billion on our own without any commitments from other countries, there is the inevitable sense that the other countries say: Well, the United States is doing it. They are putting up $20 billion. Let them put up that money and whatever else is required.

So the argument that if we condition the loans on collateral security or if we condition the money on a loan situation and look for collateral security that we will discourage other donors is essentially fallacious.

The argument is also advanced that if we make loans, we will be reinforcing the view of the Arab world that the only reason we went to Iraq was for the Iraqi oil. We are not utilizing the Iraqi oil for U.S. purposes. We are not asking that the Iraqi oil be used to pay our military expenses. We are asking only that the Iraqi oil be used to rebuild Iraq—that is, to rebuild Iraq for the Iraqi people. So that it just is not plausible that we could be legitimately charged.

The PRESIDING OFFICER. The time for morning business has expired.

EXTENSION OF MORNING BUSINESS

Mr. SPECTER. Mr. President, I have been asked by the leader to ask unanimous consent that morning business be extended until 12:30, with the time equally divided; provided further that the Senate then recess under the previous order.

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

Mr. SPECTER. Mr. President, I note the Senator from New York is on the floor. So I ask unanimous consent to speak for just 10 additional minutes so as to not unduly burden my colleague.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. I appreciate my colleague's courtesy.

Mr. SPECTER. Mr. President, I will make my points and conclude within 10 minutes. I was on the point that some may charge the United States is there looking for the benefits from Iraqi oil. So long as we use the proceeds for the benefit of the Iraqi people, I don't think anybody can realistically make that argument.

One factor is difficult, and that is, with whom would we contract to make the loan? I must confess that gives me some pause. When a trustee takes over, a trustee is appointed by the court. If a trustee takes over a company that has been mismanaged, or where the directors or officers have committed fraud, the trustee has carte blanche to run the company—in this case, run the country. I believe it would be possible for the United States to undertake what we are doing here, under the watchful eye of others, because others will be watching—we can count on the French for that, if for little else, and we can count on the Germans for that, if for little else. Under the watchful eye of others, we can discharge the fiduciary duty as trustees, and we are good for our word, and we are honorable, and we are there to help the Iraqi people.

While some may doubt that, we can prove it, so that what we do would be used for the benefit of the Iraqi people. There are other ways we might find somebody to contract with. It is my hope the efforts now by Secretary of State Colin Powell to bring in a U.N. resolution will be successful. We have learned from our experience that it is regrettable we could not get the U.N. Security Council to support our military action.

Going back to October 11 of last year, this Senator supported an amendment that would have gone back to the U.N. to try to get more multilateral action. It is true we led a number of nations—''the coalition of the willing''—but it was essentially the U.S. and Great Britain. While it was not quite unilateral, it didn't have the level of multilateral activity which would have been desirable. It is nonnegotiable that our troops would not be under any command other than the United States. But when it comes to the reorganization of Iraq and to what is going to happen in Iraq with respect to how contracts are going to be disbursed and the administration of Iraq, it is my hope the United States can show sufficient flexibility to get other nations to participate. If the United Nations is in, there might be the structure of someone with whom to contract to have these loans instead of grants. I am exploring the issue as to whether the International Monetary Fund or the World Bank might be able to come into the picture at least to have a quasi-trustee status, someone who could oversee the matter, perhaps even contract on behalf of Iraq. These are matters to be explored.

I am advised that the International Monetary Fund is precluded from coming in in the absence of a sovereign, but that if the U.N. passes a resolution, there might be a sufficient basis for the International Monetary Fund to come in. In any event, these are complexities. There are no easy answers.

It is my hope the Senate and the House will give consideration to trying to structure something that would be on the basis of a loan, or perhaps a loan guarantee. We have the precedent with Israel. We are not making grants, we are making loan guarantees. Why should we do more for Iraq than we are doing for Israel with the loan guarantees?

I know that time is a consideration and there is an effort to pass this appropriations bill this week. That may or may not happen. At a meeting of the chairmen yesterday, there was doubt expressed as to whether it could be accomplished this week. We do know we have passed the Defense appropriations bill so that the Department of Defense has some $368 billion to operate. The aspect of this bill on funding the Department of Defense may not require immediate action, although I would not delay it. I am prepared to move ahead this week and decide all of the issues if we can resolve it this week.

I think there is time to give consideration to a structure of the loan or a loan guarantee. I have consulted with a professor of bankruptcy to refresh my own recollection and my own knowledge on the subject and have been told the concept, the analogy to a bankruptcy, is solid; that there is another concept of ''creditor in possession,'' which would provide an analog in bankruptcy law for us to operate. And as we take a look and search through the possibilities of finding someone to act on behalf of the Iraqi government, I am not suggesting the council that has been created has sufficient authority to contract; but perhaps if we obtain a resolution from the United Nations, we might work in the International Monetary Fund, or the World Bank, or we may be able to structure some circumstance so the loan could be effectuated, or a loan guarantee could be effectuated.

My soundings in my State, and what I hear from colleagues around the country, is the American people have grave questions about our policy in Iraq at the present time, questions about our military being in harm's way, questions about the casualties and fatalities that are occurring, questions about the United States advancing $20 billion to Iraq at a time when we have a very tight Federal budget.

There is talk about the $20 billion, some suggesting for additional domestic programs to offset $20 billion. I do not think now is the time, given the kind of national debt and deficit we are looking at, to be adding more money to domestic spending. Within the past month, I defended on the floor the $137 billion bill on Labor, Health, Human Services and Education and voted against many amendments I would like to have supported on increased education funding, health funding, or worker safety funding. But managing that bill, I opposed those amendments to stay within the budget resolution.

When we talk about a grant to Iraq for $20 billion, there are inevitable questions on how much of that money will go for schools in Iraq, contrasted with how much money is going to be going for school construction in the United States. So I think it would be an act of generosity to make loans, an act of generosity to make loan guarantees. I understand there is considerable support in this body to make an outright grant, but as we consider this issue for the balance of the day and the balance of the week, I ask my colleagues to give consideration to the possibility of making a loan or making a loan guarantee.

As a matter of interest, how much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 15 seconds remaining.

Mr. SPECTER. I yield back that time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague for his words and his thoughts. His sense of timing is exquisite, realizing he had only 15 seconds left. I always enjoy listening to him. I appreciate his remarks and thank him for his courtesy.

APPOINTMENT OF SPECIAL COUNSEL

Mr. SCHUMER. Mr. President, I came to the Chamber this morning because I thought we would be on the DC appropriations bill and was prepared to offer a sense-of-the-Senate amendment to that bill concerning the appointment of special counsel to conduct a fair, thorough, and independent investigation into a national security breach.

I ask unanimous consent that my amendment be printed in the RECORD.

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

(Purpose: To express the sense of Congress concerning the appointment of a special counsel to conduct a fair, thorough, and independent investigation into a national security breach)

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.

(a) FINDINGS.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence operatives being able to operate undercover and without fear of having their identities disclosed by the United States Government;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert CIA agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and statute to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

Mr. SCHUMER. Mr. President, now I am told the bill has been delayed because this amendment was going to be offered. I am going to talk about the amendment and have a dialog with my colleague from California.

On July 23, I believe it was, when I read the Novak column that named high administration sources as revealing the wife of Ambassador Wilson, Ms. Plame, as an agent—I hasten to add, I don't know if she is a covert agent. That is classified. But that is what was in the paper—I was outraged. I didn't know who had leaked the information. No idea. I am not an expert on the internecine rivalries among the various agencies, but the fact it was done just boiled my blood. So I wrote the FBI and asked Mr. Mueller to undertake an investigation of this act. The act, make no mistake about it, is a very serious act. In fact, it is a crime, punishable by up to 10 years in prison.

Why is it a crime? Why have this body and the other body made this a crime? For obvious reasons. Our covert agents put their lives at risk for us every day. They are soldiers just like our brave young men and women in Iraq and around the globe. And in the post-9/11 world, the world of terrorism, they are among our most important soldiers because we have learned intelligence is key. When the name of an agent is revealed, it is like putting a gun to that agent's head. You are jeopardizing their life; in many cases, you are jeopardizing the lives of the contacts they have built up over the decades, and you are jeopardizing the security of America. So the seriousness of this crime is obvious.

When, in addition, we learned that it was done in all likelihood for a frivolous, nasty reason—namely, that somebody was angry at Ambassador Wilson for speaking the truth, at least as he saw it—I tended to agree with him. I don't think anybody disputes it. In fact, the administration has admitted, the yellow cake sale from Niger to Iraq and the documents were, in fact, forged and the President was incorrect to use them in his State of the Union Address. This was a way of getting back at him through his wife or perhaps to cower him to make sure he didn't speak any further. Nasty. Not just nasty, it was like kneecapping.

In fact, John Dean, who has been through this, just wrote an article in something called TruthOut Editorial. The title is ''The Bush Administration''—that is assuming it was done by the administration, but that is what all the reports are—''Adopts a Worse-than-Nixonian Tactic: The Deadly Serious Crime of Naming CIA Operatives.''

I ask unanimous consent that Mr. Dean's article be printed in the RECORD.

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

[From TruthOut, Aug. 15, 2003]

THE BUSH ADMINISTRATION ADOPTS A WORSE-THAN-NIXONIAN TACTIC: THE DEADLY SERIOUS CRIME OF NAMING CIA OPERATIVES

(By John W. Dean)

On July 14, in his syndicated column, Chicago Sun-Times journalist Robert Novak reported that Valerie Plame Wilson—the wife of former ambassador Joseph C. Wilson IV, and mother of three-year-old twins—was a covert CIA agent. (She had been known to her friends as an ''energy analyst at a private firm.'')

Why was Novak able to learn this highly secret information? It turns our that he didn't have to dig for it. Rather, he has said, the ''two senior Administration officials'' he had cited as sources sought him out, eager to let him know. And in journalism, that phrase is a term of art reserved for a vice president, cabinet officers, and top White House officials.

On July 17, Time magazine published the same story, attributing it to ''government officials.'' And on July 22, Newsday's Washington Bureau confirmed ''that Valerie Plame . . . works at the agency [CIA] on weapons of mass destruction issues in an undercover capacity.'' More specifically, according to a ''senior intelligence official,'' Newsday reported, she worked in the ''Directorate of Operations [as an] undercover officer.''

In other words, Wilson is/was a spy involved in the clandestine collection of foreign intelligence, covert operations and espionage. She is/was part of a elite corps, the best and brightest, and among those willing to take great risk for their country. Now she has herself been placed at great—and needless—risk.

Why is the Administration so avidly leaking this information? The answer is clear. Former ambassador Wilson is famous, lately, for telling the truth about the Bush Administration's bogus claim that Niger uranium had gone to Saddam Hussein. And the Bush Administration is punishing Wilson by targeting his wife. It is also sending a message to others who might dare to defy it, and reveal the truth.

No doubt the CIA, and Mrs. Wilson, have many years, and much effort, invested in her career and skills. Her future, if not her safety, are now in jeopardy.

After reading Novak's column, The Nation's Washington Editor, David Corn, asked, ''Did senior Bush officials blow the cover of a U.S. intelligence officer working covertly in a field of vital importance to national security—and break the law—in order to strike at a Bush administration critic and intimidate others?''

The answer is plainly yes. Now the question is, will they get away with it?

Bits and pieces of information have emerged, but the story is far from complete. Nonetheless, what has surfaced is repulsive. If I thought I had seen dirty political tricks as nasty and vile as they could get at the Nixon White House, I was wrong. The American Prospect's observation that ''we are very much into Nixon territory here'' with this story is an understatement.

Indeed, this is arguably worse. Nixon never set up a hit on one of his enemies' wives.

LEAKING THE NAME OF A CIA AGENT IS A CRIME

On July 22, Ambassador Wilson appeared on the Today show. Katie Couric asked him about his wife: ''How damaging would this be to your wife's work?''

Wilson—who, not surprisingly, has refused to confirm or deny that his wife was a CIA operative—answered Katie ''hypothetically.'' He explained, ''it would be damaging not just to her career, since she's been married to me, but since they mentioned her by her maiden name, to her entire career. So it would be her entire network that she may have established, any operations, any programs or projects she was working on. It's a—it's a breach of national security. My understanding is it may, in fact, be a violation of American law.''

And, indeed, it is.

The Espionage Act of 1917 and the Intelligence Identities and Protection Act of 1982 may both apply. Given the scant facts, it is difficult to know which might be more applicable. But as Senator Schumer (D.NY) said, in calling for an FBI investigation, if the reported facts are true, there has been a crime. The only question is: Whodunit?

THE ESPIONAGE ACT OF 1917

The Reagan Administration effectively used the Espionage Act of 1917 to prosecute