Congress a report within 90 days of the time this law becomes effective. The report shall indicate who these people are that the administration has designated as enemy combatants, and it shall tell us what plans the Department has with regard to charging these individuals with crimes, with regard to trying them for those crimes, and if there is an intention to repatriate some of these individuals to particular countries, to please advise us of that, but tell us something about who these individuals are and what you intend to do with them. That is the thrust of the amendment.

There is a proviso in the amendment that says if there is a national security problem that the Department or the Secretary of Defense sees in giving us any of this information, of course, that doesn't need to be included in the unclassified version of the report. That could be kept in a separate, classified annex and assigned whatever classification the Secretary determines is appropriate.

The administration is holding 3 individuals today—that I am aware of—in the United States as enemy combatants and is holding close to 700 at our military base in Guantanamo Bay, Cuba. In all cases, these individuals are being called incommunicado. They are given no access to counsel and no opportunity for judicial review as yet.

Let me say what I think should be obvious to everybody, and that is that I am not advocating that these individuals be released. What I am saying is that we should afford them the right to be charged with a crime. Tell us what action they have taken that justifies their incarceration, and set up some opportunity for them to be tried for those actions. Many of these enemy combatants have been in custody by our Government for well over 18 months—in some cases over 20 months.

President Bush announced recently—in the last 2 weeks—that 6 of the 700 or so of these enemy combatants will be tried by a military tribunal. As far as I know, there has been no indication yet as to what they will be tried for. There is no indication yet, or designation, or appointment of a military tribunal or commission to do the trying of these individuals. There has been no date set for these trials. But the President has said that 6 of the 680 or 700 individuals are eligible—I believe that is the phrase used by the Department of Defense and the White House—to be tried by military tribunals.

There are serious questions about how those tribunals will function, and I am sure there will be many debates about that. Even more serious is a question relating to those who remain in jail, who have not—as yet at least—been given any indication of charges, any indication of when trials might be conducted in relation to them.

The obvious question we need to be asking—we in the Congress—since we have an oversight responsibility over the administration, the executive branch, is, Where does the Government or this administration intend to go with regard to these individuals?

So far, the administration takes the position that once the President says someone is an enemy combatant, they can keep them incarcerated, presumably until the war on terrorism is over. But the President has said—and I think he is probably right—this war on terrorism is of indefinite duration; it is not a war that we can see the end of—at least not in the near future. It appears to be the President's view and the administration's view that these individuals can be kept as prisoners from now on, without the administration having an obligation to say who they are, without the administration having an obligation to charge them with a crime, without the administration having any obligation to afford them a hearing.

The administration takes the view that they do not come under the Geneva Convention, but evidently they come under none of the other procedural requirements that we have always thought applied in our system either.

In my view, this is not a tenable position. It is not consistent with the commitment to liberty and the rule of law on which this country was founded. We demand that other governments show greater respect for human rights than this, and we should be demanding better from our own Government as well.

The amendment is very straightforward and very modest, in my view. It simply says that the Secretary of Defense shall provide us with a report on the status of these detainees—provide that to the relevant committees of the Congress. Under the amendment, the report should include the name and nationality of the individuals involved, a statement as to whether our Government intends to charge them with some offense, or intends to repatriate them, or intends to release them—whatever action we intend to engage in.

There is nothing in the amendment that biases what is done with these individuals in any way. In the case of the individuals for whom such a determination has not been made, we ask for a description of the process the Department of Defense is intending to follow and the timeline for actually making a decision regarding these individuals.

Madam President, I believe strongly that we have an obligation to require some accountability with regard to this set of individuals.

We have made provision in the amendment, as I said before, so that the Secretary can withhold any information from any report he deems to be information necessary to withhold for national security reasons.

The administration, in my view, needs to take some action and needs to advise the Congress on what it is doing with these people. If the individuals have committed crimes, let's see them charged with crimes. If they have not committed crimes, let's see them repatriated. Let's see some action taken. We in Congress need to understand what that action is. That is the thrust of the amendment. I hope it will receive broad bipartisan support.

I appreciate Senator SPECTER cosponsoring the amendment, as well as the other Members I mentioned. I believe there is at least one other Member who wishes to speak in behalf of the amendment. So I reserve the remainder of my time.

Mr. LEAHY. Mr. President, the distinguished Senator from New Mexico, Mr. BINGAMAN, has an amendment which would require the Department of Defense to share with the relevant congressional committees information about those who are being held as enemy combatants. I am pleased to cosponsor this amendment.

The amendment safeguards any national security concerns by authorizing the Secretary of Defense to provide this information in classified form where national security requires it. It is a cautious amendment. It does not force the administration to change the way it designates or treats enemy combatants, but merely secures the ability of Congress to carry out the oversight that our laws, our Constitution, our traditions, and our practice require us to do.

Although the cases involving enemy combatants detained within the U.S. have been well publicized, we know very little about those who are being detained in Guantanamo Bay. Because they are held outside U.S. territory, the courts have found they do not have the power to review their detention. I do not doubt some of these detainees are dangerous individuals who wish the United States harm, but doubts have been raised on behalf of some of these detainees, and I think the Congress should have the information necessary to make judgments about this situation.

I hope this amendment will be adopted. It will make the Department of Defense to make decisions more quickly as to whether to charge many of the individuals it is currently holding. No one advocates haste that will compromise ongoing intelligence gathering or hurt our national security, but at the same time, the United States cannot be in the position of indefinitely detaining individuals without charging them with any wrongdoing. That is inconsistent with United States traditions and will continue to cause us difficulty in our relations with the nations of citizens who are being held, ranging from Pakistan to Great Britain. It also puts us in a difficult situation when we tell other countries not to do what we are doing.

Indeed, according to the New York Times, the President's decision to certify two British nationals for trial before a military tribunal created friction between our two nations, as Prime Minister Blair arrives to address a joint meeting of Congress tomorrow.

Let me be clear, this amendment does not require any enemy combatant to be charged, let alone released, but it does ask the Secretary of Defense to explain where the investigatory process stands in the case of each detainee.

Finally, I hope this amendment will encourage the administration to make decisions about what charges he intends to bring, if any, against Jose Padilla and Yaser Hamdi, U.S. citizens currently being held indefinitely without charge in the United States. Their detentions have raised grave legal questions, and it is deeply discomforting to see in this case American citizens held indefinitely, in a legal twilight zone, without access to counsel or those protections to which we believe U.S. citizens are generally entitled, and also those protections that we preach to the rest of the world we uphold and we ask them to uphold when one of our citizens is being detained in their country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, soon after the war in Afghanistan started, I joined with others to go with Secretary of Defense Rumsfeld to Guantanamo Bay to assure ourselves that the Department of Defense is complying and will comply with provisions of the Geneva Convention with regard to the treatment of prisoners who are held at Guantanamo Bay and other places arising from that war.

It is my understanding the individuals who are detained are those who have participated in the battles in Afghanistan against our soldiers, and those who are, at the request of the Department of Justice, held for suspected terrorist activities in the United States in the war against terrorism.

The Department of Defense does not have control over these personnel. I believe they are really under the jurisdiction of the Department of Justice. I do not intend to make any kind of point of order based on legislation. I think we should just face this directly.

I think the concept of Senator BINGAMAN's amendment is directly contrary to what we should be doing with regard to activities of people who have conducted themselves as enemies of the United States in war and those who are involved in the terrorist activities as part of the terrorist war against the United States.

Placing a requirement that we disclose and give a schedule as required by this Bingaman amendment is totally contrary to the best interests of the United States. It would place an unwarranted pressure on the administration to decide on charging and prosecuting enemy combatants prior to completion of intelligence and law enforcement analysis.

These people in Guantanamo Bay were held incommunicado from one another. One of the reasons was the concept of the knowledge of who else was detained might deter one of these people from giving us the information we needed to find the leaders in the war on terrorism against the United States.

The process of investigation is a very long and tedious one. These people use different languages. We found they are using names and declaring they are from countries that are totally untrue. The real problem is how to deal with these people in a way to end the war in Afghanistan and to end the war on terrorism.

It is the executive branch's authority and responsibility to conduct the global war on terrorism. It is the executive branch's responsibility to conduct the war in Afghanistan. For Congress to impose a restriction on the activities that are consistent with precedent and consistent with the manner in which similar people have been detained over the years when we have been involved in war, such as World War II, and the Germans came to our shores and the spies who were intercepted throughout the world—they were held in the combatant status. These people are in combatant status and, as such, their treatment is subject to the Geneva Convention.

Only this basic law would impose conditions upon the right of the administration and the Departments of the executive branch to fully exploit the intelligence and investigative capabilities of the detention in a combatant status in order to deal with these two terrible scourges we face right now.

Unfortunately, the war in Afghanistan seems to be taking unfortunate turns lately, and I hope we can meet that situation. We meet it through information that we gather from some of these people. I am reliably informed that some of these people, in the way they have been treated, have divulged information to us that has led to the capture and detention of others in a similar capacity as having been enemies of the United States.

In short, I think it would be highly inadvisable to adopt the Bingaman amendment, and it would have a negative impact on both the war on terrorism and the conduct of wartime operations in Afghanistan.

There are cases pending in the courts now that this amendment, I understand, would terminate because there are people who, through civil rights cases, filed to determine the court's opinion as to the ''combat status'' designation, and I do not think we should take action now as a Congress to interrupt that process.

Madam President, does Senator INOUYE wish to comment?

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, the committee has been advised, No. 1, that the procedure and process employed in Guantanamo and other places of detention meet the requirements set forth by the Geneva Convention.

No. 2, the matter is being represented by counsel and presently in court. As our chairman indicated, it would not be appropriate for this committee to be intervening while a court case is pending.

No. 3, I think we should keep in mind that this is not a war. This is an experience that this Nation has not had in its past history. This is a war on terrorism. It is not the uniformed enemy to which we are always accustomed where we know who their commanders are, we know where they are coming from, they wear a different type of uniform. In this war, we have no idea who the terrorists are. It could be this young lady here, for all I know.

Having said that, if we follow provisions of this amendment and the Defense Department and the Department of Justice are required to give out the names, the rank, the charges, et cetera, and to give an indication as to when one can expect this prisoner to be released, I think we may be working right into the hands of the organization we are trying to combat: al-Qaida.

If I were in charge of the al-Qaida operations, I would like to know what is happening to those below me. And if I new Mr. One is coming out next August or Mr. Two is coming out in September, I can make plans accordingly.

As I pointed out, this is a war that none of us have experienced in the past. The chairman and I could speak of World War II and the Hump, the Japanese, the Germans, the camps and such.

On this matter, we have never experienced anything like this. So I hope as long as Guantanamo is open to inspection—and the chairman and I have gone there. It has been always open to Members of Congress if they wish to go there for themselves to look over the conditions, to taste their food, and in fact talk to them to see if they are being tortured, as some would suggest. I think my colleagues will find that as Americans we have treated our detainees in an humane fashion.

Now, no one would want to be detained even for an hour, but in this

wartime condition and terrorist condition I think there is a necessity. We have done our duty in a way that Americans need not be embarrassed and ashamed. So I hope my colleagues will not look favorably upon this amendment and wait for another day.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. How much time remains?

The PRESIDING OFFICER. The Senator has 10½ minutes.

Mr. BINGAMAN. I yield myself such time as I may consume.

Madam President, I will respond to a few of the points my colleagues from Alaska and Hawaii made. First, I will say what this amendment does not do. There is nothing in this amendment that restricts what action the Department of Defense, the Department of Justice, or any other agency of the Government is permitted to take with regard to these enemy combatants. This is an amendment that asks for a report. It does not say certain action has to be taken with regard to these individuals. It says tell us the status.

Second, there is nothing in this amendment that affects court cases. If there are court cases related to any of these enemy combatants, then it is perfectly appropriate for the Justice Department to indicate who the person is or which individuals are involved and say they are subject to pending litigation, if that is the case. But the reality is, if one is designated an enemy combatant, they are taken out of the court system. That designation takes one out of the court system and puts them in the custody of the military. It is the position of our military that from that point on, one has no right to a hearing, no right to be charged, is an enemy combatant, and accordingly they will deal with them as they choose.

The Senator from Alaska says this is something that is probably in the jurisdiction of the Department of Justice. I think that sort of makes my case. These people are in nowhere land. They are in limbo.

There is an article that came out in the morning paper in my home State in Albuquerque where there was a little report on the speech I gave 2 days ago talking about this problem, and I will read a sentence from that report: White House spokesman Taylor Gross referred questions about BINGAMAN's speech and proposed amendment to the Justice and Defense Departments. A Justice Department spokeswoman referred questions to the Defense Department. A spokesman for the Defense Department declined to comment.

The reality is, we are allowing the administration to put these people in a category and then take the position that no rights apply to these individuals. There is no obligation on the Department of Justice to follow procedures with regard to these individuals. There is no obligation on the Department of Defense.

There is nothing in my amendment that questions the treatment of these individuals. Others have questioned the treatment of these individuals. I have not questioned the treatment of these individuals in Guantanamo. There is nothing in the amendment that questions the treatment of these individuals.

Also, the point my good friend from Hawaii has made, that this would give al-Qaida or some other terrorist organization information that could be useful to them about when individuals might be released, first, we have a proviso that anything the Department of Defense determines might be contrary to national security, they should keep it classified. They can give it any level of classification they want to give it. If they want to say it is code level classification, they can do that, whatever classification they think is appropriate.

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

Mr. BINGAMAN. I am glad to yield to my colleague from Illinois.

Mr. DURBIN. I am happy to be a cosponsor of this amendment. I ask the Senator from New Mexico—he has made the point it is still up to the administration to decide which names and identities will remain classified and not publicly disclosed. If there is any concern about national security and the threat of terrorism, as I understand this amendment, the Senator makes a clear exception so the administration has the last word in terms of this disclosure; is that not true?

Mr. BINGAMAN. Madam President, in response to that question, let me say that is exactly right. We have gone out of our way to make it clear the Departments can keep secret, can keep code classification, whatever classification level the Department decides is appropriate, any information they think is vital to our national security. So we are saying, as to the information that is not of that type, tell us what can be told about who these people are and what the intent is as far as what to do with them.

Mr. DURBIN. I ask the Senator from New Mexico, through the Chair, if he would yield for one additional question. Is it not true historically that when we are in the midst of a national security challenge or crisis, and questions of civil liberties arise, that many times we do not want to face them head on; that it is not until later in history that we look back and say we should have asked harder questions, questions about the suspension of civil liberties in wartime, questions about internment camps, questions about policies that we followed?

If I understand what the Senator is seeking in this amendment, it is to say at this point in time what we are asking for is a disclosure of those people who have been detained and arrested and are in special status, whose rights at least may be compromised because of our concern about national security; and that disclosure is all that this amendment is about, giving the administration the last word and determination as to which names might be held back and not disclosed because of security concerns.

Mr. BINGAMAN. Madam President, in response to that follow-on question, that is exactly correct. The Senator from Illinois is exactly right in pointing out that in what we are trying to do, we are not—this is not an amendment I am offering 6 weeks after the 9/11 tragedy. This is an amendment I am offering 20 months or more after the 9/11 tragedy. We know that many of these individuals have been there well over a year and a half. It is time that we in Congress exercise our oversight responsibility and say: Who are they? What are they intending to be charged with? I do not anticipate that these are individuals we are going to some day say we have decided to release. I assume that we have them there for good reason, and that we are going to prosecute them and that we are going to find them guilty. That is my assumption, assuming the system works as it is intended to work.

So my thought is, let's get some idea of where we are going so that we begin to build in some accountability and begin to recognize what we historically have recognized, and that is that there are certain legal protections that apply if one is jailed by the United States Government. There are certain legal rights that we will be afforded.

Mr. DURBIN. I ask the Senator from New Mexico if—I do not know how much time he has remaining, Madam President.

The PRESIDING OFFICER. There are 3 minutes 15 seconds remaining.

Mr. DURBIN. If I might ask the Senator from New Mexico this question: What is at issue in his amendment, if I am not mistaken, is whether we are going to afford any form of due process to these detainees. Is it not also true that we have to look beyond these detainees to how we as Americans would be treated in other countries, whether we are establishing a standard which we could live by?

In other words, I am asking the Senator from New Mexico if we believe that we can detain individuals, without disclosure of who they are, and the circumstances of their detention, does that not invite the same conduct against Americans or service men and women overseas and give the United States little or no room to complain?

I ask the Senator from New Mexico if he is not asking for us to stand up for some basic elements of due process which we would ask to be afforded to Americans in similar situations.

Mr. BINGAMAN. In response to the question, I think the Senator from Illinois makes a very good point. If we are going to proclaim our commitment to liberty and to freedom as we always have, and as I certainly want to be able to do, and if we are going to insist that U.S. citizens, when they are captured

in overseas incidents, whether they be military or civilian, that they be given some reasonable treatment through the court systems of those countries, then we have to have some adherence to reasonable legal process for these individuals that we have incarcerated. That is all I am asking. Tell us what we are going to do. If they come back and say we are not going to do anything, then we can see whether a follow-on amendment or follow-on action is appropriate.

This amendment simply says, give us a report. Tell us the status of these individuals; tell us your plans with regard to these individuals; or give us some idea whether or not you are going to charge them. If you are going to charge them with something, tell us what you might charge them with. If you decide to make that decision later on, tell us when you might decide to make that decision.

It is the most modest of amendments. I hope very much it will be supported by my colleagues on a bipartisan basis.

How much time remains?

The PRESIDING OFFICER. The Senator has 53 seconds.

Mr. BINGAMAN. I retain that and I yield the floor.

Mr. STEVENS. Madam President, for the information of the Senate, the Intelligence Committee has access to information about enemy combatants who are being detained, including names the Red Cross is fully engaged with in the continuing meaningful access to detainees.

This Congress was briefed about the creation of the military tribunals and the handling of detainees. The tribunals were created by Executive order. That was published in the Federal Register. It has been a matter of public record for some time.

Any detainees brought before military tribunals have full access to military and, at their request, civilian counsel. We are talking now about the requirement to publish, to release these names. By the way, they have been released, in effect, in classified form, but with the intervention of our Intelligence Committee, which is the oversight committee for this body in regard to information such as this.

I cannot believe we would be faced on an appropriations bill with a matter of this kind. It does not get into money, but it does deal with something the Department of Defense has connection with. It is relevant and therefore we must deal with it.

However, the broad release of the names of these individuals, even in classified form, could compromise our ability to access information which could prevent more terrorist attacks, could prevent more attacks on our military in Afghanistan. This is a military problem in that sense. That is why the Department of Defense is involved. It is the Department of Justice's sense in terms of deciding how they are prosecuted. If they are prosecuted in civilian courts is another matter. Then they would be fully accounted for in the public sector. If the prosecutor in the tribunals—the tribunals themselves can be closed, if that is the decision. The person would still have the right to counsel and a right to be tried before the tribunal, but we would not necessarily have public access to that trial because of the information involved.

If people want to go to Guantanamo and know who is there, go there. We went there. I don't understand why we should take this action now.

By the way, the Senator is not quite correct; it not only says the names and the nationality but also whether they are to be charged, repatriated, a statement of what procedure is going to be followed to determine whether they are charged or repatriated. That is intelligence information. And with respect to such individuals in the United States, intention to charge, a schedule for the filing of the charge and the date for the trial. If it is a military tribunal, it could well be classified. To require the determination now of what would be done—it is true there is an exclusion here; the Secretary can omit. But if he omitted one or more individuals, then he would include in the report an explanation of the mission of the individual or individuals. It could include a classified index. If it could include a classified index, why should it be published? We do not publish a classified index.

The term ''enemy combatant'' means an individual held under the authority of military order of November 13, 2001, as published in the Federal Register, or an individual designated as an enemy combatant and held under other legal authorities. In both instances, they have quality access to courts that protect their rights. Other people are pursuing those cases.

The interrogation process of people like this is ongoing and very timely. It does not lend itself to detailed plans, firm dates, and firm schedules. We saw some of that when we were in Guantanamo, but the interrogation efforts in many ways require somehow to get through to an individual who has lied to us about who the person is, where they are from, and refused to give any data at all concerning their own background. They were captured under wartime conditions.

This amendment is an attempt to poke Congress' nose under a tent, that we belong only if we are in an unclassified area. That is what the Intelligence Committee has already done. I am reliably informed the Intelligence Committee has access to information about these enemy combatants in detention, including their names. If they started releasing the names of these individuals, even in classified form, it could compromise sources and methods of their acquisition and compromise the possibility of gaining information on them that might prevent further terrorist activities.

If the Senator wishes further time, I will be glad to not yield back my time but I intend to yield back the time and move to table.

Mr. BINGAMAN. I appreciate the courtesy. I will use my remaining 50 seconds.

The PRESIDING OFFICER. Forty-five seconds.

Mr. BINGAMAN. Madam President, first of all, if the Secretary of Defense believes the release of any of these names compromises our national security, he is given full reign to keep that information classified at any level of classification he decides is appropriate. So we are not in any way interfering with national security.

In my view, it is not appropriate for us to say, look, if you want to check on them, get on a plane and go down to Guantanamo. We and the American people need to be persuaded there is some adequate due process and legal process being followed.

Regarding the idea of these military tribunals, there have been no tribunals established. The President said 6 individuals out of the nearly 700 are eligible to be considered or to be tried by military tribunals. There are no military tribunals established.

I urge support for the amendment and I yield the floor.

Mr. STEVENS. Madam President, I yield back the remainder of my time.

Before that, I ask unanimous consent that the second and third votes in this stack of three votes be limited to 10 minutes each.

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

Mr. STEVENS. I yield back the remainder of my time, I move to table the Senator's amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. The first vote will be on tabling the Dorgan amendment; the second vote will be on the Bingaman amendment; and the third vote will be on Burma.

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 1264

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes evenly divided prior to a vote on the motion to table the Dorgan amendment.

Who yields time?

Mr. STEVENS. There are 2 minutes equally divided before a vote on each amendment?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Since Senator DORGAN is not here, I will claim 1 minute. I ask unanimous consent I be recognized for 1 minute to close this debate.

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

Mr. DURBIN. As cosponsor of this amendment, what we are setting out to do is to ask the administration for the

costs of the Iraqi war. That is not included in this Defense bill. We are living on money appropriated in the supplemental appropriation that we know will run out before the next fiscal year ends, so we are leveraging from one supplemental appropriation to the next.

This war, in fact, is costing in the realm of $4 billion a month and the Afghanistan war another $1 billion a month. We are asking the President to disclose the cost of this war, to give us an idea for the American taxpayers and for Congress of the financial responsibility we have undertaken.

I support the amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, we fund peacetime budgets in advance. Congress has never agreed to fund wartime expenses in advance. Instead, we have always, in every instance, as stated by the Congressional Research Service, funded them after those costs have been incurred and with the President's request for the payment. Presidents take the money from existing funds and we replace those funds, rather than having budgets determined in advance.

As the Senator from Hawaii so vividly pointed out, it is impossible to know what the costs will be in fighting a war in advance. That is what this amendment urges, and that is why I moved to table that, and I urge the support of the motion.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

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

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

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—53

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

NAYS—41

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

NOT VOTING—6

Edwards	Kerry	Miller
Graham (FL)	Lieberman	Sununu

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1268

The PRESIDING OFFICER (Mr. HAGEL). Under the previous order, there are now 2 minutes equally divided prior to a vote on the motion to table the Bingaman amendment.

Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this is a very straightforward amendment which just requires a report from the Secretary of Defense on those people we are incarcerating under the status of ''enemy combatant'' and what our intentions are with regard to charging them or making a decision on charging them.

We have a proviso in there that if the release of any of this information will jeopardize national security, the Secretary can withhold that and put it in a classified annex and give it any level of classification the Secretary determines is appropriate.

So it seems to me essential that the Congress exercise some oversight of this process. If we are going to be a nation that stands for liberty and freedom and legal process, then we ought to ensure that everyone who has been taken into custody in our country be afforded some legal protection. There are no military tribunals that have been established. The problem is not resolved. We should ask for this report.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, these people are being held consistent with the Geneva Convention. The Intelligence Committee of the Senate has access to names and information concerning those who are detained.

The Red Cross is fully engaged and has meaningful access to the detainees. We need to have the interrogation process continue so that we can see if we can get information from these people that might lead to us having the ability to prevent further terrorist attacks against the United States.

They are enemy combatants. There is fully published, in the Federal Register, the procedure under which they will be handled. This amendment, as a matter of law, forces the disclosure and a plan of when they are to be released. It is contrary to the best interests of national security, in my opinion. I made a motion to table and I urge its support.

The PRESIDING OFFICER. All time has expired.

The question now occurs on agreeing to the motion to table amendment No. 1268. This will be a 10-minute vote. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

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

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

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

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—52

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

NAYS—42

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

NOT VOTING—6

Edwards	Kerry	Miller
Graham (FL)	Lieberman	Sununu

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. STEVENS. Mr. President, pursuant to the previous order, I ask that the Senate proceed to a vote on the passage of H.R. 2330, the Burma sanctions bill.

The PRESIDING OFFICER. The Senate will now proceed to the consideration of H.R. 2330, which the clerk will report.

The legislative clerk read as follows:

A bill (H. 2330) to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

The PRESIDING OFFICER. The question is on passage of the bill. The yeas and nays are in order. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

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

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—94

Akaka	DeWine	Lott
Alexander	Dodd	Lugar
Allard	Dole	McCain
Allen	Domenici	McConnell
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murkowski
Bennett	Edwards	Murray
Biden	Ensign	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Nickles
Boxer	Fitzgerald	Pryor
Breaux	Frist	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Byrd	Hagel	Santorum
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carper	Hollings	Sessions
Chafee	Hutchison	Shelby
Chambliss	Inhofe	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kohl	Talent
Cornyn	Kyl	Thomas
Corzine	Landrieu	Voinovich
Craig	Lautenberg	Warner
Crapo	Leahy	Wyden
Daschle	Levin	
Dayton	Lincoln	

NAYS—1

Enzi

NOT VOTING—5

Graham (FL)	Lieberman	Sununu
Kerry	Miller	

The bill (H.R. 2330) was passed.

Mr. STEVENS. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. I ask unanimous consent that the distinguished Senator from Louisiana have 4 minutes as in morning business.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 1419 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

AMENDMENT NO. 1269

Mr. DASCHLE. I have an amendment at the desk. I ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] for himself, Mr. GRAHAM of South Carolina, Mr. LEAHY, Mr. DEWINE, Mr. MILLER, Mr. SMITH, and Mrs. CLINTON, proposes an amendment numbered 1269.

Mr. DASCHLE. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . IN RECOGNITION OF THE NATIONAL GUARD AND RESERVE'S CONTRIBUTIONS TO OUR NATIONAL SECURITY AND EXPRESSING STRONG SUPPORT FOR THE SENATE'S PREVIOUS BIPARTISAN VOTE TO PROVIDE THESE FORCES ACCESS TO TRICARE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Forces in the U.S. National Guard and Reserve have made and continue to make essential and effective contributions to Operation Iraqi Freedom and other ongoing military operations;

(2) More than 200,000 reserve personnel from the Army, Navy, Air Force, Marine Corps, and Coast Guard are currently serving their nation on active status;

(3) Our dependence on the National Guard and Reserve has increased dramatically over the course of the past decade. Annual duty days have grown from about 1 million in the late 1980s to more than 12 million in every year since 1996;

(4) While our dependence on the reserves has increased in the post-Cold War era, their basic pay and benefits structure has remained largely unchanged;

(5) Offering TRICARE to reservists for an affordable monthly premium enhances our national security by improving their medical readiness when called to duty, streamlining and accelerating the mobilization process, and enhancing our military's ability to recruit and retain qualified personnel to reserve duty;

(6) The Congressional Budget Office, the official, non-partisan scorekeeper of all congressional legislation, has estimated the cost of this proposal at just over one-tenth of one percent of the Administration's FY2004 defense budget request;

(7) On May 20, 2003, a strong majority of Senate Democrats and Republicans joined together and voted 85–10 for an amendment to the FY2004 Defense Authorization bill to provide reserve personnel and their families access to TRICARE regardless of their current deployment status; and

(8) The Appropriations Committee indicated in its report accompanying the FY2004 Defense Appropriations bill that it supports this proposal.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The National Guard and Reserve play a critical and increasingly demanding role in protecting our national security, and

(2) The Senate supports the Appropriations Committee position as articulated in the report accompanying the FY2004 Defense Appropriations bill and affirms its support for providing Guard and Reserve personnel access to TRICARE.

Mr. DASCHLE. Madam President, we have received word of four more reservists killed in Iraq and Kuwait over the past week. They are the 18th, 19th, 20th, and 21st reservists who have made the ultimate sacrifice during Operation Iraqi Freedom, and numerous others have been wounded.

Four other reservists have died this year in support of Operation Enduring Freedom.

Their deaths offer a stark reminder of how our military functions today. A National Guard or Reserve member is more likely to serve on active duty than at any other time in our nation's history. In fact, reservists have been called to support every military operation since Operation Desert Shield/Desert Storm, whether it was peacekeeping in the Balkans, defending our Nation's airspace after the September 11th attacks, or neutralizing the Baathist regime in Iraq.

These troops work hard to stay prepared for the time when their Nation calls, and they are eager to prove themselves when summoned to active duty. Nonetheless, we have been demanding more and more of them, and it's time that we as a Nation considered what we can give back.

For that reason, a bipartisan group of us introduced legislation earlier this year to allow reservists to pay a premium and receive coverage from TRICARE, the military health program. I joined with the Senator, from South Carolina, Mr. GRAHAM, Senator CLINTON, Senator LEAHY and Senator DEWINE, to press for inclusion of a similar proposal in the Fiscal Year 2004 Defense Authorization bill. The outcome was a strong, bipartisan vote, 85–10, in favor of allowing reservists to buy into TRICARE.

Today, we are asking the Senate to underscore our resolve to move forward on this issue. We are asking our fellow Senators to join in affirming the importance of the reserves to our national security and the necessity of a new TRICARE benefit to keep this force intact and improve its readiness.

Some have argued that we would diminish the value of active-duty service by providing the same health benefit to part-time soldiers. In fact, we are requiring reservists to pay for a benefit that comes at no charge to active-duty troops and their families.

Other have said we would be undermining recruiting and retention and

quality of life programs. This argument fails the laugh test, as any Guard and Reserve recruiting officer will tell you.

Still others say this is too costly. But when we rely so heavily on the Guard and Reserve to protect our national security, I question whether we can afford not to provide this benefit. CBO says the price tag would come to just over one-tenth of one percent of the President's proposed Fiscal Year 2004 defense budget. In return, we will take a major step toward ensuring the integrity of this force, by improving its medical readiness when called to active duty, by streamlining and accelerating the mobilization process, and by enhancing our military's ability to recruit and retain qualified personnel to reserve duty.

Today, 40 percent of our reservists between the ages of 19–35—and that represents a pretty broad spectrum of reservists on active duty today—are uninsured. It is in our national security interest to make sure they have health insurance and do not have to go for long periods of time without being able to see a doctor or provide for the most basic health needs of themselves or their families.

Today, more than 200,000 reservists are on active duty, having left behind families, careers, and their everyday lives to serve their Nation. Some may never come home. Our military relies on this force to protect our borders, our national interest, and our people.

I think it is important once again the Senate go on record and send as clear a message as we can that we are not going to rest and we are not going to quit until they have the access they deserve to the health care program they so badly need.

At this time, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAHAM of South Carolina. I would like to speak, if possible.

Mr. DASCHLE. I wouldn't be calling for the vote at this point. I am just asking for the yeas and nays and for a vote later on.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. DASCHLE. I yield the floor.

Mr. GRAHAM of South Carolina. Madam President, I thank Senator DASCHLE for the great help he has been and for his partnership on this piece of legislation. I associate myself with his remarks about the TRICARE program being extended to family members of the Guard and Reserve.

During the last Desert Shield-Desert Storm conflict, I was in the Air National Guard unit that was called up to active duty. Planes, pilots, and crews went over and did a magnificent job. I was in a support role as a military lawyer. I was called to active duty—along with doctors and other folks—to take care of families who were left behind by providing legal services.

When a family member is deployed in the Guard and Reserve, more likely than not the military pay will be smaller than the civilian pay. The Soldiers and Sailors Civil Leave Act allows a renegotiation of loans and a restructuring of debt so the military pay can cover family expenses. You are not successful all the time. I spent hours negotiating new loans, house payments, and car payments so the military pay would cover the family expenses. But one thing that we haven't addressed is health care.

As Senator DASCHLE indicated, there are many members without health care. But for those who have health care, once they are activated, the physician network that your family is used to is replaced by the military.

In the case of our unit—Swamp Fox Unit in the South Carolina Air National Guard that I served in from 1991 to the present—they have been deployed six times. That is not unusual. You have families bouncing from one health care network to the other.

We are trying to make sure that continuity of health care is available to Guard and Reserve families by allowing them, in addition to their membership in the Guard and Reserve, access to the TRICARE military health care system when they are in their civilian capacity as well as when they are activated. So when they are activated, there is no major upheaval in their lives when it comes to health care. They will have a safety net.

You can't be everything to everybody. But they are having to pay a premium that is fair to them, helps reduce the cost of the bill similar to what retirees pay.

It is important to me to put this on the table, and do it in a way so we can afford it. I think the premium helps offset the cost.

I am here to report that I have talked with the administration and the Pentagon which have concerns about implementing this program now because we haven't budgeted for it in this budget cycle. We are going to compromise on the Defense authorization bill and initiate a study of the best way to provide TRICARE coverage to Guard and Reserve members in terms of cost, affordability, and availability. We will have that study. Next year, Senator DASCHLE and all of the others who have worked with us have my solemn promise we are going to go after the money necessary to fund this program.

The proposal we are speaking about today has a statement in it that they are willing to help fund this if we can find the money. This sense-of-the-Senate resolution is important in the sense that we are letting our Guard and Reserve families know we haven't forgotten about them and that we are trying to do this in an affordable and efficient way by studying it for a year. But help is going to be on the way.

The recruiting and retention problems that we suffer in the Guard and Reserve we haven't yet begun to understand. You have some Guard and Reserve units that are indispensable to the war-fighting machine that we have created and which is so effective. Their employers have suffered greatly because they are gone from their work stations in the civilian community a lot. Employers have been paying the difference between the military pay and the civilian pay in many instances.

We are going to work in a bipartisan fashion to have a tax credit. The retirement age is 60. On active duty, you can retire after 20 years of service. As a Guard or Reserve member, I am 5 years away. I have to get 5 good years somehow so I can get my retirement. I am not worried about me. But we have a proposal that for every 2 years you stay on to help your country, we will allow you to retire early. That is not part of the package we are talking about in TRICARE but it will be part of a package to upgrade Guard and Reserve benefits. The total cost for all three—health care, reduced retirement, and tax credits—is in the $15 billion range over 5 years. That is a lot of money. But I agree with Senator DASCHLE, we can't afford not to do it.

I ask all of my colleagues to look at this closely and support this sense-of-the-Senate resolution so we can sit down with the administration next year in good faith—they have been very good about dealing with this issue in a responsible way this year—and come up with the money and get a commitment from the administration, the Pentagon, the House, and the Senate to fund this program.

If we improve the benefit package, not only are we doing what we should do to help our Guard and Reserve families, which they will appreciate, but we will have a better chance of retaining these great Americans because we are asking so much of them. It is time for us to deliver a better benefit package because they have really delivered for this country.

I appreciate working with Senator DASCHLE, and the administration has been very good to work with. This time next year I hope we can take the floor and tell the Reserve and Guard families of this country that they have a benefit package that shows how much we respect and care for them.

I yield the floor.

Mr. DASCHLE. Madam President, I thank the distinguished Senator from South Carolina for his great effort on this amendment and for his generous words. He speaks from experience—first, as a member of the Guard but then also as a member of the Armed Services Committee. I appreciate the work he has done in getting us to a point where we have a commitment from the administration that they will work with us. I hope we don't have to wait a year. But I recognize reality. I believe it is important to get a commitment regardless of how long it takes.

The message we want to send today with this sense-of-the-Senate resolution is that there is strong bipartisan

support for the concept that we ought to be able to allow the Guard and Reserve to access TRICARE as soon as possible so that in the very situation the Senator from South Carolina has noted—this recognition that they may be called to active duty not once but several times as they go in and out of their role as active guardsmen—they have the time to transition with the coverage and the peace of mind required as they commit themselves once again to their country.

I hope we can get a strong bipartisan vote. I hope we recognize that, while this is not inexpensive, we estimate that one-tenth of 1 percent of the overall cost of the defense budget is a price worth paying for the commitment and the message that we send about our recognition of the important role the Guard and Reserve play today as they serve in Iraq and around the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. 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. LEAHY. Mr. President, I rise in strong support of the Daschle-Graham amendment. This amendment expresses the strong sense of Congress that members of the Guard and Reserve should be made eligible for the TRICARE health insurance program.

I am the co-chair of the Senate's National Guard Caucus, and I have watched closely as over 200,000 members of the Guard and the Reserves have been called to duty for the war in Iraq. Our reservists have distinguished themselves in every respect, underscoring that our Nation's defense rests—as it has been since our founding—on our citizen soldiers.

We have a responsibility to ensure that this force is as effective as possible. Yet a recent GAO report indicated that almost 20 percent of our reserves do not have access to adequate health insurance. This means that we are deploying men and women to fight when they are not as healthy as possible.

This resolution makes the strong statement in support of a cost-share program that ensures that reservists and their families have coverage. It puts the body's weight behind the strong report language in this bill and follows on the Senate's 85 to 10 vote during our consideration of the Defense authorization bill in favor of this innovative cost-share program.

The defense conferees are currently reviewing this provision, based on legislation I crafted along with Senators DEWINE, DASCHLE, and SMITH, and a strong vote today would send a signal that a final bill should include health insurance eligibility.

I urge all my colleagues to vote again to support this effort.

AMENDMENT NO. 1271

(Purpose: To require reports on U.S. Operations in Iraq)

Mrs. BOXER. Madam President, I have been working on an amendment that I trust would get support from both sides of the aisle, and I would like, at this time, to send this amendment to the desk and ask unanimous consent that the previous amendment be laid aside.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1271.

At the appropriate place, add the following:

SEC. . REPORTS ON IRAQ

Not less than once every 30 days, the Secretary of Defense shall submit a report to the congressional defense committees, the House International Relations Committee, and Senate Foreign Relations Committee that contains the following information:

(a) Total and monthly costs of U.S. operations in Iraq,

(b) Number of U.S. military personnel serving in Iraq and the immediate region.

(c) Total and monthly contributions made by foreign governments and international organizations in support of U.S. operations in Iraq.

(d) Number of foreign military personnel serving in support of U.S. operations in Iraq,

(e) Defense articles and services offered by foreign governments and international organizations in support of U.S. operations in Iraq,

(f) Total number of U.S. casualties as a result of U.S. operations in Iraq by date and cause,

(g) All contracts in excess of $10 million entered into by the U.S. government for the reconstruction of Iraq.

Mrs. BOXER. Thank you very much, Madam President. And I am glad the clerk was able to read this amendment because I think it is a very straightforward amendment, not one of those that is convoluted.

Essentially, my amendment is an assurance that the American people will receive the full and accurate costs relating to the operations in Iraq; will know more about the monthly costs therein; will know more about the contribution of our coalition of the willing and other nations that may come in, both in terms of their support of military personnel and their monetary support, and other support; and also will have detailed reports on the casualties.

This is a very important amendment because, quite frankly, as a member of the Foreign Relations Committee myself, we do not have the information we need. I am going to attempt to prove that as I go through my points.

Basically, the amendment would require that each month—every 30 days—the Secretary of Defense send a report to the congressional committees with specific information. You have heard that information read by the clerk, so I will not go into that until my summary.

Madam President, I ask unanimous consent that Senators LANDRIEU and MURRAY be added as cosponsors to the amendment.

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

Mrs. BOXER. Madam President, last August, the Senate Foreign Relations Committee, on which I serve, began a series of hearings on U.S. policy toward Iraq, hearings that began under the leadership of Senator BIDEN, and have continued with our current chairman, Senator LUGAR.

From the very first hearing, my position on this issue was very clear. I felt if our policy toward Iraq was going to be successful, it should be done in conjunction with our allies and in coordination with international institutions, such as NATO and the United Nations.

Why did I feel that way? Because I felt that the burden of this situation should be shared by the world. Surely, the world has something at stake if there is stability in Iraq, and that burden ought to be shared.

The fact is, for many different reasons—and I am not going to rehash them—the burden has not been shared. And this situation is very different than the first Persian Gulf war, where George Herbert Walker Bush built a very broad international coalition to share the burdens of war.

All we have to do is look at the cost. That is one example. The estimated cost of the first gulf war was $61 billion total. The operation was financed by more than $53 billion pledged by countries around the world, and some of that came in the form of in-kind services that also counted toward the estimate. So our allies picked up roughly 85 percent of the cost of the first gulf war. Our allies also provided a quarter of the military force on the ground.

How different is this current situation? We have 146,000 troops in Iraq, and they are dying every day. I have come to the floor to eulogize those who have died who had any connection to California. Let me say, since President Bush declared an end to major hostilities on May 1, 15 of those who were either from California or based in California have been killed. In the total of all those killed, 56 have been from California or based in California. This war is touching the people of my State very deeply.

So here are 146,000 troops from our country in Iraq, and the British, our top ally, have 12,000 troops. They certainly have been our deepest friends in this particular situation. They have 12,000 troops. We have 146,000. Poland and Australia have a small number of troops. All these troops are greatly appreciated. But you cannot come close to the type of international coalition that we had in the first Persian Gulf war or, more important, what we need to have today so that the burden does not fall so hard on our families.

Last night, I heard a report on CNN about a little child that would just break your heart. He was there with his mom. You never can script a child. This little boy said: I was supposed to

have my daddy home, and this is the second time, but the President changed his mind again.

Clearly, the President doesn't want to see little kids crying for their parents. No one does. But what it means is we need to internationalize the troops in the field so we do not have to carry this burden. We also need rules and regulations so we keep to our word about the length of the terms served over there, and that is an issue that will come back again. We had a vote on that yesterday.

For a moment I rise to talk about the money. In a hearing on July 9 before the Armed Services Committee, Secretary of Defense, Donald Rumsfeld, was unable to recall the monthly cost of U.S. operations in Iraq. The committee actually had to go into a recess so the Secretary could get the information.

This is unacceptable. I have the transcript from that hearing. I am going to read from it.

Senator BYRD:

Mr. Secretary, what is the current monthly spend rate to support our ongoing military operations in Iraq?

Mr. Rumsfeld:

I'll have to get you that for the record.

It's a combination of appropriating funds, as you know, sir, know better than any, plus the expenditures of funds taking place from Iraqi frozen assets, from Iraqi siezed assets and from U.N.-Iraqi assets under the oil-for-food program. And I can certainly have Dr. Zakheim come up and provide a very precise answer as to what's currently being spent.

Senator BYRD:

Do you recall a figure? Can you give us an estimate? I've heard the figure of $1.5 billion a month.

Secretary Rumsfeld:

I would not want to venture a guess and be wrong, sir.

Senator BYRD:

Well, somebody ought to know.

Secretary Rumsfeld:

Well, they do know. We'll be happy to brief you on that.

Well, I'd like to know now.

Well, we'd have to adjourn . . .

Well, OK.

Madam President, how do you come before the Armed Services Committee without an estimate of the cost? I don't quite understand it.

Secretary Rumsfeld says these expenditures are in a variety of categories, et cetera.

This is what Senator BYRD said:

I understand that, Mr. Chairman, but I've been around here going on 51 years and I'm on the Appropriations Committee, and we want to fund our military and meet the need. But there must be some figure, some amount that we can cite as an amount that we're spending monthly in Afghanistan and the same with respect to Iraq.

Secretary Rumsfeld:

I'm sure there is, and we'll get it for you.

Senator BYRD:

Very well. That'll be another figure we hope to have when we return, Mr. Chairman, I would hope.

And Secretary Rumsfeld says:

In that case not likely. That fast?

Senator BYRD:

Well, you like to have figures fast when it comes to appropriating money.

Secretary Rumsfeld:

That's for sure.

Senator BYRD:

I would [like to] know, on behalf of the Appropriations Committee and the Congress, how much we're spending.

Secretary Rumsfeld:

We'll try and get it for you.

Then Senator BYRD says:

Well, anyhow, so much for that . . .

I ask unanimous consent to print these conversations in the RECORD.

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

BYRD: Mr. Secretary, what is the currently month spend rate to support our ongoing military operations in Iraq?

RUMSFELD: I'll have to get you that for the record.

It's a combination of appropriated funds, as you, sir, know better than any, plus the expenditures of funds that are taking place from Iraqi frozen assets, from Iraqi seized assets and from U.N.-Iraqi assets under the oil-for-food program. And I can certainly have Dr. Zakheim come up and provide a very precise answer as to what's currently being spent.

BYRD: Do you recall a figure? Can you give us an estimate? I've heard the figure of $1.5 billion a month.

RUMSFELD: I would not want to venture a guess and be wrong, sir.

BYRD: Well, somebody ought to know.

RUMSFELD: Well, they do know. We'll be happy to brief you on it.

BYRD: Well, I'd like to know now.

RUMSFELD: Well, we'd have to adjourn and I'd have to get on the phone with Dov Zakheim.

BYRD: Well, OK.

We'll be back, won't we, Mr. Chairman?

WARNER: Yes, we will, Senator.

BYRD: And along with that, how much are we spending a month to support U.S. military forces in Iraq?

RUMSFELD: The expenditures for Iraq are in a variety of categories. You might include the salaries of the people that are serving there; those salaries would be paid whether they're serving there or they're back in Germany or back in the United States.

It might include funds, as I indicated, that are coming from other sources. It might include funds for reconstitution that are currently being spent, but we're spending on rebuilding stocks of bombs, for example, and weapons that were used during the conflict.

So it is not a question that can be posed and then answered with a single number. I wish I were able to do that, but if fall into a variety of different baskets under our appropriated funds.

BYRD: I understand that, Mr. Chairman. But I've been around here going on 51 years and I'm on the Appropriations Committee, and we want to fund our military certainly and meet the need. But there must be some figure, some amount that we can cite as an amount that we're spending monthly in Afghanistan and the same with respect to Iraq.

RUMSFELD: I'm sure there is, and we'll get it for you.

BYRD: Very well. That'll be another figure we hope to have that when we return, Mr. Chairman, I would hope.

RUMSFELD: In that case not likely. That fast?

BYRD: Well, you like to have figures fast when it comes to appropriating money.

RUMSFELD: That's for sure.

BYRD: I would know, on behalf of the Appropriations Committee on the Congress, how much we're spending.

RUMSFELD: We'll try and get it for you.

BYRD: I hear and I read that it's something like $3 billion to $3.5 billion a month to support U.S. military forces in Iraq. And where are these figures coming from that we read about, and that we in the Appropriations Committee are told from time to time?

Well, anyhow, so much for that . . .

Mrs. BOXER. If anything that happens in the Senate means anything at all, if we are not just spinning our wheels when we have committee hearings, we ought to learn what to do when things are not going right. I suggest things are not going right when a man as intelligent as Secretary Rumsfeld cannot answer a simple question like what it is costing us every single month.

We have found out from the Department of Defense Comptroller that the cost of U.S. operations in Iraq has cost $48 billion thus far. The cost per month is $4 billion, not what Senator BYRD thought, 1.3 or 1.4; it is $4 billion. And given that we are going to be in Iraq for years, not months, according to everyone, how does the administration propose we pay for this, given the tax cuts they have created, deficits as far as the eye can see, and the international community has pledged only $1.7 billion so far, and it is costing us $4 billion a month?

Sometimes it is hard for my constituents—to understand these dollars. What I have done today in a handmade chart—forgive me, it is not the most beautiful-looking chart, but I think it says it all—is ask, how do we know exactly what $45 billion a year is that we are now currently spending on Iraq? I thought I would take a look at selected issues that we care about in the Senate in a bipartisan way and tell the people of this country, as well as remind my colleagues what we are spending on these things compared to $45 billion a year in Iraq.

We spend on the Drug Enforcement Agency—that is the agency that does everything to get the bad guys who are trying to push drugs on our children and interdicting drugs at the border—in a year, $1.6 billion. We are spending $45 billion in Iraq, and we still have people waiting in line to get treatment on demand for their drug habit. We can't take them. We don't have enough money. But we are spending $45 billion in Iraq.

On higher education, across party lines, we have worked so hard to make sure we have enough money for education. Let's look at higher education—the kinds of grants and loans we give out to deserving middle-class families so that their kids can get a college education. We spend $23.4 billion on higher education in a year. We are spending $45 billion a year in Iraq.

Afterschool programs: I have a special feeling for those because I wrote

the law. Senator ENSIGN, on the other side of the aisle, and I teamed up on that one. We are spending $1 billion a year on afterschool programs, and we have thousands and thousands and thousands of children on waiting lists whom we cannot accommodate because we don't have the money. But we are spending $45 billion a year in Iraq, and that is before the major reconstruction starts.

We are all talking about Head Start. The President has a plan to give it back to the States. I oppose that fiercely. This is a program that works for poor families. Be that as it may, whether it is a block grant or a Federal program, we are spending $6.7 billion a year on Head Start. Millions of children are waiting to get in. We are spending $45 billion a year on Iraq.

Highways: There isn't one Senator in this body who would say their State doesn't need highway funding. We are spending $31.8 billion a year on highways. By the way, that comes from the gas tax our citizens pay. That is less than we are spending for a year in Iraq.

NIH, the National Institutes of Health: Again, there is no one I have ever met whose family or friends have not been touched by cancer, Parkinson's, Alzheimer's, or heart disease. The bottom line is that we are spending $27.1 billion a year to find cures for these diseases. And we are spending $45 billion a year in Iraq.

Veterans' health: These are people who have served this Nation proudly. We have made a commitment to take care of them. We are going to have a whole lot more veterans coming back from this war. We want to meet our commitments. How much do we spend a year on veterans' health? We spend $23.9 billion on all of the veterans' health. We are spending $45 billion a year in Iraq.

The Transportation Security Agency: I sit on the Commerce Committee, we know what we have to do to make sure our public is protected from these terrorists who are still in our country. There are declassified reports that say there are tens of thousands in our country. Will they strike again? We are doing everything to make sure the President has the resources he needs. But, bottom line, what are we spending on the TSA to protect the flying public? It is $5.2 billion.

There is a lot more we have to do, such as retrofit airplanes so if there is a shoulder-fired missile a terrorist gets hold of and shoots that at a plane, there will be a missile defense system through the technology that is on our military planes. We want them on civilian aircraft. This is a bipartisan issue. We don't have enough money for that. But we are spending $45 billion a year in Iraq.

Coast Guard: Again, they are out there protecting us from drugs that are being smuggled, from human cargo that is being smuggled, and looking out for terrorists. That costs $6.1 billion a year.

The EPA enforces our laws for clean air, clean water, safe drinking water, and Superfund sites. They are terribly underfunded. The Superfund sites that were to be cleaned up under this administration were cut in half. We don't have the money. As a matter of fact, the ''polluters pay'' is falling on taxpayers, and yet $8.1 billion is all we are spending, compared to $45 billion in Iraq.

My last example is the Superfund Program. If anybody has a Superfund site in their State, they know these are highly polluted sites that need to be cleaned up so that there can be economic development on those sites and so that our children and all of our people can be protected from these poisons. That is $1.3 billion, and we are spending $45 billion a year in Iraq.

Why did I go through this? Because sometimes people's eyes glaze over when they hear numbers. Mine tend to do that. We have to put this into perspective. We are spending $4 billion a month. Secretary Rumsfeld eventually came up with those numbers later. So we know that is a fact. That is what we are spending. That is $45 billion a year, and we don't come close to spending that on the priorities of the American people. We don't even come close.

So why is my amendment important? Because it is going to tell the American people how their taxpayer dollars are being spent in Iraq and how much of a contribution our allies, our friends, are making. It is also going to tell us the details of when people get wounded or killed—how did it happen and why did it happen? We need that information. We need it on behalf of the American people. That is for sure.

In closing, again, this is a very straightforward amendment. It is written in plain English. It is very clear.

I will close my statement by reading the amendment one more time. I cannot imagine why my friends on the other side would object to this. I hope they don't object. The fact is, the American people deserve to know what is happening to their tax dollars. They don't have to have a situation where someone comes up and Senator BYRD asks a question—regardless of who it is on either side of the aisle—and says, gee, I don't know. That is not acceptable.

Here is how the amendment reads:

Not less than once every 30 days, the Secretary of Defense shall submit a report to the Congressional Defense Committee, the House International Relations Committee, the Senate Foreign Relations Committee that contains the following information:

(a) Total and monthly costs of U.S. operations in Iraq;

(b) Number of U.S. military personnel serving in Iraq and the immediate region;

(c) Total and monthly contributions made by foreign governments and international organizations in support of U.S. operations in Iraq;

(d) Number of foreign military personnel serving in support of U.S. operations in Iraq;

(e) Defense articles and services offered by foreign governments and international organizations in support of U.S. operations in Iraq;

(f) Total number of U.S. casualties as a result of U.S. operations in Iraq by date and cause;

(g) All contracts in excess of $10 million entered into by the U.S. Government for the reconstruction of Iraq.

On this last one, as someone who has fought hard to end that sole source contract to Halliburton, I am very worried that this could repeat itself. That sole source contract was worth many billions—at least $7 billion or $8 billion. It didn't go out for bid. It was going to go forward and we stopped it. I thank Senator WARNER for teaming up with me to stop it.

On August 14, we are supposed to get the follow-on contract. I hope that will happen. I am counting on it. Let us not be sanguine about this whole military procurement situation. I served on the Armed Services Committee for many years on the House side. You turn your back one minute and there is another contract; it didn't go out for a bid, it is costing a fortune, and you wind up with $7,000 coffee pots on airplanes. I have been there and I have seen that. So all contracts in excess of $10 million entered into by the U.S. Government for the reconstruction of Iraq—we will know about that, I say to colleagues.

So I think if the Senate has some regard for its own power, its own role in this entire matter, then the Senate will go on record and support this very simple amendment, just asking for information on a monthly basis so we can stay ahead of the curve.

With that, Madam President, I finish my statement. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, this amendment is redundant and unnecessary. It, in effect, requires a report to committees of Congress every 30 days by the administration on operations in Iraq.

The supplemental that the Congress passed in April just before the Easter recess providing fiscal year 2003 funds for the Iraqi operations required that many reports be submitted to committees of Congress. As a matter of fact, within 5 days of the transfer of funds from the Iraqi Freedom account, a report is sent to the Appropriations and Defense Committees of the House and Senate advising the Congress of how these funds are going to be spent.

No such reporting has been required of recent operations elsewhere in the world. For example, during the Clinton administration, no such reports were required for operations in Somalia or Bosnia or Haiti. Nor were they required during the operations in Afghanistan or Kosovo.

This report duplicates information the Department of Defense is already routinely providing through congressional hearings and briefings for Members of Congress and press organizations, news organizations that have access to the regular briefings at the Department of Defense.

The reports on the cost of Iraq and the number of personnel serving in the

region are widely available. We all know that representatives of news organizations are all over Iraq gathering information, making reports every day on television through their news organizations back to the United States and around the world. There are no secrets.

There were members of the press involved and personally present during all of the military operations and, to a great extent, Ambassador Bremer and General Abizaid still make information available to those representatives of news organizations who are seeking information about what is going on in Iraq. We all have access that is unparalleled and truly unlimited.

The Senator complains that this should be required as a matter of statute, that we ought to have an enactment of law that makes the administration provide these reports. But if we look at the supplemental the Congress adopted just before the Easter recess, that has already been done. This is redundant. It is unnecessary.

The Senator read from her amendment to tell us exactly what is in it. We have already provided for reports, and I am going to read it so everybody will know what we have already ordered the administration to do by law:

Not later than 45 days after date of enactment of this Act, the President shall submit to the Committees on Appropriations a report on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:

(1) The distribution of duties and responsibilities regarding such activities among agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense (to be provided within 30 days within enactment of this Act)

(2) A detailed plan describing the roles and responsibilities of foreign governments and international organizations, including the United Nations, in carrying out activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq.

(3) A strategy for coordinating such activities among the United States Government, foreign governments and international organizations, including the United Nations.

(4) An initial estimate of the costs expected to be associated with such activities.

(5) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States, foreign governments, and international organizations, including the United Nations, and an estimate of the revenue expected to be generated by Iraqi oil production that could be used to pay such costs.

(b) SUBSEQUENT REPORTS.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2004, the President shall submit to the Committees on Appropriations a report that contains:

(1) A list of significant United States Government-funded activities related to reconstruction in Iraq that, during the 90-day period ending 15 days prior to the date the report is submitted to the Committees on Appropriations—

(A) were initiated; or

(B) were completed.

(2) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the 90-day period beginning on the date the report is submitted to the Committees on Appropriations, including:

(A) Cost estimates for carrying out the proposed activities.

(B) The source of the funds that will be used to pay such costs.

(C) Updated strategies, if changes are proposed regarding matters included in the reports required under subsection (a).

(4) An updated list of the financial pledges and contributions made by foreign governments or international organizations to fund activities related to humanitarian, governance, and reconstruction assistance in Iraq.

Madam President, we would be hard pressed to require anything further that the Congress ought to know about the expenditure of funds in carrying out the operations of the activities described in this supplemental appropriations bill.

This bill we are considering enacting now in the Senate applies to appropriations that will be available beginning in the next fiscal year, fiscal year 2004. Reports are required by law now. They will continue to be required and be available to Members of Congress on whatever committee one serves—the Foreign Relations Committee, the Defense Committees, the Appropriations Committees, and any others.

We can read every day about the witnesses who are called before the Congress and questions are asked about what is going on in Iraq. We are entitled to that information. So it is not that I rise to oppose this amendment because we are not entitled to the information the Senator suggests we ought to have, but that we already have it and it is already required to be given to the Congress routinely, and it is made available under provisions of law that have already been enacted. Therefore, if you hired all the accountants and bookkeepers who would be required to fill in all the forms and submit all the documents that Senator BOXER requires, I suggest we should consider renaming her amendment. It should be the Bookkeepers and Accountants Civil Relief Act of 2003. That is my suggestion.

I hope the Senate will table the amendment, and it will be the intention of this Senator, when everybody has had an opportunity to talk about the amendment who wants to talk about the amendment, to move to table the amendment of the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, it is a sad day when one Senator will rename an amendment of another Senator who simply wants to know what it is costing my taxpayers every single day.

If the Senator is right and this has already been done, he did not complain about it then. He did not stand up and say: We want this report, but, gee, we should not have it because it is too much work.

The bottom line is, I have seen the report to which the Senator refers. It is nine pages, and it is estimates. It is not costs incurred. I have asked as recently as today to find out the contribution of other countries, and I have asked it of people in very high-up positions, and they do not have the answer.

Senator COCHRAN talks about the news: The news knows this; just turn on CNN, they know it. That is not what I was sent here to do, watch CNN. I do not want to give up my power of the purse to CNN or to Fox News or to MSNBC. He talked a long time about the press. If I wanted to be a reporter, I would have stayed a reporter. I was a reporter for a while. But people sent me here to get the facts and figures.

If the Senator believes it is a waste of time and it is a matter of bookkeeping to find out the total monthly cost of United States operations in Iraq so I can stand up at a townhall meeting and tell the people what it costs—if he thinks that is a waste of time, then I am confused. Why are we here? Why are we bothering?

Why are we bothering? If he thinks it is a waste of time to find out how many U.S. personnel are serving in the region, then I am very confused. There was a Presidential candidate who was asked that question, and he said between 100,000 and 200,000. He was right, but he was chastised. Why did he not know it was 146,000?

So perhaps the Senator believes it is not important to know in any given month how many people are serving in Iraq. I think it is, because, guess what, they are my constituents. I have lost 50 of them. So I would like to know who is over there.

I also would like to know, when one of our Americans dies, the circumstances surrounding that. I want to know what the coalition of the willing is actually doing, not what the Senator talks about, estimates.

See, he is talking about a report that talks about estimates. I am talking about what actually has occurred, and what costs have been incurred. The Senator never mentioned the fact that I am going after these contracts. Maybe that is because he does not want to go after them. The fact is we see a contract let to Halliburton, a sole-source noncompetitive bid. What does it cost? It could have cost $9 billion except some of us found out about it, and happily Senator WARNER agreed with me and we came together, and this is supposed to be ended. But it could happen tomorrow.

So I would call the Senator's position, since he has now characterized my position, the stonewall position. I could throw around charged words, too. I could call his words the cover-up-the-true-costs position. That was not my intent. I do not stand here, after a Senator is sincere, to try and demean what they do. I do not think that is right.

But since it was done to me, I say people who do not support this are not interested in knowing the truth, are not interested in getting the facts, are trying to hide something from the American people.

Now maybe the Senator feels $45 billion a year is a little bit of money. I do not know where he comes from. Maybe that is a little bit of money. Where I come from, that is a lot. We spend $1.6 billion in all on drug enforcement in this country. We are spending $45 billion, roughly, but the Senator feels we do not have to have some report that basically tells us how it is being spent. He calls it redundant when it is not at all redundant, because it is not about estimates, which is the report he is talking about, but it is about actual costs incurred.

One thing I thought we could come together on in this Senate is the people's right to know how their money is being spent, and the people's right to know, if troops are lost, what are the conditions, why did it happen, and the people's right to know who is sharing the burden of these costs.

I have spoken to families who have heard from their loved ones that our people over there are more scared now than they were during the hot war, where they performed so brilliantly. I am hearing the words ''sitting ducks'' used now. It is not a happy situation. We have to work to bring down the burden on our troops, and the financial burden on our people, and we could do that with leadership. At least the Senate ought to know the true costs, not the estimated costs. What I am talking about is accountability, and anyone can stand up and say it is redundant, but the fact is it is far from redundant because I saw the report my friend talks about and it has nothing to do with this. It is about estimates and projections. This is about reality.

So I hope that notwithstanding the opposition I have heard today, which I think frankly is couched in a way which was not fair, that my colleagues will vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I move to table the Boxer amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Madam President, I ask consent that at 3:15 today, the Senate proceed to a vote in relation to the Boxer amendment No. 1271, to be immediately followed by a vote in relation to the Daschle amendment No. 1269, with no second-degree amendments in order to either amendment prior to the votes; provided further that there be 2 minutes for debate equally divided in the usual form between the votes.

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

The question is on agreeing to the motion to table amendment No. 1271. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU), is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—50

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

NAYS—45

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

NOT VOTING—5

Graham (FL)	Lieberman	Sununu
Kerry	Miller	

The motion was agreed to.

Mr. ENSIGN. Madam President, I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1269

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to the vote on the Daschle amendment.

Who yields time?

Mr. REID. Madam President, I suggest the absence of a quorum. I ask unanimous consent that the time not be charged to either side.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Madam President, I ask unanimous consent that the agreement to have 1 minute on each side be waived, that we start the vote immediately.

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

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

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

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—93

Akaka	Dayton	Levin
Alexander	DeWine	Lincoln
Allard	Dodd	Lott
Allen	Dole	Lugar
Baucus	Domenici	McCain
Bayh	Dorgan	McConnell
Bennett	Durbin	Mikulski
Biden	Edwards	Murkowski
Bingaman	Ensign	Murray
Bond	Enzi	Nelson (FL)
Boxer	Feingold	Nelson (NE)
Breaux	Feinstein	Pryor
Brownback	Fitzgerald	Reed
Bunning	Frist	Reid
Burns	Graham (SC)	Roberts
Byrd	Grassley	Rockefeller
Campbell	Gregg	Santorum
Cantwell	Hagel	Sarbanes
Carper	Harkin	Schumer
Chafee	Hatch	Sessions
Chambliss	Hollings	Shelby
Clinton	Hutchison	Smith
Cochran	Inhofe	Snowe
Coleman	Inouye	Specter
Collins	Jeffords	Stabenow
Conrad	Johnson	Stevens
Cornyn	Kennedy	Talent
Corzine	Kohl	Thomas
Craig	Landrieu	Voinovich
Crapo	Lautenberg	Warner
Daschle	Leahy	Wyden

NAYS—2

Kyl	Nickles

NOT VOTING—5

Graham (FL)	Lieberman	Sununu
Kerry	Miller	

The amendment (No. 1269) was agreed to.

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. REID. Mr. President, I ask the Chair to indicate to the Senate how long that vote took.

The PRESIDING OFFICER. It took 23 minutes.

Mr. STEVENS. Mr. President, I have to take credit on this one, I say to my friend. I asked that it not be completed until I completed a conference that I had conducted.

Mr. REID. I only say to my friend, the distinguished Senator from Alaska, this is not a complaint to the Senator from Alaska. This complaint is to the fact that these votes take so long and are so unnecessary. We waste so much time. We have a significant number of people on this side who want to offer amendments. There are some on the other side. We waste hours waiting for stragglers to come in on votes. If people are not here, let them not vote. We are wasting time. I hope we can speed up the votes.

Mr. President, unless the Senator from Alaska has some other matter that he wants to tend to, I ask unanimous consent that Senator KENNEDY be allowed to offer the next amendment. Senator KENNEDY has agreed—and the other side has seen the amendment—to 30 minutes on his side. We would agree to an hour evenly divided on this matter.

The PRESIDING OFFICER. Is the Senator making that unanimous consent request?

Mr. REID. Yes.

Mr. STEVENS. That is fine.

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

AMENDMENT NO. 1273

Mr. KENNEDY. 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 Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1273.

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

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

The amendment is as follows:

(Purpose: To require a report on the United States strategy for reconstruction in Iraq)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress an unclassified report (with a classified annex, if necessary) on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:

(1) A schedule for the President to seek NATO participation, as an organization of many nations, in ongoing operations in Iraq.

(2) A schedule for the President to seek and obtain the approval of a resolution of the United Nations Security Council authorizing a multinational civil and security force (including substantial participation by armed forces of NATO member countries under unified command and control) to guarantee the stability, democratization, and reconstruction of Iraq.

(3) An estimate of the number of Armed Forces personnel that are needed in Iraq to guarantee the stability and reconstruction of Iraq, separately stated for each of the Armed Forces and, within each of the Armed Forces, for each of the components.

(4) An estimate of the number of personnel of armed forces of foreign countries that are needed in Iraq to guarantee the stability and reconstruction of Iraq.

(5) A statement and justification from the President for his actions in seeking or failing to seek NATO participation or a UN Security Council resolution.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. KENNEDY. Yes.

Mr. REID. Mr. President, I modify the request made a few minutes ago to indicate that there would be no second-degree amendments prior to the vote on or in relation to the Kennedy amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I have had the opportunity to share this amendment with the manager of the bill. I believe the floor manager is familiar with it.

The amendment is now at the desk. I welcome the opportunity to address the Senate on the substance of the amendment. I supported the Boxer amendment that we just voted on, which failed to carry. She was seeking important information on the Iraqi operation. I believe the American people deserve this information. But they also deserve a plan.

My amendment requires the administration to report information on that plan. This amendment asks the President to submit a report to the Congress within 30 days of enactment on the efforts to internationalize our operations in Iraq. The report would provide a timetable for the President to seek NATO participation as an institution in the ongoing operations in Iraq. It would provide a timetable for the President to seek and obtain the approval of a resolution of the United Nations Security Council authorizing a multinational security force, including substantial participation by the Armed Forces of NATO member countries, to guarantee the stability and reconstruction of a democratic Iraq.

The report would include an estimate of the number of American Armed Forces personnel needed in Iraq to guarantee the stability and reconstruction of Iraq, and an estimate of the number of personnel from foreign countries that the administration believes are necessary to accomplish that goal.

Finally, if the administration chooses not to go to NATO or the U.N., the report would require an explanation of the rationale.

Last week, by a vote of 97 to 0, the Senate approved a resolution encouraging the President to consider requesting the involvement of NATO and the U.N. in Iraq. This amendment builds on that action by seeking a plan and timetable for doing just that.

The administration has had plenty of time to consider this. For the sake of the soldiers in Baghdad, it is time to act. Supporters and opponents of the war alike are enormously proud of the way our troops performed in Operation Iraqi Freedom. The speed and success of their mission in toppling Saddam Hussein demonstrated the extraordinary ability of our Nation's Armed Forces. It is no accident that so few of our forces paid the ultimate price during the 3 tumultuous weeks this took.

It was a foregone conclusion that we would win the war, but the all-important challenge now is to win the peace. In fact, we are at serious risk of losing it. Each day now, as the guerrilla war goes on, our troops and their families are paying the price. Our clear national interests in the emergence of a peaceful, stable, and democratic Iraq is being undermined.

Since May 1, when President Bush announced on the aircraft carrier that major combat operations in Iraq had ended, 82 more American troops have died. For the men and women of our Armed Forces who are dodging bullets in the streets and alleys of Baghdad, and other parts of Iraq, the battle is far from over. President Bush says to the attackers, ''bring 'em on,'' but how do you console a family by telling them their son or daughter is a casualty of the postwar period?

The debate may go on many months, or even years, about our intelligence failures before the war began. The failures of intelligence were bad enough, but the real failure of intelligence was our failure to understand Iraq. There is no question that long before the war began, the serious issue was raised about the danger of winning the war and losing the peace. In fact, it was one of the principal arguments against going to war.

Based on our past experience in Bosnia, Kosovo, East Timor, and Afghanistan, we knew the postwar rebuilding of Iraq would be difficult. These are not new issues. Rather than learning from the past experience in these previous conflicts, the administration rushed ahead, and the result has been chaos for the Iraqi people and continuing mortal danger to our troops—all because we insisted on doing it unilaterally, without the support of the two international organizations that could have made all the difference in winning the peace.

Sadly, we quickly went from liberators to occupiers in a few short weeks. Cynicism and anger against America are rife. Many Iraqis believe we are unwilling, not just unable, to restore basic services. They are losing faith and trust in our promise of a reconstructed, stable, peaceful future, and they fear that Saddam may still be alive. Under fire from guerillas who are determined to see America fail, our soldiers are now performing police

functions for which they have had little training. We are straining their endurance, and they want to know how long they will have to stay in Iraq. Even President Bush is now saying rebuilding Iraq will be a massive and long-term undertaking.

What we need most now is to share at least some of the burden with the international community. Our troops are now sent overseas for longer tours of duty than ever. Because we rely on their skill and the skill to meet commitments on a global scale, more than 150,000 troops are in Iraq, and many have been deployed in the region for close to a year. Half of our Army divisions are in Iraq or Afghanistan. Of the 33 Army combat brigades, 18 are in Iraq. The strain is also great for citizens serving in the Guard and Reserves because we depend upon them with greater frequency, ever since we reduced our forces after the cold war.

It is difficult to continue to put patriotic reservists through the deployment grinder year after year and expect them to hold up indefinitely. It is also difficult to sustain the cost of such missions. We are now spending $3.9 billion a month in Iraq, and with the ongoing costs of the war on terrorism, our operations in Afghanistan, and our potential new responsibility around the globe in places such as west Africa, let alone Iran and North Korea, we are creating an unsustainable financial burden at a time of exploding budget deficits, soaring demands for homeland security, and mounting needs for health care, education, and other domestic priorities.

As a nation with honor, responsibility, and the vision of a better world, America cannot invade and then cut and run from Iraq, but we also cannot afford the continuing costs in dollars or in blood of continuing to go it alone. If our national security is at stake, we will spare no cost.

The alternative is so obvious. Working with the international community, we can develop and implement an effective strategy to reduce the burden and risk to our soldiers, stabilize Iraq, and deliver on the promise of a better future for its people.

Whatever our divisions before the war, the challenge is very different now. There is every chance we can secure broad international support and participation in the stabilization and reconstruction of Iraq. All we may have to do is ask because so much is clearly at stake for the rest of the world.

At issue is the stability and the future of the entire highly volatile Middle East. No one would be immune from the dangers that a resentful and disorganized Iraq presents for its nation and neighbors everywhere. If we diversify the faces of the security force, it is far less likely that Iraqis will see us as the enemy, oppressor, and occupier. We want the 25 million citizens of Iraq to see the armed strangers in their country as friends and partners in their pursuit of freedom. We want the new governing council appointed last Sunday to succeed.

We need to bring regional forces into Iraq, especially Muslims. Countries such as Jordan, Pakistan, and Egypt could transform this mission with both their diversity and their expertise. The United Arab Emirates have contributed to the effort in Kosovo. Morocco, Albania, and Turkey have worked with us in Bosnia. Many nations have well-trained police. Reaching out to other countries and bringing them into the postwar process is the surest path to a stable Iraq.

But most other nations are unlikely to send troops to serve what is perceived as an American occupation. India turned us down earlier this week. Other nations will be far more likely to do their part if the international mission is approved by the United Nations or organized by NATO. Instead of asking our Armed Forces to carry out a mission they are not trained for, and to do it alone, we need to rely on the expertise and the resources of the international community. The United Nations has assumed that responsibility in other countries in the past, and it is one of the major reasons the U.N. was created. Necessity is the mother of invention.

In the case of Iraq, President Bush obviously had to modify his strong opposition to nation building. The challenge now is to move beyond unilateral nation building. The new Iraqi council announced on Sunday is a step in the right direction, but it will be much more effective if the United Nations has a major presence in overseeing it.

Those who join a United States-dominated, government-run council run the high risk of being dismissed by the Iraqis as American puppets. As long as America alone is calling the tune, Iraqi moderates may remain in the background or even oppose us.

Our interests in the emergence of a true democracy in Iraq are best fulfilled by involving the world community, and especially other Arab nations, as part of helping the Iraqis themselves shape a new Iraq. Only then would a new Iraq government be viewed as legitimate by the Iraqi people. The U.N. has a modest role now through its mandate for humanitarian issues, but it has only an advisory role in the civil administration of Iraq. That has to change. The U.N. should have a formal role in overseeing the establishment of a political process. The U.N., rather than the United States, should preside over the evolution of a new Iraqi government. Doing so will win international legitimacy and indispensable international support for this challenge, minimizing the danger that Iraqis will keep regarding their new government as a puppet of ours.

With Arab-speaking spokesmen, the U.N. could also convey a different image and a different message to the people of that country, a sense of reassurance that an overwhelming American occupation never can.

NATO, as an institution, should clearly be in Iraq as well. Military experts believe it will take at least 200,000 troops to stabilize Iraq. Our goal should be to include NATO and some of its 2 million-member pool of armed forces in military operations as soon as possible. America will provide a majority of troops, but over time the overall number of forces would decrease.

As in Kosovo and Bosnia, we should ask the United Nations Security Council to authorize NATO to organize an international security force to demilitarize and stabilize Iraq. To do so does not mean the United States should or must relinquish all military control. On the contrary, we would have a significant role in the NATO force and could continue to have a defining role in Iraq.

An American commander was in charge of American troops in Bosnia, and the head of NATO forces in Europe is and always has been an American.

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

The PRESIDING OFFICER. Seventeen minutes.

Mr. KENNEDY. Secretary Rumsfeld told the Armed Services Committee last week that except for the area around Baghdad, most of Iraq is already secure. If that is so, then why not reduce the burden on our military and allow this large area of Iraq, which needs police officers as well as combat troops, to be turned over as soon as possible to the United Nations-approved and NATO-led force? Why not allow American and coalition forces to secure the area around Baghdad and allow other nations to provide security for the rest of Iraq?

We all know that as long as Iraq continues to dominate our attention, we cannot give other aspects of the war against terrorism the clear focus they deserve. It is not just what happens in Iraq itself, as important as that issue is, but the continuing urgency of the ongoing fight against terrorism that should persuade us to seek allies in an international plan for a peaceful Iraq. Otherwise, we run the grave risk of exposing our Nation to more terrorist attacks.

We won the war in Iraq, as we knew we would, but if our present policy continues, we may lose the peace. We must rise to the challenge of international cooperation. Saddam may no longer be in power, but the people of Iraq will not truly be liberated until they live in a secure country. The war will not be over until the fighting stops on the ground, democracy takes hold, and the people of Iraq are able to govern themselves.

My amendment asks the administration to make a major, genuine effort to enlist the official support of NATO and the United Nations for our forces in Iraq. I urge the Senate to affirm it.

Mr. President, I will take a few moments to review the amendment. It is two pages. It says:

Not later than 30 days after the date of enactment of this Act, the President shall submit to Congress an unclassified report (with

a classified annex, if necessary) on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:

(1) A schedule for the President to seek NATO participation, as an organization of many nations, in ongoing operations in Iraq.

(2) A schedule for the President to seek and obtain approval of a resolution of the United Nations Security Council authorizing a multinational civil and security force (including substantial participation by armed forces of NATO member countries under unified command and control) to guarantee the stability, democratization, and reconstruction of Iraq.

(3) An estimate of the number of Armed Forces personnel that are needed in Iraq to guarantee the stability and reconstruction of Iraq, separately stated for each of the Armed Forces and, within each of the Armed Forces, for each of the components.

(4) An Estimate of the number of personnel of armed forces of foreign countries that are needed in Iraq to guarantee the stability and reconstruction of Iraq.

(5) A statement and justification from the President for his actions in seeking or failing to seek NATO participation or a U.N. Security Council resolution.

Basically, what this amendment is saying is, let us hear from the President on what the plan is for postwar Iraq.

Let the Senate hear from the President his response to what was the 97 to 0 vote in the Senate Chamber last week that asked him to consider going to the United Nations, going to NATO, and reporting back to the Congress so the American people will have knowledge and understanding of exactly what the plans for the future of Iraq would be.

I hope as we were able to gather a virtually unanimous vote in the Senate last week on the previous resolution, we could gather support in the Senate on this resolution.

I reserve the remainder of my time.

Mr. STEVENS. Did the Senator modify his amendment?

The PRESIDING OFFICER. The amendment has not been modified.

Mr. KENNEDY. The amendment I sent to the desk did not need a modification. I provided for the Senator paragraph 5.

Mr. STEVENS. Mr. President, is that the subparagraph 5?

Mr. KENNEDY. Yes. That was the modification. Rather than sending the modification to the desk, I sent a completely new amendment and I believe my staff shared it with the Senator. The only difference was these four lines:

A statement and justification from the President for his actions in seeking or failing to seek NATO participation or a U.N. Security Council resolution.

So the purpose of the last paragraph is that if the President decides he is not going to follow this, that he will send back to the Congress and to the Senate a report stating to the American people the reasons and the justification for not doing so.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I consider the Senator from Massachusetts a great personal friend and I hope he takes no umbrage at what I am going to say. I have been here now 35 years. I certainly was not here during Senator KENNEDY's brother's administration, but I was alert and part of the national constituency at the time and admired very much what President Kennedy did in terms of handling foreign policy, and particularly the Cuban crisis.

I read this and I see an amendment that tells the President to report to Congress on what he intends to do in the future in terms of negotiations, to give us a schedule of the strategy he and Ambassador Bremer will follow almost on a daily basis. I wonder what would have happened to President Kennedy in the Cuban crisis had that been the demand of Congress, to tell us in advance what they were going to do about the possibility that those missiles from Russia might come to Cuba. I really cannot believe the Senate has gone so far that they want to handle the President's daily schedule and have it in advance.

The President of the United States is the President of the United States. I really cannot believe anyone would vote for this amendment, and I hope the Senator will reconsider his language.

This last section says the President should give a statement and justification for his actions in seeking or in failing to seek an agreement for NATO to participate, or a U.N. Security Council resolution. That is required by the Senator's amendment. First, it tells him to seek it and then it tells him to follow up on almost a daily basis through this continuum now of handling the Iraq crisis. This is worse than the amendment we considered before, which would ask the President to predict how many mortars, how many missiles, how many whatever are going to be needed in the future, what is the plan for the future contingencies that might occur in Iraq. This is saying the President should give us a schedule that the President is going to use to seek to obtain approval of a resolution for the United Nations Security Council, including participation by armed forces of NATO and member countries.

As a matter of fact, we have already delegated that authority to SACEUR and to the ambassador to NATO. They have a daily proposition. I do not imagine they themselves even give the President a daily schedule of what they are going to do in the future with regard to NATO. Certainly to ask Mr. Bremer and the President's representatives to tell us what is their schedule now and in the future in dealing with other countries, when are they going to ask for U.N. participation, NATO participation, how are they going to do it, and will they please tell us, if they do not do it, why they did not do it, and if they failed, why they failed—my God, Senator, I really believe we should seriously consider what we are doing. This expects the President to seek and obtain. No, it does not expect. It directs him: The President shall seek and shall obtain.

The Presidency is a separate, independent portion of this great democracy. We have some checks and balances on it, that is true, and they are pretty strong, but we do not have the power to tell the Commander in Chief what to do. We do not have the power over foreign affairs. He does. If he wants to make an agreement, he has to submit a treaty, and he has to submit it to us for our advice and consent, but he still has the power to make them. We cannot tell him what to do. This tells him what to do. It not only tells him what to do, it tells him to succeed and, if he fails, to tell us why he failed.

Now, I do not know, maybe I am too much of an old trial lawyer. I get excited about some things, and I hope the jury is listening. I was pretty successful as a trial lawyer, as a matter of fact, because jurors listen if you get their attention. I hope I am getting the attention of the Senate, no matter where it is, because this amendment goes far too far:

Shall submit to the Congress an unclassified report (with a classified annex, if necessary) on the United States strategy regarding activities to the post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom.

Then it gives five separate categories of things that are done in the future. It is not a report of what has happened in the past. To demand it of the President and say the President shall submit a report to us on anything I think overlooks the concept of checks and balances.

We can ask the President to do something by a bill, and he can veto it. He is surely not going to veto this bill, although if I were President, if that came to me I would veto it because it does not represent the distinction I understand to exist under the Constitution in terms of the three great branches of this democracy.

Now, to have the President give us an estimate of the number of Armed Forces personnel that are needed in Iraq to guarantee the stability and reconstruction of Iraq, separately stated for each of the Armed Forces and, within each of the Armed Forces, for each of the components, predict again—predict the future, predict the contingencies, predict whether Turkey is going to participate, predict who else is going to participate, predict who will not participate, my God, do we want the President to publish that, that so far this nation has not agreed, so far that nation has not agreed?

We were privileged to listen to the Secretary of State today in a classified session upstairs give his opinion of what might be possible, but to ask even the Secretary of State to give us a plan and publish it for what he intended to do to try to achieve a goal that is a goal of all branches of our Government,

and that is terminate our affair in Iraq as soon as possible and successfully, I think it would be highly improper. I do not think he would submit it.

I take umbrage at the fact that this amendment tells the President what to do, and tells him to tell us how he is going to do it, in advance of even knowing what the circumstances are that he has to plan for.

We do not know how long we are going to be in a security situation in Iraq. I have told the Senate, and certainly I think most people know, I got a little upset when they would not let part of our committee into Baghdad. Other parts of the United States forces and executive branch are in Baghdad, and I pointed out to them that with other Senators I went in and out of Vietnam several times on helicopters that were shot at, but we went throughout Vietnam to see and report back to the Senate what was occurring. I thought we had that right to go into Iraq and report back what was occurring, but I was convinced later that—and we now know that there is a serious security threat there because of the snipers who are there, because of those people who are still so allied with the Baath party and Saddam Hussein that they are willing to literally commit suicide to cause us problems. That is not a new phenomenon if we look at what has been happening between Palestine and Israel for so many years, but we did not expect it there. I confess that was really a shock to me to hear about that, when our people were there to protect those who have been given their freedom, that some of their countrymen are willing to continue to kill us because we are protecting their own countrymen. This concept now is getting to the point of really being a difficult problem.

I think the Senate has a right to participate in these plans and to have hearings when the time comes and ask these people to come up and testify before us about what the plans are. Those plans undoubtedly would require expenditures of some Federal funds. I expect them to come before our committee and tell us they have requirements and then set forth the nature and extent of those requirements.

I certainly do not expect this committee to send a demand to the executive branch, particularly the President himself, to tell us now what they are going to do in the future and to predict now what the contingencies are in the future that have to be met or to have a statement and justification for the President for his actions in seeking or failing to seek NATO participation or a U.N. Security Council resolution. That is something the Constitution gives the power of the President to do. We are going to demand he give us a statement of justification for not taking action? I don't think that is within our province. Not at all.

I hope the Senate is listening. I hope the jury will agree with me and we will not approve this amendment.

How much time remains?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, 82 American soldiers have been shot since the President of the United States landed on the Abraham Lincoln and effectively said this war is over. There is no postwar policy. It is a bankrupt policy.

We attended the hearings with General Garner regarding postwar Iraq policy. He lasted 21 days and was fired. Now we have new personnel in Iraq, operating out of the palace in Iraq. We have American servicemen who are in a shooting gallery over there; and the Senator from Alaska is rejecting our request for the President of the United States to tell us what our policy is?

We do not have a postwar policy for development in Iraq. We have failed intelligence. One day they are saying the army is going to defect and join us; the next day they fire the army, the next day they are trying to rehire them. One day they say they will recruit the police and the next day they say they are thugs and will have nothing to do with them. They don't have a policy.

For the Senator from Alaska to stand here and say he is indignant because the American people want to hear what the policy is surprises me just as much as I surprised him. The American people want to know how long their sons and daughters are going to be shot at in Iraq. What is the policy?

A week ago we had 97 Members of the Senate, including the Senator from Alaska, urging the President of the United States to consider going to the United Nations and to consider, as well, using NATO. The Senator from Alaska supported that.

What this amendment is saying is, tell us if you are going to go to the United Nations, tell us if you are going to include NATO. And if you are not going to, come back and tell the American people why not.

We had a President who said we were going to use NATO in Bosnia. It worked, and we reduced the number of Americans who were killed. We had a President say we were going to use NATO in Kosovo. It worked, and we reduced the number of Americans killed. We had a President who said we would bring in U.N. forces in East Timor. We did and reduced the dangers to America. There are many who believe that is a viable option. Maybe the Senator from Alaska does not, but there are a lot of people and a lot of parents who do.

I say to the Senator from Alaska, the American people are entitled to know the policy of this administration. To hear such rejection to find out the policy is amazing.

This is supposedly an open government. We would think the President would want to share his thinking in order to galvanize support. No President can lead a country in time of war unless he galvanizes the support of the American people.

We ought to know what the policy is. If this is not the policy, tell us what it is—not behind closed doors but in open session. Tell us what it is. We did not hear it at the Armed Services Committee last week from the Secretary of Defense and we did not hear it today, evidently—unless a few selected Senators heard it in a closed session.

What is wrong with requesting the President of the United States to tell the American people where we are going to be in 30 days in Iraq when our American servicemen are being shot and killed every day. I am sorry that irks or bothers the Senator from Alaska but parents of American service men and women would like to know. The American people want to know. We are entitled to that kind of information. If he does not want to go that particular route, come back and tell us what he does want to do.

This is a makeup policy over in Iraq. One person heading it up today and he is gone tomorrow. We have people deciding they will do one thing today and they change it tomorrow. In the meantime, one thing is consistent: the killing of American servicemen who are doing tasks they were not trained for and they should not be doing in that country.

Many believe it would be worthwhile to bring other troops in and share the responsibility and burden of securing Iraq. Maybe the Senator rejects that. There are people within the administration who want to go it alone. If that is the position, the posture of this President, let's hear it out and have a debate on it.

One day it is, no, we do not want to go it alone; we want to use the United Nations and NATO but we really do not want to request them. Secretary General Robertson of NATO has indicated that the United States has not made a direct appeal to him in order to galvanize NATO as an institution to provide security. Sure, some of the countries have been asked, but the Secretary General of the United Nations says the United States has not asked the United Nations in a formal way to try to take over some of the responsibilities. Maybe there is good reason for it. But the American people are entitled to know what the reasons are.

This amendment is to try to find out that information. We do have a responsibility in foreign policy in terms of making war, the war powers, as well as in approving treaties.

This Senate, the people's Senate, has a responsibility in foreign policy. The American people are entitled to know the thinking of this administration as their sons and daughters are getting shot every day. I am sorry if 30 days is too long a time. But we know what is going to happen. There will be 30 more Americans killed during that period of time. We are entitled to know.

With all respect—and I have great affection for the Senator from Alaska—I

am as troubled by his reaction as he is troubled by this amendment.

I withhold the remainder of my time.

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 19 minutes and the Senator from Massachusetts has 5 minutes 24 seconds.

Mr. STEVENS. I postulate, if this power exists to do what the Senator from Massachusetts wants to do, we might not have been in Vietnam. I had a conversation with a former Senator who disagreed with President Johnson and wished he had some way of deterring him from his course.

I remind the Senator of the power of the President:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices. . . .

Nothing in this Constitution gives the Congress the right to ask for that. In fact, to the contrary, there is a specific power for the President. In section 3 of article II it says:

> He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; . . .

There is nothing in this Constitution that gives us the power to tell the President of the United States what to do—not at all. The separation of powers is one of the most distinct advantages of this democracy. It is the longest living government on the face of the Earth today because it is a government of the people, by the people, and for the people, but it has a Constitution. That Constitution we all swear to uphold and defend. Part of that Constitution is the separation of powers concept. We do not have the power to dictate to the President of the United States. We can send him a bill and ask him to do something, and he can veto it if he wishes, but we cannot, in my judgment, tell him to do anything.

We cannot command him to plan in advance; to tell us what he is going to do; to tell us what is the plan of action for an area that is still so unstable that people are being killed. I regret that as much as the Senator from Massachusetts. We all do. There is no question about that.

There seems to be building up a feeling here that somehow or another we are wrong to be in Iraq; we are wrong to stay in Iraq. Yesterday, I had in my office a young man from the 101st Airborne who had served in Iraq. I asked him, What do you think about being there?

He said: Senator, I am proud I went there, and I want to tell you I am proud of what we are doing there.

He said: I never thought I would live to see the day we would see the results of a person like Hitler. I saw those graves. I saw the way they had been treated by that dictator. We were right to be there and we are right to be there.

I believe he would go back there today if we asked him.

The problem is not the presence of our people over there in danger. The problem is people questioning our right to keep them in danger without some plan in advance that would absolutely protect them from danger. I think we have the best system of defense in the world. I know we have the best military in the world. We have the best systems available to them in the world. We have the best sensors. But it is still possible to fool all of this technology and have a person come in and kill one of them.

As a matter of fact, it is possible to come and kill one of us. We can't tell them to give us a plan how to protect us, as a matter of fact. We don't have a plan to protect ourselves, as a matter of fact.

We live in a democracy. The democracy is that we elect people to carry out the duties under this book, the Constitution of the United States. I say this amendment violates the spirit and the meaning and intent of the Constitution of the United States. It is not our right to tell the President to give us a statement of justification for his actions in seeking or failing to seek an agreement in terms of foreign policy.

I do believe that we have a right, again, to schedule hearings, to ask them to come up and give us their opinions, as we did today with the Secretary of State—off the record, however, on a classified basis because of the nature of it. I believe we have an absolute right to ask him to give us details of the money he asks us for. And he will ask us for money, I am certain. But to go this far, to say that not later than 30 days from the enactment of this bill the President shall submit to the Congress this report, a schedule, to seek approval of the United Nations authorizing multinational force; an estimate of the number of forces we are going to have there to guarantee reconstruction for each component; an estimate of the number of personnel, armed forces of foreign countries that are needed to guarantee the stability and reconstruction—all of this—a schedule for the President to seek participation as an organization of many nations in NATO, ongoing operations in Iraq—I couldn't prepare that schedule. I couldn't prepare a schedule of my actions for the next week if I tried. And I don't see how the President can prepare a schedule of his actions on a matter so deep and so intricate as trying to determine how we should complete our actions in Iraq.

If I remember right, in October we passed a resolution the President signed giving him authority to do what he is doing. That resolution didn't say, and as you do, give us your plan of action in advance; define for us your strategy in advance; give us the number of people you are going to deploy; tell us how you are going to get foreign troops to come at us; go to the U.N.; go to the NATO.

We knew better than that. We responded to his request to get our approval of his intent to use his power as Commander in Chief to try to restore freedom to Iraq. I am proud of this President and what he did. I intend to defend him as much as I can and assist him as much as I can in achieving what the Congress asked him to achieve, and I do not believe he should be put in a straitjacket to do so.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. Five minutes 22 seconds.

Mr. KENNEDY. I will not take the time.

Mr. President, American service men and women are dying every day. This amendment does not require the President to go to the United Nations. It does not require him to go to NATO. All we are trying to find out is what his policy is. If he does not want to go to the United Nations, if he does not want to ask NATO to come in there and get additional help and assistance and troops that might provide some relief for ours—just tell us. Just tell us. He ought to be able to tell us, give us the answers very quickly.

All we are asking for is to know the policy. I think parents are entitled to know whether this President will go to ask for additional kinds of military force in terms of NATO—in Muslim countries, other countries that will be interested in helping and assisting the Americans secure Iraq. I think the American people are entitled to know whether we will follow the other measures that have been taken that have been successful in Kosovo and in Bosnia and also in East Timor.

If the President doesn't want to do it, fine, but just tell us. American servicemen are dying over there. We are entitled to know what the President is going to do.

But we do not have an answer now. We do not have an answer except more of the same. And this postwar policy is adrift. It is bankrupt. It is nonexistent. It is being made up on the back of an envelope every single day, and American service men and women are dying. That is what this amendment addresses.

Finally, the Senator from Alaska, as I understand it, voted on this resolution last week, where the Senate included in the sense-of-the-Senate resolution that the President should consider requesting formally and expeditiously that NATO raise a force for deployment. The Senator supported that sense of the Senate that the President should consider calling on the United Nations.

This was passed last week. All we are saying is, if you are not going to do it, tell us you are not going to do it, and tell us within the 30-day period. If you are going to do it, let us know that as well.

I think the American people are entitled to know what our policy is because I don't believe they do know, today.

I reserve my time.

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 12 minutes; the Senator from Massachusetts has 2 minutes 24 seconds.

Mr. STEVENS. Mr. President, I sense the Senator from Massachusetts wants to place the responsibility for those who are in harm's way, who do lose their lives, who do, as we say, make the ultimate sacrifice for democracy; and he wants to have a plan in advance.

It is true I voted for that resolution. It was precatory. It was a sense of the Senate saying to the President of the United States we think he ought to get as many people in there to help as possible. We think we ought to get the U.N. involved. We think we ought to use NATO forces to the extent we think we can. We think we ought to get a burden-sharing arrangement in Iraq because it is in the best interests of the whole world that we have eliminated Saddam Hussein. It is in the best interests of the world that peace be restored in Iraq. I firmly believe that.

We passed a resolution that told the President to use all necessary means to achieve the objectives we outlined. He asked for our approval of his intention to deploy our forces to take down the Saddam Hussein regime.

I absolutely agree. I voted for the resolution. It had nothing to do with asking the President to make the statements and to give us within 30 days a statement of justification for his actions in seeking or failing to seek NATO participation or a United Nations Security Council resolution: Thirty days; tell us now; and, if you haven't done it in 30 days, you failed. How is that consistent with the Constitution?

If we want to sort of assess blame for the deaths that are occurring in Iraq or Afghanistan, as far as that is concerned, we all share the blame. We are Americans who asked young people to volunteer. We didn't conscript them. Every single one over there—God bless them—is a volunteer. I think we are the only nation in the world today that has a totally volunteer military. We asked them to join. We asked them and told them what their duties would be. Their duty is to obey the commands of the Commander in Chief and to support the Constitution of the United States. Again, God bless them; that is what they are doing very well. I almost puddle up thinking about the young people who die because of the request of this Congress and the President's compliance with that request.

How we get out of this in terms of satisfying the demands of people who want a daily plan for what we are going to do tomorrow: We were privileged to see part of the plan that dealt with the embarkation of our forces going to Iraq. As I said here before, part of that plan was to go through Turkey. If that plan had been published about going through Turkey, and had it been discussed here, and had Turkey changed its mind, then the question would be, What was your contingency plan? Would we have published a contingency plan? We have contingency plans right now in case there are people who come back into Iraq who want to really restore war there.

The Senator says the President said the war was over. We all thought it was. Today, the military forces who are there in uniform are there because we don't have a civilian component capable of maintaining security in an atmosphere such as Iraq.

I just visited with some of the people who came back from there. They say it is sort of a scary place. There are places where you can drive down the road just like you would drive from here to Chicago. There are other places where you wouldn't cross the street. Our job is to maintain forces there to protect people who have to cross the street. Until our job is done, the President will keep our people there. Until that happens, and until he makes the decision to bring them back, I will vote for the money to support them. I will give them the authority and whatever he needs to protect them. And I will ask the Congress to make certain that we understand we will get further requests for money for Iraq. That is for sure. How much, I couldn't tell you.

Again, back to my great friend from Hawaii who made the statement about his time as platoon leader and how he would not have known how many grenades would be used in the next week. How does the President know how many forces he is going to have to use next week to protect those who are there? I understand that some of them are coming home. I saw a young man in my office who told me about his experience there.

But I don't think we are in a position yet where we can demand an estimate of the personnel of the Armed Forces in foreign countries and who are needed in Iraq and for reconstruction. That even implies that the forces would be used to reconstruct Iraq. I don't think they are going to use military people to reconstruct Iraq. I think we will have the council that has just been nominated put forth an Iraqi government that will seek support to use their own income from their oil and start bringing about an economic system that is based upon supply and demand and have reward for every individual for their contribution to their society. I expect to see a really vibrant economy and a vibrant democracy in Iraq before I leave this world because of what we are doing now.

Again, I urge Members of the Senate to support the Constitution. Don't get in the position where we try to dominate the executive branch by requiring a schedule in a bill which he cannot veto because of the circumstances which exist today. He cannot do that.

We must protect this bill against any threat of veto. Certainly there would be a threat of a veto. If I were President of the United States, I would certainly veto a bill that had that direction to me.

I urge Members to vote to table the amendment. I will do so when the Senator is finished with his time.

I yield such time to the Senator from Hawaii as he might use.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Hawaii.

Mr. INOUYE. Madam President, it was not my intention to participate in this debate.

As it is well known in this Chamber, I was one of the few who voted against the resolution to grant the President of the United States authority to carry out the strike. So my views are rather well known here.

But on matters that are being discussed today, in war it is almost impossible to predict what will happen tomorrow. As I indicated earlier, as a young lieutenant in charge of 40 men, if someone should have asked me how many men I thought I would lose today in battle, my response would be that I hope none. But who can predict that?

Like many of my colleagues here, I have seen too many men killed. I have sensed the anger of war, and I have tasted the hatred involved.

I say these things not to criticize my dear friend. In fact, I commend him for bringing these matters up for discussion. But one in war cannot make predictions, much as you want to.

Equally as important, in the world of diplomacy—and in this case pointed out very astutely by my chairman, the Senator from Alaska—the President of the United States is in charge of the foreign policy of this Nation. In the world of diplomacy, when one sits down with another diplomat, one doesn't tell the world, I am going to tell that person that I want this or I want that or I am going to do this if you do not do that. It is just not done that way. Most of the conversations between heads of state are in private. That is the way it should be. We are not here to embarrass the head of state of some country by telling the Senate that, in my discussions with prime minister such-and-such, he said this and he is reneging now. That is not the way it is done.

Equally as important, whatever disclosures our Commander in Chief makes, they impinge upon the future of the men on the front line. I would not want any sort of activity that would place our men and women in jeopardy. I think if we force the President of the United States to do what is required in this resolution, we may be placing our men and women in jeopardy.

Mr. KENNEDY. Madam President, I understand there are 2 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Madam President, it is important to know what this is and what this is not. We are not asking for war plans. We are talking about how we are going to win the peace.

We have a policy which is adrift in Iraq today. Americans are getting shot every single day. We are not asking for secret conversations between heads of state. All we are trying to do is ask the President of the United States, as we did a week ago, to consider going to the United Nations. We asked him to consider going to NATO. Now we are asking him: If you are going to NATO, tell us; and if you are not going to NATO to try to get relief for our military, tell us.

This is about the postwar period, not a secret plan about whether we are going through Turkey or how many bombers we are going to have or how many ships. We are talking about the plan for the postwar period and where Americans are getting shot every single day.

The policy is adrift. We are asking the President to clarify for the American people what his policy is. I think the American people are entitled to it.

I am prepared to yield back my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, the law we passed authorizing the President to proceed requires reports to the Congress:

> The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after—
>
> ''after''—
>
> such actions are completed. . . .

That is in the resolution we voted for. That is the authorization for use of force.

Madam President, I ask unanimous consent that a statement by Paul Bremer, the President's representative, our representative, in Iraq, which was an op-ed piece he provided to the New York Times, dated July 13, 2003, be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. STEVENS. In it, Ambassador Bremer states:

> In all this, the coalition is working closely with Iraqis who will eventually be responsible for their country's well-being. For our three priorities—security, politics and the economy—the strategy provides for the successful transition to a stable and reformed Iraq. This does not mean that the road ahead is without danger. The combination of a broken infrastructure and acts of sabotage could mean a rough summer. We will suffer casualties, as the bitter-enders resort to violence. We are also braced for an increase in terrorism by non-Iraqis, but no one should doubt our determination to use our power in the face of violent acts.
>
> Once our work is over, the reward will be great: a free, democratic and independent Iraq that stands not as a threat to its neighbors or the world, but as a beacon of freedom and justice.

EXHIBIT 1

[From the New York Times, July 13, 2003]

THE ROAD AHEAD IN IRAQ—AND HOW TO NAVIGATE IT

(By L. Paul Bremer III)

BAGHDAD, IRAQ.—Americans can be proud of the role their fighting men and women played in freeing Iraq of Saddam Hussein and his cronies. The people of Iraq are now on the road to political and economic independence.

The first official step in this political transition at the national level occurs today, with the convening of the Iraqi Governing Council. This is the latest sign of progress. For the first time in decades, Iraqis are truly free. More than 150 newspapers have been started since liberation. All major cities and 85 percent of towns now have a municipal council where Iraqis are increasingly taking responsibility for management of local matters like health care, water and electricity.

Iraqis are speaking out and demonstrating with a vigor borne of 35 years of imposed silence. This is not yet a full democracy, but freedom is on the march, from north to south. Sadly, this progress is despised by a narrow band of opponents. A small minority of bitter-enders—members of the former regime's instruments of repression—oppose such freedom. They are joined by foreign terrorists, extreme Islamists influenced by Iran and bands of criminals. These people do not pose a strategic threat to America or to a democratic Iraq. They enjoy no support since their only vision is to reimpose the dictatorship hated by Iraqis. Our military will hunt them down and, as President Bush said, ''They will face ruin, just as surely as the regime they once served.''

These shadowy figures are killing brave Iraqis working with us, attacking soldiers and civilians, and trying to sabotage the fragile infrastructure. The attacks have drawn concern worldwide. My coalition colleagues and Iraqi friends have noticed that the attacks are often aimed at successes in the renewal of this nation. A week ago, an American soldier was mixing with students at Baghdad University, which reopened on May 17. Their presence was testimony to the educational progress that is blossoming here (public schools have also reopened). But our enemies fear enlightenment, so one of them killed the soldier.

The day before, 250 Iraqi police recruits graduated, the latest success in re-staffing law enforcement. Tens of thousands of Iraqi policemen are now on duty. But the enemies of freedom correctly felt threatened by the cooperation and professionalism the day represented, so they set off a bomb that killed seven new officers. Before the war, women had to travel miles for propane. Now, local councils are establishing distribution centers that make the gas readily available to households. On June 18, one American soldier was killed while guarding a center. The June 24th explosion at an oil refinery in Barwanah is another example of political sabotage on Iraq's energy supply.

With these attacks on Iraq's new successes, citizens of coalition nations ask how long we will remain in Iraq—and some Iraqis may doubt our ability to improve their lives. As President Bush has made clear, we are committed to establishing the conditions for security, prosperity and democracy. America has no designs on Iraq and its wealth. We will finish our job here and stay not one day longer than necessary.

We have a plan to support the establishment of this government of, by and for Iraqis. After months of consultations with Iraqis, we have take the first step in establishing an interim administration. Today, the Governing Council of Iraq will meet. It represents all the strands from Iraq's complicated social structure—Shiites, Sunnis, Arabs, Kurds, men and women, Christians and Turkmens. The council will immediately exercise real political power, appointing interim ministers and working with the coalition on policy and budgets.

At the same time, the council will establish procedures to write Iraq's new constitution. Once it is ratified by the people, elections can be held and a sovereign Iraqi government will come into being. So the question of how long the coalition will stay in Iraq depends in part on how quickly the Iraqi people can write and approve a constitution.

The coalition recognizes the urgency of marrying economic well-being to political freedom. For 35 years, the country's assets were misappropriated or stolen. We are pouring resources into re-establishing basic services and creating jobs. Our economic reform plan will entail a major shift of capital from the value-destroying state sector to private firms. We are also creating a social safety net for any resulting disruptions. And we believe that a method should be found to assure that every citizen benefits from Iraq's oil wealth. One possibility would be to pay social benefits from a trust financed by oil revenues. Another could be to pay an annual cash dividend directly to each citizen from that trust.

In all this, the coalition is working closely with Iraqis who will eventually be responsible for their country's well-being. For our three priorities—security, politics and the economy—the strategy provides for the successful transition to a stable and reformed Iraq. This does not mean that the road ahead is without danger. The combination of a broken infrastructure and acts of sabotage could mean a rough summer. We will suffer casualties, as the bitter-enders resort to violence. We are also braced for an increase in terrorism by non-Iraqis, but no one should doubt our determination to use our power in the face of violent acts.

Once our work is over, the reward will be great: a free, democratic and independent Iraq that stands not as a threat to its neighbors or the world, but as a beacon of freedom and justice.

Mr. STEVENS. Madam President, I move to table the Senator's amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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. STEVENS. 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. STEVENS. Madam President, were the yeas and nays ordered on the Kennedy amendment?

The PRESIDING OFFICER. The yeas and nays were ordered on the motion to table.

Mr. STEVENS. I call for the regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1273.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''no.''

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

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—52

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

NAYS—43

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

NOT VOTING—5

Graham (FL)	Lieberman	Sununu
Kerry	Miller	

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, Senator MCCAIN will be recognized to offer an amendment and after that Senator CORZINE.

Mr. REID. Senator MCCAIN was gracious, and he said he was going to be long. Senator CORZINE can go first.

Mr. STEVENS. That is agreeable. I state to the Senate that Senator CORZINE will offer an amendment and then Senator MCCAIN will offer an amendment. We will vote on those two amendments. Hopefully, we will start at 7 o'clock on those two amendments.

I want to tell the Senate, I have been negotiating with my great friend, our great leader—can I call you the great leader?—about the process. Senator FRIST has agreed that I can state, if we can finish this bill tomorrow night, there will not be any votes on Friday. The Senate will be in session. And on Monday we will be in session but there will be no votes. It will be our intention to call up and start statements and even consider amendments, if Senators wish to raise them, on homeland security on Monday, but no votes. That is conditioned upon us finishing this bill before we go home tomorrow night. I know a lot of people want to make plans to travel west. You can leave in the morning or late at night where I live.

As a practical matter, I urge Senators to cooperate with us and find ways to raise their amendments. We will be pleased to stay in session tonight and have amendments offered and have them voted on at a time to be determined tomorrow. We are going to try to do our best to continue through tomorrow. We do have a Joint Meeting of Congress for the leader of Britain tomorrow. That will interrupt this process a little bit. But we will continue after that tomorrow and finish if Members will cooperate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on behalf of Senator DASCHLE and all the Democrats, we recognize that it is a heavy push to do this tomorrow. We are going to do everything we can to meet this schedule. We have people on our side who also have things to do the next day. We will do everything we can.

The Senator from Alaska is absolutely right, the Blair meeting, as important as that is, is going to slow us down. We have made great progress today. We will do the best we can.

Mr. STEVENS. We can turn this into a little prayer meeting. So others might follow the example, I yield to the Senator who wishes to state he will not raise an amendment.

Mr. NELSON of Florida. Madam President, I was considering offering an amendment regarding Roosevelt Roads in Puerto Rico because of punitive action that was taken in the House bill requiring the shutting down of Roosevelt Roads within 6 months, simply as a punitive measure over the fact that some of the leaders in the House did not like the fact that the Puerto Rican people took a position that they did not want training at Viegues Island. Instead, it ought to be done in a deliberative and professional process, just like any other military base, through the normal BRAC process.

The resident commissioner or the delegate from Puerto Rico has requested that I not offer the amendment. He feels very confident that he will be able to prevail in conference. So at his request, I will not offer the amendment.

The PRESIDING OFFICER. The Democratic whip is recognized.

Mr. REID. Madam President, we have about 1 hour 15 minutes under the suggested schedule of the Senator from Alaska. That will mean the Senator from Arizona, Mr. MCCAIN, will have 45 minutes. He wanted 45 minutes himself. I wonder if he will take a half hour plus 15 minutes for the Senator from Alaska?

Mr. STEVENS. I shall take care of myself, Madam President.

Mr. REID. We need to have some time agreement if Senator CORZINE is going to be followed by Senator MCCAIN. We cannot leave Senator MCCAIN with no time.

Mr. STEVENS. Senator MCCAIN assured me he would cooperate with our schedule, knowing the event Senator INOUYE and I will attend tonight at 7:30 honoring World War II veterans. We will come back to continue the bill after that ceremony.

Mr. REID. Madam President, Senator REED has been most cooperative. Following those two votes, he wishes to speak on the bill. He would like to speak for up to half an hour after the completion of the two votes that have been mentioned by the Senator from Alaska.

Because Senator MCCAIN has allowed Senator CORZINE to go first, I wish to make sure Senator MCCAIN has time left to debate his amendment. It is my understanding that the two Senators who are going to speak on this will use no more than a half hour between them.

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

Mr. CORZINE. I thank the Chair. Will the Chair inform me as I approach the 20-minute mark?

The PRESIDING OFFICER. The Chair will do so.

Mr. REID. Madam President, I will put that in the form of a unanimous consent request that we have Senator CORZINE, then we have Senator MCCAIN, and that there be no second-degree amendments prior to a vote on or in relation to both those amendments, and that Senator JACK REED be recognized following those votes to speak on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey.

AMENDMENT NO. 1275

Mr. CORZINE. Madam President, I call up my amendment which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE] proposes an amendment numbered 1275.

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

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

The amendment is as follows:

At the appropriate place insert the following:

TITLE _____.—NATIONAL COMMISSION ON THE DEVELOPMENT AND USE OF INTELLIGENCE RELATED TO IRAQ

SEC. 101. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on the Development and Use of Intelligence Related to Iraq.

SEC. 102. FINDINGS.

(1) The Congress underscores its commitment to and support for ongoing Congressional reviews regarding the collection and analysis of intelligence related to Iraq.

SEC. 103. PURPOSES.

The purposes of the Commission are to—

(1) examine and report upon the role of policymakers in the development of intelligence related to Iraq and Operation Iraqi Freedom;

(2) examine and report upon the use of intelligence related to Iraq and Operation Iraqi Freedom;

(3) build upon the reviews of intelligence related to Iraq and Operation Iraqi Freedom, including those being conducted by the Executive Branch, Congress and other entities; and

(4) investigate and publicly report to the President and Congress on its findings, conclusions, and recommendations.

SEC. 104. COMPOSITION OF THE COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 12 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives;

(3) 3 members shall be appointed by the minority leader of the Senate; and

(4) 3 members shall be appointed by the minority leader of the House of Representatives.

(b) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—Subject to paragraph (2) the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson shall not be from the same political party.

(c) QUALIFICATIONS; INITIAL MEETING.—

(1) QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as intelligence, governmental service, the armed services, law enforcement, and foreign affairs.

(2) INITIAL MEETING.—Once six or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(d) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 105. FUNCTIONS OF THE COMMISSION.

The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates the development and use of intelligence related to Iraq and Operation Iraqi Freedom; and

(B) shall include an investigation of intelligence related to whether Iraq—

(i) possessed chemical, biological and nuclear weapons, and the locations of those weapons;

(ii) had links to Al Qaeda;

(iii) attempted to acquire uranium in Africa, and if so, when;

(iv) attempted to procure aluminum tubes for the development of nuclear weapons;

(v) possessed mobile laboratories for the production of weapons of mass destruction;

(vi) possessed delivery systems for weapons of mass destruction; and

(vii) any other matters that bear upon the imminence of the threat to the national security of the United States and its allies.

(2) submit to the President and Congress such report as is required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(A) FORM OF REPORT.—Each report prepared under this section shall be submitted in unclassified form, but may contain a classified annex.

SEC. 106. POWERS OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purposes of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, cables, e-mails, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—Subpoenas issued under paragraph (1)(B) may be issued under the signature of the Chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the Chairperson, subcommittee chairperson, or member.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CLOSED MEETINGS.—

(1) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(2) ADDITIONAL AUTHORITY.—In addition to the authority under paragraph (1), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(c) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation acts, enter into contracts to enable the Commission to discharge its duties under this title.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 107. STAFF OF THE COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairperson and vice chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 108. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 109. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 110. REPORT OF THE COMMISSION; TERMINATION.

(a) REPORT.—Not later than nine months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the report is submitted under section (a).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATING.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title $5,000,000, to remain available until expended.

Mr. CORZINE. This amendment is premised on a strong view that intelligence and its honest analysis are vital tools in our war on terrorism. To protect the American people, our intelligence must not be shaped to win an argument, but must be used to inform.

This amendment calls for a bipartisan commission to study the use of intelligence related to Iraq. The commission would examine several key issues, including intelligence related to the following questions:

Whether Iraq possessed chemical, biological and/or nuclear weapons;

Whether Iraq had links to Al-Qaida, and;

Whether Iraq attempted to acquire uranium in Africa.

Earlier today I joined in a growing expression of concern by my colleagues and the American people about the representation of intelligence information by the President and the administration in building its case for the war in Iraq. Without a thorough explanation of why many of the administration's statements are in conflict, and have included claims unsubstantiated by the best intelligence, the American people, their representatives, and many of our would-be international partners in post-conflict Iraq, will most certainly begin to lose confidence in the administration's intelligence analysis, if not their word. Simply put, the Nation's credibility, in my view, is at stake.

This credibility is important for the security of the American people who have and continue to bear an enormously high cost, a heavy burden, in both life and treasure, with regard to our presence in Iraq. I know in my home State of New Jersey there have been seven soldiers who have been lost since the beginning of the conflict. It is something that impacts people's daily lives.

We stand with our troops. We stand with the mission they are trying to do, to bring about democracy, but we do have a right, and they have a right to have credibility with regard to the intelligence that is presented.

There have been a lot of accusations and allegations circulating in recent days. Some may be trying to politicize this debate. This amendment is an attempt to ensure that this debate does not become a political one, and that we focus in a bipartisan way on getting to the facts.

In my view, in order to preserve the public credibility of the United States, we need a thorough public review, one that is above politics, one with conclusions that will be regarded as credible and definitive, not only in the U.S. but around the world.

As we are now all well aware, in this year's State of the Union Address President Bush said:

> The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

The power of the President's allegations in those 16 short words cannot be overstated. The Bush administration, using legalistic language, was leading people to embrace, at least in the opinion of many, the view that Saddam Hussein had an active nuclear program. The President did not say the British were claiming anything. He did not say they alleged anything. He said they ''learned'' that Saddam was attempting to buy uranium, implicitly accepting the charge as fact.

Although just 16 words long, it was a powerful statement that resonated in the context of debates that had gone on throughout the Nation and the world for nearly 5 months, in every public forum, the floor of the Senate, the halls of the United Nations, and across the airwaves. Only after many months did we the people and the Congress learn this statement was based on information that our own intelligence agency earlier learned was false. In fact, the administration's own spokesperson said the statement was inappropriate for the State of the Union address. And the Director of Central Intelligence has stated that: These 16 words should never have been included in the text written for the President.

Yesterday morning, Senator LEVIN, the distinguished ranking member of the Senate Armed Services Committee, raised several areas of particular concern, including: the aluminum tubes; the Iraq-al-Qaida connection; whether Iraq reconstituted nuclear weapons; whether Iraq possesses chemical and biological weapons; allegations of mobile biological warfare labs.

Furthermore, Senator LEVIN laid out seven questions about claims specifically regarding Iraq and the uranium. He argued that these should be answered in the context of a bipartisan investigation. I believe that is true, and I could not agree more.

This is not just a concern about the African uranium issue. It is about whether there was a fair and full presentation to the American people. But to that list of questions, I would add several others.

For example, if the information in the State of the Union Address was ''technically accurate,'' as administration officials have lately argued, why was it excluded in Secretary Powell's 90-minute presentation before the United Nations only 8 days later?

Also, why did we learn about the misleading nature of these comments, not from the administration, but from the International Atomic Energy Agency and the media?

This is not an academic matter. At stake is nothing less than the credibility of the United States, and that credibility is important for protecting the American people. That credibility gets weakened each day we fail to have a full accounting of the facts about what happened, facts such as who knew that certain information was false? When did they know it? Why was it expunged from one administration speech but not another? And why are we just learning about much of this now?

Keep in mind, political leaders around the world, not just here at home, have staked their own reputations on their support of President Bush and the United States. As a consequence, many of our closest allies and their elected officials are facing enormous criticism from their own citizens, and sometimes—and this is quite telling—from their own political parties. We owe it not only to the American people but to all those who stood with us to be straight and to come clean immediately; otherwise, this episode will only undermine our ability to win support for other critical foreign policy interests in the future, and they are substantial. In fact, without a clear explanation, we put the American people at risk facing a world

where our partners question our credibility on many interconnected concerns: Korea, Iran, Syria, and the road map to peace in the Middle East.

We need to understand whether this is part of a broader pattern of selective release of information or just a series of unfortunate snafus. Last October, for example, during the Iraq debate, Secretary James Kelly was in Pyongyang, meeting with the North Koreans. At that meeting, a meeting that occurred a full week prior to the Senate vote on the resolution authorizing force in Iraq, the North Koreans admitted to an active nuclear program. Yet despite its importance and relevance to the debate regarding Iraq and America's national security posture generally, administration officials waited until after the Congress had voted on the resolution—6 days, by the way—to authorize the use of force before revealing the details of the North Korean disclosure.

To this Senator, that information was both relevant and timely to the Iraq debate. Was this information withheld because it might affect the tenor of the debate, or might impact the Congress's view of the Iraqi threat, or the relative view of the Iraq threat?

As Senator LEVIN and others have explained, there may have been other instances in which the administration selectively, in some form or another, misrepresented or withheld information to support their case for the war in Iraq.

For example, the administration claimed there were linkages between al-Qaida and Iraq. But many now believe those claims were overstated or exaggerated, and based on scant and circumstantial evidence.

Another widely discussed issue relates to Iraq's purchase of aluminum tubes, where there was considerable debate within the intelligence community about whether the tubes were intended for use as part of a nuclear program.

When these claims are added up, many people have concluded that the administration may have been seeking to win an argument—not inform the American public. And we need to know the truth. We need to be informed to make good decisions, to set priorities, to go forward, to protect the American people. The American people deserve to be informed accurately.

The commission I am proposing would be completely bipartisan. It would neither supplant nor interfere with ongoing Congressional reviews regarding the collection and analysis of intelligence related to Iraq.

So, again, I hope we can support this proposal. We need to ensure that the facts come out. We should do it on a bipartisan basis, and we should do it immediately. The safety and security of the American people are at stake.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I rise to support the Corzine amendment. I think this is an incredibly important amendment to this important bill. In doing so, once again, as I have done before on this floor, I commend our service men and women who have served us so well in Iraq, as well as around the world.

We join in our pride and gratitude for their courage and their service.

However, I must rise today to express my deep concern about revelation after revelation of the fragile nature of the facts presented to the American public and the world about the reasons we had to preemptively, unilaterally attack Iraq.

Those misleading words in the President's State of the Union Address this past January have brought into question the credibility of our Government. This is extremely serious. It hurts our country because Iraq is not the only threat to our Nation, as the Senator from New Jersey indicated. We continue to be threatened by terrorists in emerging nuclear countries such as Iran and North Korea. In order to win the war on terrorism and ultimately disarm Iran and North Korea, we are going to have to work with NATO and other allies to protect American citizens.

Unfortunately, the misleading statements about Iraq attempting to purchase uranium from Niger will make building such coalitions even more difficult. This means our homeland will be less safe and our American citizens less secure. This is a deep concern of mine. I wish the misleading statements about Iraq and Niger were the only statements in question that the President and his administration have made to the American people. Unfortunately, there have been others.

First, let's go through what transpired with the statements on Iraq and Niger. Before the State of the Union referencing Iraqi purchases of uranium from Africa, the administration, at the direction of the CIA, took out a nearly identical line in a speech the President gave in Cincinnati last October justifying the use of force in Iraq. Then, the African uranium purchase was back in the State of the Union Address, although we were told now this was a mistake by the CIA director George Tenet. Then, the African reference was dropped from Secretary of State Powell's presentation on Iraqi weapons capabilities to the United Nations just 8 days later. Then, Saddam's nuclear weapons came back with certainty when Vice President CHENEY appeared on Meet the Press in March and said, ''We believe he has, in fact, reconstituted nuclear weapons.''

This was one of the main assertions used that took us to war, and I believe the American people have a right to know which is it. If it was good intelligence, why the constant change of mind? Either Iraq had nuclear weapons or it didn't. If it was bad intelligence, who kept pushing to use it in the administration speeches and interviews? We need to know the answers to these questions. It is important for the credibility of our country and for the trust of the American people in our Government.

It does not end there. We heard much about specially-made aluminum tubes that could be used to build centrifuges to create weapons-grade uranium. In the same State of the Union where he referenced uranium purchases from Africa, President Bush also said: Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production.

But, in fact, an unclassified intelligence assessment back in October stated some intelligence specialists ''believe that those tubes are probably intended for conventional weapons programs.''

Last February, Secretary of State Colin Powell told the U.N. Security Council that ''we all know there are differences of opinion,'' and that ''there is controversy about what these tubes are for.''

However, the International Atomic Energy Agency, after conducting its own study, concluded the uranium tubes were not for uranium enrichment.

Which is it? Enough time has gone by; we should have and are entitled to answers. We are entitled to the truth. Most importantly, the American people are entitled to the truth. Although we now have more than 140,000 troops in Iraq, we have not yet found chemical or biological weapons or even the plants needed to make them. We have not found evidence of al-Qaida training camps, although in the runup to the war the administration not only said they were there in Iraq but that they knew precise locations.

Again, this administration has taken us into a new age, an age where we claim the right to unilaterally, preemptively strike another nation because we believe our national survival is at stake. In such a world, the intelligence used as proof for striking first has to be unassailable, has to be totally credible, or the American people and our allies will be deeply suspicious of any future claims.

The claims led to decisions to put American men and women in harm's way and in too many instances have led to the loss of life. We need to find out the truth behind the various claims and questions, legitimate questions that have arisen, questions that have been asked by colleagues on both sides of the aisle, questions that have taken us into the deserts of Iraq and put our men and women in harm's way.

The only way we can get to the bottom of this is to set up an independent commission to get the facts, a bipartisan commission, a way to objectively look at what happened so it does not happen again.

There is nothing more serious than a potential nuclear threat to our people. If there was ever a need for an independent commission, it is now. We now

face potential nuclear threats from Iran, from North Korea. We could face more in the future. American families and our American troops deserve answers to the questions that have been raised. We all deserve answers. We all deserve the truth.

I hope my colleagues will join in support developing this independent commission. I believe nothing less than the credibility of our country is at stake. I hope we all join in supporting the Corzine amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Democratic leader.

Mr. DASCHLE. Mr. President, I rise for a couple of minutes to compliment the distinguished Senator from Michigan for her very eloquent statement and for the leadership of the Senator from New Jersey, a member of the Foreign Relations Committee. Both Members have made their points very ably. I am grateful to both of them for their leadership in this effort.

The real question is, How do we assert the facts in the most logical and the most bipartisan manner? As we have seen on so many other occasions, the only way to ensure that is done with a public review of the information provided and all of the facts available to us is through this independent approach. The Intelligence Committee has done an outstanding job. I commend them for their session, even this afternoon as we speak, looking into the facts as they are presented from those within the intelligence community.

As Senator ROCKEFELLER has noted on several occasions, they are constrained by their own understandable jurisdictional review and do not have the capacity to go beyond that jurisdictional review when issues involving other branches of the Government, other agencies of the executive branch, and certainly the White House itself, are involved.

So this affords an opportunity to do the right thing, to give the American people the confidence they need that we understand now what the facts are, what the story is, and how we can ensure as we make these judgments we are doing so with the very best policy and goals in mind.

I think this is a very worthy amendment. I think it ought to pass on an overwhelmingly bipartisan vote. I am hopeful we can do that this evening, and I am grateful to those who have committed to this amendment, and especially for the leadership of Senators STABENOW and CORZINE.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I rise also in support of Senator CORZINE's amendment. Yesterday was a very grim day in Minnesota. We had the funeral service of the first Minnesotan to be killed in Iraq this year in the line of duty, PVT Edward James Herrgott. It is a grim reminder that 63 days after the President declared the hostilities almost over in Iraq, this young man lost his life on July 3, standing out in front, guarding the Baghdad Museum, the site where some of my colleagues and I had swept by, well protected, just 2 days before. He was killed, murdered by a sniper's bullet. At the age of 20, his life and all of its promise was snuffed out.

We learned last week from the Secretary of Defense that, in his judgment, the military presence, some major component of which will have to be from the United States—hopefully much less will be, when we do as we must, which is to internationalize the continued development and hopefully economic recovery in Iraq—but as long as there is going to be a presence there, United States troops are going to be a big part of that, and it is almost unavoidable under the circumstances, especially as they exist today, the number of men and women who have lost their lives since May 1—which stands now at 79—will only increase.

So, as Americans are faced, again and again, with a member of the family, a friend, an acquaintance, or just through the media a fellow citizen of that State, again and again they are going to be confronted with this question of, what are we doing in Iraq? What is the game plan to extricate our troops after achieving the success the military had so dramatically, remarkably in the 3 weeks it took from entering the country to sweeping into Baghdad with an incredible display of technology, the training, and most of all the dedication of those men and women who have really redefined the words ''courage'' and ''patriotism'' for this Senator.

They continue to labor there under the most extreme conditions, 115-degree temperatures, all the other difficulties that are manifest there, not to mention the life-threatening danger that so many of them are under day and night.

Given all that, I think it is imperative for our national security that we understand that we—all of us collectively in the Congress and the President, this administration—made what is the most momentous decision that can be made by this body and the administration, the decision whether or not to go to war—in this case, to initiate a war against another sovereign nation. To know that decision was made on accurate information from our intelligence operations, to me, is essential to our national security in the days and years ahead.

It is also essential to our democracy to know the information we are getting from our leaders is truthful, accurate, to the best of their knowledge. There are enough questions that have been raised that must be answered, and they must be answered with the truth and with the facts as that can be determined objectively and dispassionately to be.

I regret that the Senate Armed Services Committee, of which I am a member, is not going to be undertaking the bipartisan investigation into these issues as its counterpart, the Senate Intelligence Committee, has agreed to do. I think there has to be that kind of willingness on both sides of the aisle to seek the truth. I cannot understand why anybody would not want to find the truth and present it to the Members of this body and, even more importantly, to the American people. But that is a decision that evidently has been reached.

In the absence of that, I think this independent commission is essential. We owe it to ourselves. We owe it to the Private Herrgotts whose lives have been sacrificed in this endeavor. We owe it to the future men and women who will be over in Iraq, in future engagements, if necessary. We owe it, ultimately, to our country, our democracy, and to ourselves.

I yield the floor.

AMENDMENT NO. 1270

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1270.

Mr. MCCAIN. 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 certain programs, projects, and activities)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. None of the funds appropriated by this Act may be obligated or expended for any of the following programs, projects, and activities:

(1) The canola oil fuel cell initiative.

(2) Shakespeare in America military communities.

(3) Control of brown tree snakes.

(4) The Academy for Closing and Avoiding Achievement Gaps.

(5) Hangar renovation at the former Griffis Air Force Base, New York.

Mr. MCCAIN. Mr. President, this amendment strikes funds for the canola oil fuel cell initiative, Shakespeare in American military communities project, control of brown tree snakes, hangar renovation at the former Griffiss Air Force Base, and the Academy for Closing and Avoiding Achievement Gaps.

First, I would like to address the Senate concerning the 2004 Defense Appropriations Act. With each and every appropriations act, I come down to the floor of the Senate to point out many of the special interests and pet projects Members add to the legislation each year. Today I have the opportunity to speak on H.R. 2658, the Defense Appropriations Act for Fiscal Year 2004.

I remind my colleagues, the responsibilities of authorizers and appropriators are supposed to be distinct. The

role of the Senate Armed Services Committee is to establish policy and funding levels and to oversee the Department of Defense and its programs. The role of the Appropriations Committee is to allocate funding based on policies provided by authorization bills.

The appropriators' function today, as we all know, has expanded dramatically and the Appropriations Committee now engages in significant policy decisionmaking and micromanaging, clearly usurping the role of the authorizing committees.

The chairman of the Rules Committee was kind enough, a week or so ago, to have a hearing on a proposal I have to change the rules so that a point of order can be more easily lodged against an unauthorized appropriation. I will not bore my colleagues with further details because I have already introduced the rule and explained it.

But during that hearing, chaired by my friend from Mississippi, Senator LOTT, there was discussion of the process. This situation, this imbroglio in which we find ourselves, is not entirely the fault of the appropriators. I know it sounds strange for me to make that statement, but the fact is that there are holds on bills which are authorizing, which are done anonymously in many cases, and prevent the authorizing aspect of the process to be carried out, thereby forcing the appropriators to act in a policy fashion. Many times these holds are permanent and, really, there are some occasions where the Senators themselves do not know that those holds have been imposed.

Additionally, there is the process that, unfortunately, results that many programs and important agencies of Government even are not reauthorized. The Federal Communications Commission, which falls under the responsibility of the committee I chair, has not been reauthorized since 1993. So then it is understandable why the appropriators would act in such fashion.

I preface my remarks with the full acknowledgment that the system itself has broken down to a great degree.

As I came to this floor before and pointed out, the process of earmarking and outrageous appropriating has increased in a dramatic but reasonable fashion when you consider that any evil unchecked is going to rise.

According to information compiled by the Congressional Research Service, which examined earmarks for fiscal years 1994–2002, the total number of earmarks has grown from 4,126 in fiscal year 1994 to 10,540 in 2002—an increase of over 150 percent. The level of funding has risen from $26.8 billion in 1994 to $44.6 billion in fiscal year 2002, an increase of over 66 percent.

We are talking about real money.

We now see on the front page of the Washington Post this morning that the budget deficit may surpass $450 billion.

I might remind my colleagues that there is a little chart on the other side.

In 2000, we had a surplus of $236 billion; $127 billion in 2001; a deficit of $157 billion in 2002; and, in 2003 it is estimated to be $450 billion.

My dear friends, if you believe it is only going to be $450 billion, I have some land in the Arizona desert I would like to sell you.

This does not take into account, as recently admitted by the Secretary of Defense, $4 billion a month just for our operations in Iraq, which I support.

My point is we can't afford to do this anymore. We can't afford to continue to spend money like drunken sailors. I never knew a sailor, drunk or sober, who had the imagination to spend hard-earned taxpayer dollars on the Shakespeare in American Military Communities Project—$1 million. Shakespeare in America Communities Project? Come on. Out of the Defense appropriations bill?

The hangar renovation at the former Griffiss Air Force Base—the Griffiss Air Force Base in Rome, NY, was closed in 1995. It has been reopened to civilian flight operations. In 1999, the airbase hosted Woodstock. Yet we are going to spend money to renovate the hangar there. We are going to spend $2 million. On a closed Air Force base we are going to spend $2 million. Meanwhile, we still have men and women, wives and husbands and family members who are fighting in Iraq on food stamps.

I don't know what the Canola Oil Fuel Cell Initiative is. Canola is grown in the Western United States and Canada. Forty percent of each seed can be produced into canola oil. Prices for canola oil have dropped, I am sorry to say. But we are spending money for a Canola Oil Fuel Cell Initiative.

What does that have to do with defense?

Let me just add an additional comment. The very highly respected, I believe, Concord Coalition came up with a study in the last couple of days which is excoriating in its comments. I think it is right on the mark.

The Concord Coalition Report on Fiscal Responsibility:

DEFICITS, DECEPTION AND DENIAL RATE A FAILING GRADE

The first six months of the 108th Congress were the most fiscally irresponsible in recent memory. The crux of the program was the schizophrenic pursuit of small government tax policies and big government spending initiatives. Following the lead of the Bush administration, Congress made no attempt to reconcile the cost of new tax cuts on spending initiatives within the framework of a realistic long-term balanced budget plan. Instead, policymakers took a deteriorating budget outlook and made it worse. To add insult to injury, Congress used deceptive accounting gimmicks that would land a corporate CEO in jail. It is hard to say which is worse, the sunset gimmick used to hide the cost of an unaffordable tax cut, the doughnut hole gimmick used to hide the cost of an unaffordable, new Medicare entitlement, the shell games used to hide the appropriations of the disingenuous budget resolution that led to such in the first place. Then there was denial. Policymakers simply closed their eyes to the inevitable cost of reforming the alternative minimum tax and the growing cost of the war against terrorism at home and abroad.

I commend the Concord Coalition report to my colleagues which gives a grade of a D and an F.

You know what we are doing. We are heading for a train wreck. Everybody knows it. I don't know whatever happened to the old lockbox. Do you remember the old lockbox where we were going to take everybody's money for Social Security and put it in a lockbox so it couldn't be touched? You know what we are doing with the lockbox. It is simply because we are paying the retirement benefits of people who are retired. Those who are working have no money in accounts bearing their names. It is unfortunate.

The summer blockbuster is not showing on your local movie screen but rather on the floor of the Senate. I am alarmed about a large green monster, and it is not the ''Incredible Hulk.'' I am talking about the exploding national deficit, and it should make the blood boil. We are now learning that the irresponsible tax cut and spending binge in Washington is resulting in this huge deficit. Even ''The Terminator'' can't stop the river of red ink that is endangering our fiscal future. It is like the ''Pirates of the Caribbean'' stealing our children's and our grandchildren's financial future.

I thought that was pretty well written.

I recognize the failure. I want to tell my colleagues that I recognize that the failure of the authorizing committees to pass authorizing legislation contributes to the broken system.

I want to work together with the appropriators to try to solve this issue because often the appropriators have no choice but to fund unauthorized programs and take it upon themselves to make policy determinations.

The fiscal year 2002 Defense Appropriations Act not only contained $3.7 billion in pork but also the dubious Boeing tanker lease. The conference report for the fiscal year 2002 Defense appropriations bill contained $8.1 billion in pork. The Senate version included $5.2 billion. This year's bill contains well over $4 billion. This number is less than last year's Senate version of the legislation.

This is real money.

The projects that appear in the Defense appropriations Member-add-ons are items requested by Senators and not included in the President's budget request. They do not appear on the Joint Chiefs unfunded priority list. They are not authorized in the Defense authorization bill.

This criteria is used by many organizations. And it has been useful in ferreting out programs of questionable merit and determining the relative priority of projects requested by Members for parochial reasons.

The fact remains that in the years I have created these lists no offsets have been provided for any project.

At a time when some of our soldiers and sailors still receive food stamps and live in inadequate housing, we find a way to provide over $4 billion in unnecessary spending through the Defense appropriations bill.

For example, the Joint Chiefs provided a list of critical requirements above what was provided for in the President's budget request. That list totaled nearly $18 billion for fiscal year 2004. We should provide additional funding for defense for items and programs which the Joint Chiefs need, and we need to set that as a priority.

I point out once again that the bases in Alaska stand to benefit a great deal in this legislation. Alaskan bases alone will receive $214 million in unrequested spending for improvements, renovations, and upgrades.

Looking back at my career in the Navy, I wish I had been so fortunate as to be stationed in Alaska.

Some of the more egregious examples of pork in this year's legislation include, as I mentioned, $1 million for Shakespeare in American Military Communities.

What is wrong with Ernest Hemingway? I wonder why Shakespeare was the greatest writer in the English language. But there may be a difference of opinion as to who the greatest writers in the English language were. Why not Chekhov or Ibsen?

Forty-nine million dollars for the Maui Space Surveillance System. Arizona is home to an observatory. But we are going to earmark $49 million to Maui while there are many observatories in the United States that offer many of these same benefits.

Two million dollars for miniature autonomous vehicles.

There is $5 million for the bug-to-drug program. It is not often I bother the distinguished chairman but perhaps he can tell me what the bug-to-drug program is. There is an appropriation of $5 million for the bug-to-drug program. While he is looking it up, I will continue.

There is $1.5 million to educate the 21st Century Information Operations Workforce, $2.5 million for the Hawaii Undersea Vehicle Test and Training Environment.

I mentioned there is $2.5 million for the canola oil fuel cell initiative. I would think the only canola oil the Department of Defense should be investing in should be used for salad dressing for our troops, not inventing batteries.

Mr. STEVENS. Will the Senator yield?

Mr. MCCAIN. I would be interested in the bug-to-drug program.

Mr. STEVENS. The so-called bug-to-drug program has an official name. The official name is the Engineered Pathogen Identification Program. Its goal is to identify and protect soldiers from both unknown and genetically engineered pathogens, such as anthrax, plague, and Ebola. Currently, there are no pathogen vaccines. It would take 7 to 15 years to develop one.

This program is an attempt to shorten the time from drug development to its release for use as some type of an antigen to these pathogens which are very dangerous to our service men and women worldwide.

Mr. MCCAIN. I thank the chairman for that explanation. It makes it much more clear. I appreciate that.

There are a number of them. One of them that is interesting is $9 million for SensorNet. SensorNet is developed by a company in Modesto, CA. They obviously make hardware and software because that is in their advertisement. In researching this earmark on the Web site, I found this 10- to 15-percent-off coupon on the Internet.

Now, I would ask my colleagues, if they are going to give average Americans 10 to 15 percent off, and we are going to give them $9 million, could they give us 10 to 15 percent off? Maybe we could save over $1 million. They are giving everybody else 10 to 15 percent off. Maybe they could give us 10 to 15 percent off as well.

This is the advertisement:

10–15% OFF—ORDER NOW AND SAVE

At AccuLab Products Group, we understand the difficulties of integrating science applications into the classroom. That's why we developed the SensorNet Science Program—the friendliest system on the market! Its ease of operation and flexibility offers the user wide ranges of applications without requiring a degree in computer technology. Our precalibrated, precision engineered probes offer the accuracy and reliability needed to perform in the toughest of situations and are backed by a 1 year guarantee.

So they are going to give 10 to 15 percent off. I would hope we could negotiate 10 to 15 percent off on our appropriation to them.

The hangar renovation at the former Griffiss Air Force Base, New York, the site of Woodstock 1999. Perhaps unintentional damage was done during Woodstock that requires that hangar to be renovated.

Of course, we are back to the old smart truck for the auto industry, and $12 million for the 21st century truck. It would be fun to drive one, I am sure.

Here is an interesting one: $4 million for the Ernest Gallo Clinic & Research Center. I love a fine wine as much as the next guy, I think, but do we need to fund Ernest Gallo or his research center with defense dollars?

Here is another: $8 million for the New England manufacturing supply chain. This is above and beyond the $6 million earmarked for them in last year's legislation. There is $9 million for the medical free electron laser, $1 billion for the brown tree snakes.

The Senator from Hawaii and I had a discussion about this item and the following items. The brown tree snake may be a serious threat to the Island of Hawaii. The question remains—and the Senator from Hawaii has never satisfactorily answered, at least not to my satisfaction—why this money has to come out of defense, why the brown tree snake should not be addressed by the Department of the Interior or the appropriate branch of Government. Why do we have to take it out of the hides of the men and women in the military to fight the brown tree snake? Shouldn't it come out of the appropriate agency of Government?

We have $150 million for breast cancer research, $85 million for prostate cancer research, $50 million for the Peer-Reviewed Medical Research Program, $24 million for the Hawaii Federal Health Care Network, $3 million for tribal colleges-science lab and computer equipment, $3 million for Pacific Island health care referral, $1.5 million for neurogenetic research and computational genomics—this is on top of $650,000 included in this year's omnibus appropriations.

These are all worthy causes. The cause of breast cancer research is worthy. The $85 million for prostate cancer research, it has no place in the Defense bill. When we are spending $3.9 billion a day just to take care of our operations in Iraq, we cannot take much needed defense dollars and put it for other programs that are not related to defense.

So I want to talk about one other area that is of concern, and that is the potential impact on readiness because of our restrictive trade policies with our allies.

From a philosophical point of view, I oppose these types of protectionist policies. I believe free trade is an important element in improving relations among all nations and is certainly essential to economic growth. From a practical standpoint, ''buy America'' restrictions could seriously impair our ability to compete freely in international markets.

I would like to point out something else to my colleagues. We impose these ''buy America'' provisions while we buy from our allies and friends overseas a much smaller amount than they buy from us. If we keep restricting the ability of our Government to buy products that are made in other countries, sooner or later those countries will stop buying equipment, military equipment and others, that are built in the United States unless there is a compelling national security interest.

''Buy America'' provisions include these items: anchor chains, carbon, alloy, or armor steel plate, ball and roller bearings, computers, diesel engines, and propellers.

There is a seafood waiver as a provision in this legislation in which we dictate we can buy only American seafood. I wonder if there is a 3-mile limit or a 10-mile limit or a 100-mile limit. Or does it have to be just caught by Americans, the same fish but caught by Americans, not by somebody else?

Why does the Department of Defense need to protect the American seafood industry? Why is the entire industry singled out for protection? Why not protect the American dairy product industry? Why aren't they covered?

Believe it or not, I do not enjoy coming to the floor on this issue. But I

would argue—I would argue strenuously—that with a budget deficit—and it is in the headlines of every major newspaper in America: $455 billion—we cannot afford to spend additional billions on unneeded and unwanted projects.

There are many projects on this list that I will submit for the RECORD which are very badly needed and are legitimate but it is hard to know the difference when all we know is it appears in an appropriations bill. All of a sudden it just appears.

Was there a hearing on the issue of allowing the Department of Defense to only buy American seafood? That is a pretty significant measure that only American seafood can be purchased by the Department of Defense. Was there ever a hearing on it? Was there ever any discussion or debate on it? No. It shows up in this appropriations bill.

Do we really have to not allow other countries to sell us things as simple as anchor chains? What are we protecting? Could we save money by buying somebody else's anchor chain and spend that money, perhaps, on upgrading the lives of the men and women in the military?

In case you haven't heard, my friends, we have a problem in the military today, and it is keeping people in the Reserves and the Guard, and it is keeping people on active duty. I think if you watch television tonight you will see interviews with a number of men and women serving in the military who have just been told they will be extended for another 6 months on duty in Iraq because there are not sufficient troops to replace them.

So instead of perhaps expanding the size of the military to meet these new requirements, we are going to spend $1 million on the canola oil fuel cell initiative, brown tree snakes, the Shakespeare in American Military Communities project, and an Academy for Closing and Avoiding Achievement Gaps. The Academy for Closing and Avoiding Achievement Gaps is a grant to the Timbuktu Academy located in Baton Rouge, LA to conduct research on academic achievement gaps between students of varying socioeconomic backgrounds. It sounds like a very worthy cause to me. But why again should this come out of defense dollars?

I appreciate the indulgence of my colleagues. The amendment I proposed will eliminate the canola oil fuel cell initiative, the Shakespeare in American Military Communities project, the brown tree snake funding program, hangar renovation at the former Griffiss Air Force Base, and the Academy For Closing and Avoiding Achievement Gaps.

I yield the floor.

The PRESIDING OFFICER. Galleries will refrain.

The Senator from Alaska.

Mr. STEVENS. Mr. President, we had a time agreement and the Senator from New Jersey and the Senator from Arizona have spoken. I will make a few brief remarks and yield to my colleague. Then it is my intention to move to table these two amendments. Let me state why.

First in regard to Senator MCCAIN's amendment, I state this sincerely, I think Senator MCCAIN provides a very useful function for this Congress and this Senate with regard to the process we are involved in, the appropriation of money from the Treasury, spending the people's money. I am very sincere. We have checked every one of the amendments we have agreed to by unanimous consent with the Senator's staff before getting that agreement. That is a process we didn't use before. At times they make comments that lead us to change the amendments. And the Senator has, through this process, picked out some he would like to take out of the bill or put in the bill before we pull it out of committee. Let me comment on a couple of those.

The Senator mentioned the brown tree snakes. We have provided $1 million for control of these snakes. That primarily is to continue a very successful program so far that has been carried out on military planes to Hawaii from Guam. These snakes are carried inadvertently on military planes to Hawaii from Guam. The snakes are endemic to Guam and come on the military planes at Anderson Air Force base in Guam and then go into Hawaii. We hope we can prevent it. It will have an enormously adverse impact on the agriculture sector of the economy. But it is a military function. It is trying to eradicate or control these brown snakes where they come from, as they have been a menace to Hawaii because of their ability to crawl on to military planes as they come to Hawaii from Guam.

I commend the Senator for raising the question, but clearly we have examined it. It is an ongoing program.

The canola oil fuel cell initiative is an existing program between the Department of Defense and the Department of Interior. It is funded in this bill for $2.5 million. Both Departments put money into it. This project will extract and convert technologies, transforming agriculture materials into bio-based fuel. Specifically, it is the rapeseed-based biodiesel fuel, and the underlying goal is to convert bio-based fuel into a hydrogen-rich gas stream to use with fuel cells and micro turbines and other power generation systems. It does have a legitimate defense interest, and it is a program for the Department of the Army, primarily in research and development.

Shakespeare in American Military Communities is a very interesting program. This is being done in conjunction with the National Endowment for the Arts. It is a partnership with the Department of Defense. The goal is to bring the arts to military personnel and their families as they are brought to other communities and high schools throughout the country. The proposal for this year is to perform ''Macbeth'' on 16 military bases in conjunction with educational programs. This is one of the programs the military is very pleased that we are trying to make available to them to improve the cultural activities on military bases, particularly for young children. We are looking into the prospect of taking some of these cultural programs overseas to meet the needs of the people stationed there. We have under consideration Fort Huachuca and Davis Monthan Air Force Bases. I know them both very well.

Further, the Senator raised the question of the Griffiss hangar renovation. This is part of a hangar that is used for the ongoing work and research of the Air Force research laboratory in Rome, NY. Damage to the hangar increases the heating, utility, and other fixed costs of the laboratory facility to its detriment. It is a renovation of a former Air Force base, but it is used by the Air Force research laboratory.

I regret to say I disagree with my good friend. I do note that what he is doing is trying to make certain we know what we are doing. On this amendment, I am sad to say I disagree with him, and I will move to table it in just a moment.

With regard to the amendment offered by Senator CORZINE, I have a problem, a decided problem with this. There is an ongoing investigation or series of hearings—I don't know whether you want to call it an investigation yet—of the items covered by this proposed amendment, creating a national commission on the development and use of intelligence related to Iraq.

Iraq is still ongoing. To create a commission now to look into Iraq primarily based upon the problem related to the President's statement in his State of the Union Message—which, by the way, was true, but not really totally accurate in terms of the interpretation people gave to it—in order to start the campaign of 2004, at a time when we have men and women in uniform over there now, their commanders, Ambassador Bremer, all of the people who participated in the process of this intelligence activity, including the CIA and the National Security Agency and the Defense Intelligence Agency, all of them will be involved in hearings before the commission. They are already in hearings before the House and the Senate, and they have unknown involvement in the internal investigation also going on in the Department.

As I said previously, almost all of us heard the Secretary of State, my great friend Colin Powell, tell us about his involvement and how this train of circumstances developed with regard to how that statement was in the President's State of the Union Message. We all know Presidents don't write their own State of the Union Message. They review drafts, and they rely on their

subordinates to see that they are absolutely accurate. In the process, a statement was inserted that could be interpreted in a way that could mislead people.

Already the Director of the CIA has admitted his system made a mistake. He has taken responsibility, as he should, for something that should have been taken out by the CIA reviewer. It was not. It was taken out of a previous statement at another time. No question was raised about its being taken out. In this instance, it was not taken out and Director Tenet said it should have been taken out. He takes the responsibility himself because of the failure of his Agency, just as I make a policy when any member of my staff makes a mistake, I treat it as my mistake. George Tenet didn't make the mistake. The process in the CIA made the mistake. The President didn't make a mistake. In the process of preparing that statement, there was a mistake made.

I am tired of making a mountain out of a molehill on this one. I am particularly disturbed with the fact that people want to create another commission. This is not a time for a commission like the commissions we have known in the past. This is not Watergate. That is the impression. This is not a Watergate. It is not even a ''truth gate.''

The President read a speech that was prepared for him. We all clapped at it, and we all approved of it. It was one part of it, one tiny part of it that should have been taken out in the process of review.

Now to create a commission primarily for that and all the rest of the garbage in this thing—pardon my French—all the statements in here as to what is going to be investigated with regard to the possession of mobile laboratories, with regard to an attempt to procure aluminum tubes—it wasn't an attempt; they were procured. But the concept of whether or not Iraq possessed delivery systems for weapons of mass destruction—we had 17 resolutions of the United Nations that were not complied with. Why were they passing 17 resolutions if there was nothing to investigate?

But the main thing, why should we create a commission now to look into something that is ongoing? Once this is all tied down and we have our people home and Mr. Bremer is residing in the U.S., and the people involved in all of the intelligence activities that led to the statement are in the United States again, we can have some form of commission to review it. This Senator would not oppose that.

But this is an ongoing operation, and this is an attempt to smear the President of the United States. I shall not permit that if I can possibly avoid it.

As I understand it, there is no further time agreement. I have the floor. I intend to keep the floor until I make a motion to table this amendment.

I am happy to yield to my friend from Arizona for a question.

Mr. MCCAIN. Mr. President, I will ask my colleague from Alaska a question. I will preface it by saying I do appreciate the cooperation that has been displayed while addressing this bill. I tell my friend from Alaska also that it has been very helpful for us to have the information and to be able to look at these amendments as they have come up. I hope next year we will see Hemingway, Faulkner, F. Scott Fitzgerald, and others of my favorite authors included in this program.

I also ask the Senator, concerning the Corzine amendment, isn't it true that the Senate Armed Services Committee is holding, and will be holding, hearings concerning the entire conflict, including friendly fire casualties, including the enormous success, including the issue of weapons of mass destruction; and those will be held openly and in a systematic manner, which Senator WARNER and Senator LEVIN have been working on in a bipartisan manner? Didn't the chairman of the Intelligence Committee hold a closed hearing today, and will he not hold a public hearing next week? Aren't we going through an orderly process of hearings concerning the conduct of the war?

The American people, of course, want to know about the friendly fire tragedy, and they also want to know how we did so well, how our equipment performed in such a magnificent fashion. It was one of the most rapid military victories in history.

Isn't it true that we are going through an orderly process of hearings concerning this conflict, in a very appropriate manner? If at such time those hearings are not satisfactory to the American people, or they don't cover enough information, or something like that, wouldn't sometime later be more appropriate to say a commission should be appointed rather than at the time when the appropriate committees, as far as I can tell, are carrying out their responsibilities and reviewing the conduct of the war and the oversight policies dictating our military? Does the Senator agree with that?

Mr. STEVENS. The Senator is absolutely correct. What is more, Senator INOUYE and I went to the CIA and we talked to the Director, and he informed us that he sent a stack of material this high to the committee already for its review. It is going to take some time to review all that. It is ongoing. This would have us appoint a commission to review the same thing that we are already investigating in the Senate Intelligence Committee and that the House is investigating. I presume the Armed Services Committee has some jurisdiction on this matter, also. The Foreign Relations Committee has jurisdiction.

Why should we appoint a commission to do what we should do—to do our work, particularly when it is not on a timely basis? As the Senator from Arizona stated in his question to me, the time may come when the public will question the results of our activities as Members of Congress. If they do, then the right thing for us to do—or the time may come when they develop such a conflict within Congress that it cannot be resolved, and that would be an appropriate time to perhaps look at a commission outside of the Congress. But right now is not the time.

Mr. BOND. Will the chairman yield for a question?

Mr. STEVENS. Yes, I am happy to yield.

Mr. BOND. Mr. President, as a member of the Intelligence Committee, I know we have been having these hearings and the oversight hearings. We are conducting the investigations. I wonder if the chairman is aware of the fact that I believe the Office of the Inspector General of the CIA is conducting an investigation. I believe the President's Foreign Intelligence Advisory Panel had jurisdiction. Is it correct that the ranking member of the Armed Services Committee, Senator LEVIN, is conducting an inquiry?

At my count, at least five different investigations are going on. I wonder if that number is accurate, and does the chairman think that a sixth, which would not start until later on, would add anything?

Mr. STEVENS. Mr. President, the question is relevant because the purpose of this commission is to support ongoing congressional reviews regarding the collection and analysis of intelligence data. We have not done it yet. We don't need any support that I know of. The support base is the executive branch and in the media to examine the report and the role of policymakers relating to Iraq and Iraqi freedom. That is not over yet.

Again, there is a timeliness to commissions. But more than that, there is the ongoing impact coming into this Senator's soul that we are starting a campaign of 2004. It is too early to do that, when we have men and women overseas in uniform trying to defend themselves and carry out the orders of the Commander in Chief. It is not timely to do this, and I do object to it.

Mr. President, I don't often do this. I am really going to be a little bit brash—you could not imagine I would do that, I am sure. Does the Senator from Nevada wish to ask a question?

Mr. REID. No. I was hoping we could vote on Corzine first and McCain second.

Mr. STEVENS. I was going to make that order. I am pleased that the Senator said that.

Mr. President, in order that the Senator from Hawaii and I can go to an appointment we have involving World War II veterans, I will take it upon myself to move to table the Corzine amendment and to ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent at this time that it be in order to move to table the McCain amendment, and for that purpose I ask for the yeas and nays.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, for the information of the Senate, following these two amendments, there will be a period for routine morning business.

I ask unanimous consent that following the votes there be a period for routine morning business, and that the Senator from Rhode Island, Mr. REED, make a statement.

Mr. REID. He wants to speak on the bill. After that, we will go into morning business.

Mr. STEVENS. Mr. President, Senator REED will be making a statement on the bill. Following his statement, I ask unanimous consent that there be a period for routine morning business until the Senator from Hawaii and I have returned from our event, which will be, I believe, about 8:15.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, the only question I ask is this: We would love to have you back here, but I don't think there is need to come back tonight. We have a schedule set up for the morning.

Mr. STEVENS. We have not done that. We need to have the time to do that.

Mr. REID. If the Senator from Alaska wants to be here to do that, that is fine, but otherwise, valiant staff will take care of it and whoever is closing. We will see you back. That is fine.

Mr. STEVENS. Mr. President, in explanation, it is my intent to come back. The Senator from Hawaii will not have to come back. We want to enter into a unanimous consent agreement for the order of amendments. There will be two amendments. At 10 o'clock Senator BYRD will offer an amendment. I believe we will have an order for the Senate to come in sometime just prior to 9 o'clock.

Mr. REID. Nine o'clock is fine.

Mr. STEVENS. I am not going to make that order yet. That is the understanding I have, that we will come in around 9 o'clock and consider two amendments, and Senator BYRD is to offer his amendment at 10 o'clock.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. COLEMAN). The yeas and nays have been ordered on these requests.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1275. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

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

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—51

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

NAYS—45

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

NOT VOTING—4

Graham (FL)	Lieberman
Kerry	Miller

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1270

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1270. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. BOND) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

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

The result was announced—yeas 79, nays 16, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—79

Akaka	Dayton	Lugar
Alexander	DeWine	McConnell
Allen	Dodd	Mikulski
Baucus	Dole	Murkowski
Bayh	Domenici	Murray
Bennett	Dorgan	Nelson (FL)
Biden	Durbin	Nelson (NE)
Boxer	Edwards	Pryor
Breaux	Enzi	Reed
Brownback	Feinstein	Reid
Bunning	Frist	Roberts
Burns	Gregg	Rockefeller
Byrd	Harkin	Sarbanes
Campbell	Hatch	Schumer
Cantwell	Hollings	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith
Chambliss	Inouye	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Coleman	Kohl	Stevens
Collins	Landrieu	Talent
Cornyn	Lautenberg	Voinovich
Corzine	Leahy	Warner
Craig	Levin	Wyden
Crapo	Lincoln	
Daschle	Lott	

NAYS—16

Allard	Graham (SC)	Nickles
Bingaman	Grassley	Santorum
Conrad	Hagel	Sununu
Ensign	Jeffords	Thomas
Feingold	Kyl	
Fitzgerald	McCain	

NOT VOTING—5

Bond	Kerry	Miller
Graham (FL)	Lieberman	

The motion was agreed to.

Mr. FRIST. 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.

Mr. HATCH. Mr. President, I rise in support of the fiscal year 2004 Defense appropriations bill.

First, I would like to congratulate Chairman STEVENS and Senator INOUYE on an appropriations bill that has widespread, bipartisan support. It is never an easy job to bring this bill to the floor and, as usual, they have done an excellent job.

One of the most important aspects of this bill is the commitment that the Senate is making to improve the lives of the service men and women who protect us every day.

The bill provides a well-earned, average military pay raise of 4.15 percent and funds an increase in the basic allowance for housing to reduce our service members' average out-of-pocket expenses from 7.5 percent to 3.5 percent.

That being said, one of the most important aspects of this bill is its commitment to transformation.

Now, we have heard this word being used during the last few years in conversations relating to defense matters. So what does it mean?

Simply put, ''transformation'' is about changing the way our Nation's military operates, through the utilization and development of innovative tactics based upon new technologies and, of course, our most important resource—the hard work and training of our service members.

Transformation could be seen in the recent conflict in Iraq. Here, instead of

a long, sustained air campaign, our forces were able to achieve a tactical surprise using precision weapons that destroyed our adversaries' ability to react to our initiatives.

As I have mentioned before, transformation could also be seen during war when information was gathered from a variety of sensors, whether on the ground or in the air, and that information was transmitted very quickly to commanders who could then exploit the weakness of our enemy. It was a remarkable operation and it reflects the high level of competence and expertise of our Nation's service men and women.

The appropriations bill continues this revolution by funding such programs as the development and procurement of such new systems as the DD(X) destroyer, the littoral combat ship, C–17 air transport, V–22 tilt-rotor and the Army's future combat system.

I am particularly pleased that the Appropriations Committee has recommended funding for the procurement of 22 F/A–22 Raptors.

This program lies at the heart of transformation. The F/A–22's supercruise engines allow for extended supersonic flight. This is a magnitude longer than its afterburning predecessors such as the F–15. The aircraft's stealth characteristics will allow it to penetrate even the most advanced air defense systems while internally carrying GPS-guided munitions. This will allow the F/A–22 to clear the skies of enemy aircraft while nearly simultaneously attacking both fixed and mobile targets, such as surface-to-air missile sites. I hope that the authorizing committee will join the Appropriations Committee in recommending the procurement of 22 of these vital aircraft.

I would also like to highlight a program that I support, the Full Spectrum Active Close-in Layered Shield, or ''FCLAS'', which is a revolutionary new technology promising to enhance dramatically the survivability of existing and future mechanized and wheeled combat vehicles without the normally accompanying weight gain. FCLAS has the potential to save many American lives and it is an important step for the committee to fund this system.

FCLAS works by using radar to detect an incoming kinetic energy weapon, antitank missile or rocket-propelled grenade. Once the incoming object is identified, FCLAS fires an explosive projectile to destroy the threat at a safe distance from the vehicle.

Such a system is currently under development in Russia, Canada and France. However, those systems, unlike FCLAS, have a fatal flaw. Their radar systems are placed in a prominent position and can be easily disabled with a single rifle shot.

In contrast, each FCLAS defensive explosive projectile has an individual radar system. FCLAS is placed around the protected vehicle in a device similar to a smoke grenade launcher. That means if the radar is damaged in one projectile the rest of the vehicle's active protection is unaffected. It also provides the same level of protection from every side and angle of the vehicle. The system is remarkably light and has drawn considerable interest by those designing the Army's Objective Force.

Currently, officials at the U.S. Army Tank Automotive Research, Development and Research Center are testing FCLAS and by all accounts they are very pleased with the system's initial results. The Marine Corps and Special Operations Command have also expressed strong interest in adapting this system for use in both land vehicles, such as the advanced amphibious assault vehicle and even aircraft.

In closing, again, let me express my commendations to the chairman, the ranking Democratic member, all of the members of the committee, and their capable staffs, for their work on this bill. It will be of great service in the support of our Nation's service men and women.

Mrs. FEINSTEIN. Mr. President, I rise today to express my deep concern that the fiscal year 2004 Department of Defense appropriations bill contains no additional funds for military operations in Afghanistan and Iraq. This is simply unacceptable and raises serious concerns about the administration's long-term intentions in both countries.

Given the commitments of the men and women of our Armed Forces all over the world and the risks they face in defense of our freedoms and national security, I am committed to providing the tools they need to perform their jobs at the highest level. It is surprising and troubling, then, that two of the most significant and critical deployment of U.S. troops in years—Afghanistan and Iraq—do not receive funding in the fiscal year 2004 Defense appropriations bill.

Clearly, these are not emergency situations that have only recently come to our attention. These are ongoing military operations that will most likely require a substantive American presence for years to come.

One hundred forty-five thousand U.S. troops are currently serving in Iraq facing almost daily attacks from guerilla forces. Eighty-one Americans have died since the President declared an end to major combat operations on May 1, 2003.

In Afghanistan, 8,500 U.S. troops are searching for remnants of al-Qaida and the Taliban and trying to stabilize the interim government of Hamid Karzai. Just yesterday, more than a year and a half after the fall of the Taliban, a U.S. Special forces convoy came under attack by unknown gunmen using small arms and explosive devices.

Americans are putting their lives on the line in Iraq and Afghanistan and we cannot find any funds for them in this bill.

These operations are certainly not cheap.

During testimony before the Senate Armed Services Committee last week, Secretary of Defense Donald Rumsfeld stated that the U.S. has spent nearly $4 billion a month in Iraq since January and is spending an additional $700 million a month in Afghanistan. He continued that he did not know if the figures for Iraq would go up or down in the next fiscal year or how much the administration intends to propose to Congress for military operations in Iraq.

Surely the Defense Department, in fact, has some idea about the funds it needs for Afghanistan and Iraq—and those commitments should be reflected in this bill.

Silence on this matter causes me great concern that our troops will serve far longer than we are being told and the cost will be far greater than we have been led to believe.

I urge the administration to level with the American people and this Congress about the costs of our engagements in Iraq and Afghanistan. The fiscal year 2004 Department of Defense appropriations bill is exactly the appropriate mechanism to do just that.

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate resumes the Defense appropriations bill on Thursday, Senator HARKIN be recognized to speak for up to 25 minutes.

I further ask unanimous consent that the next order of Democratic first-degree amendments be the following, and further that if a Republican amendment is offered it be interspersed between the amendments mentioned: Dodd, Byrd, Wyden, Durbin, Biden, Byrd, Kennedy, Byrd, and Schumer.

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

Mr. FRIST. Mr. President, there will be no further rollcall votes tonight. I understand that under the order Senator REED is to be recognized for up to 30 minutes. I ask unanimous consent that following his remarks my colleague, the Senator from Tennessee, be recognized to speak as if in morning business for up to 20 minutes.

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

Mr. FRIST. Mr. President, under the agreement entered earlier, we have a lengthy lineup of Senators who intend to offer amendments to the Defense appropriations bill, as I just outlined. We will be voting throughout the day tomorrow and into the evening in order to complete this measure tomorrow afternoon or evening.

I have had a number of discussions with the chairman of the committee. As he announced a few hours ago, if the Senate completes action on this bill, and if the Senate can begin consideration of the Homeland Security appropriations bill on Monday, the Senate will not be voting on Friday.

I will have more to say tomorrow on the schedule for this week and next week, after we have made further progress on the pending legislation.

I thank my colleagues. We continue to make good progress. I think it is

clear if we finish tomorrow night, there being no votes Friday—and Monday is a no-vote day—we will be able to continue on Homeland Security early Monday during the course of the day.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized.

Mr. REED. Mr. President, just a few days ago I had the privilege of traveling, with Senator WARNER and Senator LEVIN, and other colleagues, to Iraq. I wish to comment upon my observations of that trip in the context of this Defense appropriations bill.

After the most stunning victory in the annals of military history, the fighting and dying in Iraq goes on. The war is not over. It has changed its character. Conventional warfare of major formations against major formations has yielded to hit-and-run attacks against our troops. We are in a tenuous moment where the momentum of the battle has shifted from our coalition forces and may shift dramatically to opposition forces in Iraq.

We are being opposed by groups of Baathist diehards, Islamic fundamentalists, and criminals. Although this resistance, until recently, appeared to be uncoordinated and spasmodic, there are strong signs emerging that organizations are beginning to coalesce and we are facing a much more serious threat.

Just today, in Iraq, a manned portable air defense missile was fired at an American aircraft over Baghdad International Airport, signaling a major escalation of the capabilities of our opponents and the ability of these opponents to interfere with our occupation forces in a significant way.

Another American soldier died. The mayor of an Iraqi city was gunned down. Indeed, today General Abizaid indicated that we are facing a classical guerrilla-type war situation. And I must say, General Abizaid is a person I had the privilege of serving with 30 years ago in the 82nd Airborne Division. There is not a more talented and dedicated and decent officer in our Army or our military force. His expertise and knowledge make him the most capable person we could have there. So his conclusion, I think, is one that should resonate through these halls.

Now, if one of these groups—Baathists or fundamentalists, radicals, or criminals—becomes more coherent in their efforts—and it seems, based on today's events, they are becoming more coherent—then the danger to our force will rise.

Let me suggest this is a startling revelation today. It was difficult to bear the sight of American troops being hit with RPGs, rocket-propelled grenades, but to have the capability and the cunning to launch a missile against an aircraft in Baghdad should send shivers down our spine, not just with respect to Baghdad but throughout the world.

One of the issues which I am sure they are desperately trying to determine today is: How many of these manned portable missiles are there in Iraq? I do not know for a fact, but I would suggest there are hundreds, if not thousands.

While we were visiting the northern area of Iraq under the control of the 4th Infantry Division, General Odierno, the commander, indicated they had identified and were securing almost 3,000 ammo dumps, including small arms, all the way up to medium-range missiles with about a 100-kilometer range. This country is chock-full of RPGs and other weapons. The other question is: If they are in Iraq today, have some of these manned pads exfiltrated out of the country into very dubious hands? We face a serious issue.

Now, if all of these elements are able to come together with a common purpose—the Baathists and the criminal elements and the radical fundamentalists—we have a very serious challenge. And, most important, if any one or all of these groups can tap into an innate nationalism among the Iraqi people, if they can translate their disappointment about their economic position today, their dashed expectations of what liberation would mean, then we have a great challenge to our occupation of Iraq.

To dismiss these forces as inconsequential or without support, I think, is a serious mistake. What they may lack in popular support and skill—although, again, their demonstrated performance increases each day—they can make up in desperation and fanaticism. There are remnants of Saddam Hussein's regime. The disgruntled Baathists have no place to go, and they know it. For them, it will be a fight to the death.

In Chris Hedges' brilliant polemic about the corrosive effects of war, entitled ''War is a Force That Gives Us Meaning,'' he described a visit to an Iraqi prison in Northern Iraq that was liberated at the end of the gulf war. In his words:

> When it was attacked in 1991 by Kurdish fighters and enraged civilians, 300 Iraqi secret policemen and guards, including the warden, held out for three days. None of the defenders survived. And after the battle, a triumphant fighter expressed the wishes of many. In his words:
>
> We wanted them all to come back to life . . . so that we could kill them again.

This is the nature of the struggle and the combatants in Iraq. There are thousands of former secret police and Fedayeen, not just the 52 cards in the famous deck. We can expect fierce and persistent resistance from most if not all.

It is no surprise, then, that our military commanders assume that the situation in Iraq will get worse before it gets better. We should be prepared for continued casualties on a frequent basis. Indeed, we should be prepared for heavy casualties on given days.

Again, this is absolutely consistent with General Abizaid's conclusion that we are in a classic guerrilla war struggle today.

The most obvious objective of opposition forces is to inflict sufficient casualties on our troops so that support within the United States for a continued presence within Iraq will erode and evaporate. As such, our immediate response must be to communicate to the American people that the road ahead will be difficult. We are likely to sustain constant casualties, and we must commit significant resources to the struggle to rebuild Iraq.

That is why the absence of appropriations in this bill for our effort in Iraq is unfortunate. The administration has not requested funds so this absence is not the fault of the committee. It represents a very deliberate policy of the administration to avoid declaring to the American public, in an explicit fashion, the true course of our operations in Iraq.

We all anticipate that the administration will make a supplemental request early next year and argue that the funds are critically needed to cover costs that have already been incurred. But the American people deserve something better. They should know these costs now.

Having decided to use military force to eliminate the regime of Saddam Hussein, we cannot walk away from the difficulties of pacifying and rebuilding Iraq. We may come to seriously question the commitment we have undertaken, but to walk away at this point from the challenge would deal a serious blow to our prestige and power in the international community. To ensure that we stay the course, it is essential the American people know the costs, and the cost of our passage.

Our efforts in Iraq ultimately depend on the attitudes of the Iraqi people. They will be the final judges of our policies and our continued presence. At present, the long and terrifying shadow of Saddam Hussein continues to bedevil them. Many of our military officers and our civilian administrators attribute the noncommittal attitude of the Iraqis to the continuing uncertainty of Saddam's fate. There is much truth to this assertion. But we should be careful not to see the capture or death of Saddam as the ''silver bullet'' that will transform our presence in Iraq.

The Iraqi people seem to be withholding their enthusiastic endorsement for our efforts not just to await the fate of Saddam, but to be assured that the coalition can deliver at least the same degree of economic security they enjoyed under Saddam and, hopefully, much more.

It strikes me that the Iraqi people are not simply motivated by a residual fear of Saddam. They have grown up in a system that provided meager sustenance in exchange for utter subservience, a subservience that was enforced by ruthless terror. It will take more than Saddam's demise to erase this pervasive authoritarian culture. It will take many years and significant improvements in every phase of Iraqi life.

The most pressing demand in Iraq today is to provide a secure environment for our forces and for the Iraqi people. That challenge is inextricably linked and bound up with the economic revitalization of Iraq. Coalition forces are occupying a country whose economy has collapsed. Iraq under Saddam was a country in which everyone directly or indirectly worked for the regime. And now the regime is gone. Perhaps the single greatest long-term danger to our efforts is the huge number of unemployed. Unless we can rapidly put these people to work, they will be vulnerable to the overtures of those who wish us ill. We are in effect in a sprint to revive the Iraqi economy before the Iraqi people decide that freedom is not worth the uncertainty of a dysfunctional economy, and they become susceptible to the overtures of those who want to eject us from Iraq.

Another pressing demand is to create a legitimate Iraqi Government acceptable to the Iraqi people. We have begun to take the first steps in that process by the selection of a governing council. This council will exercise defined powers such as the appointment of Iraqi ministers. All of their actions, however, are ultimately subject to the veto of Ambassador Bremer. The council was selected to reflect the ethnic, religious, and demographic realities of Iraq. That was a positive and appropriate step. This council will participate in the selection of a larger conclave that will draft a constitution for Iraq.

All of these efforts are leading up to putting, as so many people have said, an Iraqi face on the Government of Iraq. We all realize that the longer we appear to be running the show, the more likely it is that opposition to our presence will grow.

At this juncture, we have avoided ceding authority to any one faction in Iraq. We are for the moment holding the various factions at bay. But this balancing act will become more and more difficult as we approach the time when real power is transferred to a real executive. At that point, the traditional rivalries of Sunni and Shia and Kurd will emerge and emerge with some force.

One aspect of the new governing council that I find troubling is the attention and influence given to exiled leaders. According to a report in the New York Times:

> . . . significantly, the new interim government will be dominated by the Iraqi exile leaders and Kurdish chieftains who carried out the long campaign to remove Saddam Hussein from power.

Given the presence of Kurds in northern Iraq and their obvious power—they have their own army; they control their own territory—it is not surprising that they would have a major role. But giving such a significant role to the exiles seems likely to be more controversial than constructive.

The best known of these exiles is Ahmed Chalabi. Chalabi has long resided outside of Iraq. In 1992, he was convicted in absentia by a Jordanian court for embezzlement and bank fraud. He was sentenced to 22 years in prison. It is not surprising that reaction to Chalabi and the exiles is not entirely favorable.

Hassan Zahrawi, a 23-year-old student at Baghdad's Mustansariya University, was quoted in the Washington Post as saying:

> We are the people who suffered. . . . They are thieves. They do not know anything about the suffering of the Iraqi people.

This certainly is not a scientific sampling. You could perhaps find people who would endorse Mr. Chalabi. But I think we are taking a risk by inserting, insinuating exiles in a dominant place in this governing council. I think that will strike a chord in Iraq and not a favorable chord as people who have suffered, who have very little, see these people who have just arrived dominating the political process. It could be a severe miscalculation.

Let me suggest another potential miscalculation. I read with great interest Ambassador Bremer's op-ed piece in the New York Times. One quote struck me:

> Our economic reform plan will entail a major shift of capital from the value-destroying state sector to private firms.

No one could disagree with that logic. But I think we have to be very careful that we do not replicate the experience we have seen in Russia, for example, where the winners of this transition of capital from the state to the private market were the insiders, the people with the connections, the people who were able to influence the government. We have made serious mistakes in our occupation planning. I hope we don't compound those mistakes by creating a government that has no legitimacy really and that serves simply as a conduit to enrich those who are participating in that government.

All of these concerns resonate throughout a country with distinction and disparate regional characteristics. On our trip, we visited Basra in the south, Baghdad in the center of the country, and Kirkuk in the north. The southern portion is predominantly Shia. They are engaged in a very careful balancing act between Iranian influences and their desires to participate in a secular government but certainly participate so that their religious culture is recognized. They are the largest population group in Iraq. We have been working with them. In the south my impression is that they are still weighing all of their options, and we have to be extremely careful.

In the north there is a significant population diversity, Kurds, Turkmen, Assyrians, Arabs. They are much more comfortable with our role there. They have seen the example of several years of a virtually autonomous region the Kurds established after the 1991 war.

The most stable regions at the moment seem to be the north and the south, although there are incidents of violence in all parts of Iraq.

But the key point, the most dangerous place is Baghdad. There in the suburbs leading to the west towards Falluja and up towards the north, toward Tikrit, the ancient home of Saddam and his tribal relatives, that is where the action is, that is where our soldiers are, frankly, being killed.

Our biggest concern at the moment is intelligence. Frankly, we did not expect this type of operation, and we are rapidly and diligently trying to understand who is attacking us, where they are getting their weapons and money and their support and supplies. Are their foreign influences? How many foreign fighters have come into Baghdad? We are in a race to find out about them before they do us even more grievous harm.

There is, of course, the issue of how many troops we should have in Iraq. I have heard reports that General Abizaid will recommend force strength in-country of about 160,000 soldiers and sailors, marines, all of our Armed Forces participating in one way or the other. That is a function of how much we know. My sense is that if we don't know who the enemy is, if we have uncertain threats from multiple directions, then we will err on the side of more troops rather than fewer. This situation could go on for a very long time.

There are those who have said we have gotten ourselves into another Vietnam. No, we haven't. That was a different time, a different place, a different situation. We don't have a rural insurgency as we did in Vietnam. We don't have a country that is a proxy for international politics being supported and encouraged by a significant infusion of foreign resources, wealth, and guidance. But we very well might have our own version of Belfast or the Intifada, urban guerrilla warfare in which there is insignificant foreign support at the moment but, as I indicated before, more than enough people who are determined to attack us and to hurt us.

As we traveled around in Iraq, we talked about the issue of weapons of mass destruction. Just one point: I assumed in my deliberations that the Iraqi regime would have chemical and biological weapons, but I assumed that they did not pose an immediate threat to the United States. Therefore, I did not vote to authorize the unilateral use of force. We have been surprised. But now what I sense is happening is that the search for weapons which so many declared were absolutely there and were so critical in their decision to mount a unilateral military attack, now that has been transformed into a search for a program. I wouldn't be surprised that in the months ahead, based upon analysis of documents, that some type of program emerges.

But with each passing day, it seems less and less likely that we will find a militarily significant concentration of chemical or biological weapons. I thought there was no credence to the

claims by the President and others that there was an ongoing nuclear program in Iraq at the time, and I think that will be borne out.

Now, all of this leads me to several conclusions. One is particularly pertinent to this appropriation. Our Army and our marines—particularly our Army—are stretched thin, taut. They won't break because they are magnificent soldiers. They are under extraordinary pressure.

Let me suggest where our Army is. We have 370,800 soldiers in 120 countries, not just Iraq. In Iraq itself, we have the 3rd Infantry Division. These are the troops who led the fight into Baghdad. They have been told they are going home; they have been told they are staying. Once again, decisions have been reversed because of the situation. They are good soldiers. They will do their job, but certainly this is not the way to have a good plan, to rotate and move soldiers throughout the world.

The 4th Infantry Division is in the north. The 101st Airborne Division is in the north in Mosul. The 1st Armored Division has elements in the country. The 173rd Airborne Brigade conducted a parachute assault in the first days, and they are in Kirkuk. The 2nd Brigade of the 82nd Airborne is there. The 2nd and 3rd Light Cavalry Regiments are there. There are about 134,000 soldiers, together with 44,000-plus soldiers in Kuwait for supporting operations. In Afghanistan, we will have, by the end of summer, two brigades of the 10th Mountain Division. In the Balkans, we have the 34th National Guard Division from Kansas. In Kosovo, we have elements of the 1st Infantry Division, which will be replaced shortly by the Pennsylvania 28th National Guard Division. In the United States, we have soldiers deployed in counterdrug and other operations. Our Reserve elements are the 1st Cavalry Division, 1st Infantry Division Brigade, and we have new Stryker battalions or brigades up in Fort Lewis, and one in Alaska.

This is an extraordinary deployment of American forces. Included in the total are a significant number of National Guardsmen. These National Guardsmen and Reserve are one part of our great Army—one whole unified element.

I have left for last Korea. We have 37,000 soldiers there from the 2nd Infantry Division. I was shocked when I read yesterday of Secretary William Perry's conclusion that we are in a serious crisis with North Korea. Over the last few months, the administration has been trying diplomatically. But Secretary Perry, who is probably the most knowledgeable and experienced with respect to North Korea, is now convinced that we might have missed our opportunity for diplomacy to work.

One of the factors that goes into our strategy is whether we can complement our diplomacy with real military force. There is not much left to do that. Those 37,000 soldiers from the 2nd Infantry Division are not the kind of combat power you need to stare down the North Koreans if there is a serious breach of the current situation. But we are stretched thin. We cannot pull forces out of Iraq. We would jeopardize the mission there. We cannot pull them out of Afghanistan. We would jeopardize that mission. We have to consider what is most important for the Army, and we have to make decisions. Those decisions have to come to us quickly from the Department of Defense. What will we do?

This bill should have considered and included those types of recommendations—not our ideas, but the proposals of the Department of Defense and the administration, and there is scant detail with respect to Iraq and potential conflict with Korea. I hope diplomacy will work. But we have discovered that diplomacy without credible and complementary military forces is not as effective. This is a situation where we are stretched and we have an ongoing classic guerrilla war in Iraq, we have a situation in Afghanistan that is unstable, and we have a potential crisis in Korea. We need recommendations from the Department of Defense about where we are going to get soldiers to take these missions. I had hoped this bill would include such information. It doesn't.

Certainly, I am going to support the legislation, but I hope these questions are answered very quickly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

STEEL TARIFFS

Mr. ALEXANDER. Mr. President, President Bush is working very hard to get this economy moving again. I have strongly supported his jobs growth and tax cut plans. I believe his hard work and those plans are paying off. But in one case I want to respectfully suggest that the President consider making a midcourse correction. That case is the sad story of steel tariffs. It is a story of an honest effort by our President to save jobs that has backfired.

The backfire could not be coming at a worse time. As our economy recovers—and I believe that it is—the last thing our country needs is a wave of plant closings in the auto and auto parts industry. But that is exactly what will happen if the steel tariffs continue. The tariffs have become a job killer in the United States and a jobs growth program for Korea, Japan, Germany, and other countries that produce quality auto parts.

In March 2002, the Bush administration imposed tariffs of up to 30 percent on 10 different categories of steel imported from Europe, Asia, and South America. The tariffs may have saved a few steel-producing jobs for the time being. But since their institution in March 2002, the steel tariffs have already destroyed nearly as many jobs in the steel-consuming companies of America as exist in the entire domestic steel-producing industry.

Some auto parts plants in my State of Tennessee are already closing because of the higher cost of steel imposed by the tariffs. On top of that, last Friday the World Trade Organization ruled that these U.S. Steel tariffs are illegal and in violation of global trade rules. The European Union has already announced that it intends, therefore, to impose $2.2 billion in retaliatory sanctions on American imports sold in Europe, ranging from footwear to fruits and vegetables. And that would destroy still another batch of American jobs.

If these steel tariffs continue through the years 2004 and 2005, as scheduled, there will be a wave of plant closings across Tennessee and other steel-consuming States, especially among auto parts suppliers. Ironically, many of the steel-producing jobs themselves will also disappear for two reasons: One, when the tariffs eventually end, the protected and inefficient steel mills will find they are unable to compete in the world marketplace. And second, the demand in this country for this kind of steel will have dropped because automakers and auto parts suppliers will be buying parts overseas instead of buying U.S. steel to make parts in the U.S.A.

Fortunately, the President has an opportunity in September to review the decision that he made in March 2002 to impose steel tariffs. I respectfully urge him to chalk this one up to experience, to acknowledge that this exercise proves once again that protective tariffs are self-defeating and usually boomerang and to finally end the tariffs. Ending the tariffs would allow America's steel-consuming auto parts manufacturers and other American manufacturers a fair chance to make their products in the U.S.A. instead of overseas.

I began to first notice the effects of the new tariffs during my campaign for the Senate during 2002. Tennessee is home to at least 900 auto parts suppliers employing almost 100,000 people. Let me describe just how important these jobs are to us Tennesseans.

Before the auto industry came to Tennessee in 1980, we were the third poorest State. Only Mississippi and Arkansas were below us in family incomes. Our average family incomes were 80 percent of the national average family income. Then Nissan came to Tennessee. Then Saturn came to Tennessee. Then BMW and Toyota and other automobile plants put their assembly plants in other parts of the South and the Southeast.

These automakers wanted just-in-time quality auto parts suppliers close by. So to attract them, Tennessee built the best four-lane highway system in the United States. As a result, and as a result of our central location, over the last 20 years, the number of auto parts suppliers in our State has grown phenomenally, from a couple dozen to at least 900. These auto parts suppliers became the greatest contributors to a new prosperity in our State.