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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 4, 2003, at 12:30 p.m.

Senate

MONDAY, NOVEMBER 3, 2003

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

Eternal God, we stand in awe of You. Your love is constant and Your mercies are new every morning. Thank You for listening when we call and for destroying the record of our faults and failures. Lord, forgive us when we shackle ourselves with pride. Save our Nation from sin, which brings reproach, decline, and destruction. Cover our transgressions with Your righteousness which brings exaltation and salvation. Let not evil overcome us, but may we overcome evil with good.

Bless our Senators today with a constant awareness of Your presence. Let kindness guide their speech and integrity shape their decisions. Keep their feet on the right path and be a shield for all who fight for freedom. In Your wonderful name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will begin consideration of the conference report to accompany the Iraq and Afghanistan supplemental bill. The order that was entered into on Thursday provided for the time until 5 p.m. today to be equally divided for debate. That conference report will be agreed to at 5. However, no rollcall vote will be necessary.

Also under a previous consent agreement, the Senate will then debate the Interior appropriations conference report. There will be up to an hour of debate on that conference report prior to the vote. Senators should, therefore, expect a rollcall vote to occur sometime between 5:30 and 6 today.

We were also able to reach an agreement for consideration of the fair credit reporting bill. The chairman and ranking member of the Banking Committee have been working through the amendment list in an effort to facilitate its passage. I would anticipate beginning that bill either this evening or first thing tomorrow morning so we can finish the fair credit legislation early this week.

Last week I also mentioned the expiration of the Internet tax moratorium. I had hoped to address an extension of that moratorium prior to that deadline. However, several Senators expressed their reservation about an agreement for that bill. At the close of last week, we were able to reach a consent agreement to proceed to the bill, most likely on Thursday of this week. We will also continue with the appropriations process as the conference reports become available.

Nominations remain a focus of the Senate's attention. We will continue to work toward the scheduling of those nominations on the executive calendar. Another continuing resolution will be necessary by the close of business this week. Even with a short-term extension of the continuing resolution, we will still push to complete the remaining items at the earliest time this year.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. DOLE). Under the previous order, the leadership time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 3289, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate

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



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agree to the same, signed by all conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of October 30, 2003.)

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 am pleased to bring to the Senate this conference report to provide supplemental funding for military and reconstruction efforts in Iraq and Afghanistan.

The Congress, specifically the Senate, asked the President not to request any funds for our efforts in Iraq and Afghanistan in the fiscal year 2004 appropriations bill. The President honored our request, and that bill has already been signed into law. The funding for our efforts in Iraq and Afghanistan is in the conference report now before us.

Our men and women in uniform face life-threatening obstacles every day and are counting on us to provide them with the resources they need to get the job done. This supplemental will provide the equipment, fuel, ammunition and pay our forces need and deserve as they continue their tasks in Iraq, Afghanistan, and in the other locations where they continue to stand in harm's way fighting the global war on terrorism. They are the reason we need to approve this emergency funding.

One thing is very clear: As the President has said time and again: We will not walk away from Iraq. We will not withdraw our forces from Iraq; we will not leave the Iraqi people in chaos; and we will not create a vacuum for terrorist groups to fill.

Our Nation has always had one goal—we finish what we start, and we will not fail to do so now. This appropriations bill will enable us to fulfill our responsibilities to our men and women in uniform and to the people of Iraq and Afghanistan.

This conference report before us provides \$64.7 billion for military operations. Included in this amount is \$17.8 billion for the salaries and benefits of active, Guard and Reserve military personnel activated for duty in Iraq, Afghanistan and other areas around the world. Together they continue to fight our war against terrorists and terrorism; \$39.2 billion for operations and maintenance in support of Operation Iraqi Freedom, Operation Enduring Freedom and Operation Noble Eagle, of which \$1 billion is to support coalition partners; \$5.5 billion for procurement, including an additional \$62.1 million for improved armor for humvees; \$333.8 million for military research, development, and evaluation; and \$658 million for the defense health program.

In addition, this conference report provides benefits to our reservists who are ordered to active duty by authorizing coverage of their medical and dental screening. The conferees also expanded pre-mobilization and post-mobilization eligibility for Tricare and made Tricare available to reservists who are unemployed or who are not offered health care benefits by their civilian employer.

Our forces are stationed in some of the most dangerous parts of the world. They face formidable enemies and serious threats. They face these obstacles because they have made a commitment to our freedom; they have decided that, if necessary, they will give what Lincoln called "the last full measure of devotion" to defend freedom. This Congress must meet their level of commitment by funding their mission.

In addition to meeting our obligations, we also support additional funds to rebuild Iraq and Afghanistan. It's a simple and straight-forward premise—security brings stability and stability fosters democracy. An Iraq and Afghanistan well on the way to economic well-being and self-governance offers the fastest way to get our military men and women home. To that end, this conference report provides \$21.2 billion to carry out the activities of our Government in connection with the reconstruction and rehabilitation of Iraq and Afghanistan. The majority of these funds, \$18.4 billion, is for Iraq for security, rehabilitation and reconstruction, including \$100 million for democracy building activities in Iraq to support the development of a constitution and national elections.

Other items funded include: \$983 million for operating expenses for the coalition provisional authority; \$16.6 million for safe and secure facilities for the United States Agency for International Development in Iraq and Afghanistan; at least \$38 million for operating expenses of the United States Agency for International Development for costs associated with Iraq and Afghanistan; \$872 million to continue political and economic development programs in Afghanistan; \$170 million for Department of State narcotics control, law enforcement, nonproliferation, anti-terrorism and demining programs in Afghanistan; \$287 million to continue programs and activities to build the new Afghan army; \$50 million for peacekeeping expenses in Iraq relating to additional foreign armed forces; \$35 million for anti-terrorism training and equipment needs in Afghanistan. The conferees also agreed to provide \$200 million for assistance to Liberia, \$200 million for assistance to Jordan, and \$20 million for assistance to Sudan.

This conference agreement does not stop at funding our obligations; it also provides specific mechanisms to account for how our appropriated money is spent. This bill creates a new position: The Inspector General for the Coalition Provisional Authority. The IG will work with Ambassador Bremer,

and together they will keep track of the funding allocated for Iraq's reconstruction. The IG will issue quarterly reports on the CPA's activities. This position ensures that we will always have a clear record of who is responsible for the funds appropriated to CPA and how they are spent. This position gives us a new tracking and record-keeping system, a comprehensive review process, and transparency in the allocation of funds. Most importantly, it ensures that funds will be used efficiently to build a new and free Iraq. We have an obligation to our total force and an obligation to the Iraqi and Afghanistan people to finish what we started.

This legislation meets those obligations, and I urge the Senate to promptly approve it.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, I come to the Senate floor this morning with a real sadness in my heart. Yesterday, we learned of the loss of a Chinook helicopter in Iraq. During the course of the day, I was contacted in Chicago, and then again in Springfield, with rumors that it involved the Illinois National Guard. The rumor was confirmed this morning. The pilot of the helicopter that was shot down in Iraq was a member of the Illinois Air Guard and we believe he was assigned out of the Peoria Guard unit. He is one of many who have been lost in this conflict from the beginning.

What we learn every morning as we learn the news of another soldier, or 2, or 3, or in this case yesterday, 16, is the real cost of war. I have tried to call the families of those in my home State of Illinois who have lost a soldier. I have not been able to get through to all of them, and it is understandable that in their sorrow and grief, many of them are not taking phone calls. Those I have reached are families who are proud of the men and women in uniform who volunteered to serve our Nation and then gave their lives. They thank the military, too, for the kind treatment their family received upon the notification of the loss and all of the help and consolation during the funeral ceremonies.

But we have to face reality. These are the real costs of war. We come to the floor of the Senate today to debate an appropriations bill that, in all honesty, is just money. The real cost of war is human lives. Sixteen were lost in the helicopter crash over the weekend, and another soldier was killed in another incident. Now we have lost more American servicemen in Iraq since the President declared that the major military operations were completed than we did during the invasion.

It doesn't tell the whole story, though, to just count those who lost their lives, as tragic as that may be. Many listed as wounded are sometimes forgotten and they never should be.

Some of the wounds these soldiers have been exposed to are serious, grievous.

Two weeks ago, I went to Walter Reed Hospital to visit with some of the returning soldiers, to meet one soldier from Ohio who lost the sight in one of his eyes, to meet with another soldier from my State of Illinois, the community of Pleasant Hill, a small farm town, who took a mortar round and survived. They didn't think they could take him from the scene, but he managed to live long enough. He made it to Germany, where they didn't think he would survive, but he did; and he was at Walter Reed with his mother and father dreaming of the day when he could get back to Pike County, IL, to a small farm town, his home.

These are the wounded of war who lose limbs, who face grievous, serious injuries that will haunt them for a lifetime. These are the real costs of war and a reminder, too, that we stand today in Iraq, 6 months after the end of the so-called military success that the President announced, still struggling to bring stability to that country. But understand, I don't think we can cut and leave. Those of us who warned in the beginning that once we made this decision, we had to remember it is easier to get into a war than to get out of a war—we have learned that in the last 6 months.

Our superb military forces went into Iraq and, in a matter of 3 weeks, took down Saddam Hussein, this dictator, and his cruelty ended. We were so proud of the men and women in uniform who did that so quickly.

But then came the second phase. That, unfortunately, has not gone nearly as well. The United States made a serious miscalculation when it entered this war in Iraq, invaded that nation, without the support of its traditional allies. With the exception of Great Britain, the so-called coalition of the willing was a very thin coalition. There were many countries offering some help, a few soldiers; but really when it came down to it, this President decided to embark on a war, with the approval of Congress, that took us into a wartime situation unlike anyone has seen. The President did not follow his father's model of bringing the United Nations behind his effort or true global coalition, but decided he would take the small coalition into the war in Iraq.

We didn't need a massive global coalition to win the military battle. We knew we had the best military in the world. We still do. But after the military battle, it is clear now we need allies more than ever. America needs countries to stand beside us with their soldiers, with their resources, with their commitment to finding stability in Iraq, and every day, when we see these bloody headlines of American soldiers being killed, we are reminded that had this been a global coalition, a broader coalition, had we moved in concert with our traditional allies, what we are facing today could have been so much different.

The burden of Iraq weighs heavy on the shoulders of America, and each day as we wake up to hear the news of more deaths of American soldiers, more wounded service men and women overseas, we understand that burden, but we can never understand it like the families who have suffered the losses. Our heart goes out to them. They are in our thoughts and prayers every single moment of every day, as they should be.

We come to the floor today to talk about the other costs of war, the appropriations necessary to keep this war going. It is a massive emergency supplemental appropriations bill. The total is \$87,442,198,000. This, of course, represents one of the largest emergency supplemental bills we have considered. It represents a commitment of at least \$1 billion a week to sustain our troops in Iraq, and then a commitment beyond it to an effort to build Iraq. It would be easy to say reconstruct Iraq if we had destroyed it during the element of invasion, but that didn't occur. Most of what we are doing is building a country that had been decimated by a dictator. We are providing things that for 10 or 20 years Saddam Hussein never provided to his people, in the hope that we can prove to them they can move toward democracy; that they can move toward a free-market system; that they can have stability, perhaps be a beacon of hope for the Middle East.

If that is the ultimate outcome, then there is some success to this story, but today, in one of the darkest hours with some of the saddest news, it is difficult to look at this and understand how even money is going to solve our problems.

I voted against this preemptive and precipitous war, but today I face a moral dilemma. I cannot and will not support President Bush's unilateralist, aggressive foreign policy of preemption. It is wrong. It was wrong when we voted on it in October of last year. It is wrong in November of this year. It is based on the false premise that we can somehow identify our enemies even if they haven't threatened the United States, even if they have not created a situation of eminent danger. It relies, of course, on information and information based on intelligence, and what do we have to say today about our intelligence-gathering agencies leading up to our invasion of Iraq?

We said we needed to go to Iraq to stop them from obtaining nuclear weapons and using them against their neighbors and against us. It turns out now that was an empty threat. There is no evidence of nuclear weapons nor program in Iraq.

We said there was an arsenal of biological and chemical weapons, weapons of mass destruction, which, again, could threaten the region, the people of Iraq, and the United States, and yet Dr. Kay, after more than 6 months and millions of dollars and hundreds of inspectors, has come up emptyhanded,

cannot find a shred of evidence of these weapons of mass destruction.

In the President's State of the Union Address they said, oh, we have proof they were moving fissile material from Africa to Iraq to build nuclear weapons, and even the President has had to say that was not accurate.

We said as well, if you remember 9/11, you can understand why we needed to invade Iraq—because al-Qaida of 9/11 and Saddam Hussein of Iraq were linked. Even the President had to come forward and concede a few weeks ago that statement is not true, either. It is true we changed a regime. We have eliminated Saddam Hussein. But the premise of that war has been challenged and has been found faulty.

So today we consider this supplemental appropriations bill to provide the money that our men and women need to sustain the military effort in Iraq and to come home safely. All of these funds are emergency spending. What that means, of course, is that we are not cutting other Government spending nor raising taxes to find the \$87 billion. We are adding this money to America's mortgage. This is our second mortgage on America, \$87 billion—the greatest deficit in the history of the United States, and it continues to grow as this administration continues to call for more tax cuts for wealthy people. This, unfortunately, is part of our legacy.

One of the most difficult parts of this bill is the fact that this conference committee stripped out the provision the Senate added on a bipartisan roll-call vote. Republicans and Democrats came together and said at least \$10 billion of the \$20 billion to reconstruct Iraq should come from the Iraqi people, from their oil reserves. Is that an incredible request, that this country with the second largest oil reserve in the world would help to pay for its own infrastructure? The Bush administration said it was unacceptable. No loan provision will be put in this bill. If anyone has to borrow money to build Iraq, it will be America's families, not the people of Iraq. That is a sad outcome.

Frankly, it means that much of what we were told by this administration before the war just was not true. Paul Wolfowitz, on March 27, 2003, testifying before the House Defense Appropriations Subcommittee, said as follows:

And on rough recollection, the oil revenues of that country could bring between \$50 and \$100 billion over the course of the next 2 or 3 years. . . . We're dealing with a country that can really finance its own reconstruction and relatively soon.

Assistant Secretary Wolfowitz said those words to this Congress 6 months ago. This man, who was urging America to invade Iraq and telling us they could pay for their own reconstruction, and where are we today? The Bush administration has rejected the idea that Iraq would pay for this. No, American taxpayers have to pay for it. It has to come out of the Social Security trust fund. It has to come out of investments

in education and health care in America. The Bush administration insists on it.

Listen to what Secretary of Defense Donald Rumsfeld said on the same day:

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

Six months ago, those were the words of the Secretary of Defense to the American people through Congress, and I quote again. He said:

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

How clear can we be? Yet today, face it, America, taxpayers, and families, we are accepting an \$87 billion responsibility. Instead of asking Iraq to borrow against its bountiful oil reserves, we are asking our children and grandchildren to continue to borrow to build Iraq.

I also want to tell you there is one thing that was done in that conference committee which I think was shameful—shameful: the decision of this conference committee to strip out a provision in the bill which I added on the floor of the Senate. Let me explain it.

Across America, men and women serving in the Guard and Reserve have been activated. Usually their activation was only for a few months but now, because of the fact we are stretched thin around the world, these guardsmen and reservists, much like the helicopter pilot who was killed over the weekend from my State of Illinois, have been activated and asked to serve for longer and longer periods of time, causing extraordinary hardship to their family.

Some dismiss it and say they knew what they were getting into. When they signed up for the Guard and Reserve, they knew they were going to be activated. This is true. I won't argue with that.

Frankly, I ask my friends and colleagues in the Senate to at least show some compassion for those and their families who have been activated and, because of that activation, suffer an extraordinary economic hardship.

Across America, dozens of States and local units of government—my own home State of Illinois, the city of Chicago—have decided if their employees are activated in the Guard and Reserve, they will make up the difference in pay so that while they are off serving their country and risking their lives they can at least have peace of mind that their paycheck will be protected. That State government, that city government will make up the difference in pay. Thank God for their charity and compassion. Thank God they care enough for these men and women to make that commitment, as they have repeatedly. It is not just units of government. Private corporations have done the same thing. We ap-

plaud them. We call them patriot corporations because they stand behind the men and women in uniform.

I came to the Senate floor and I said to my colleagues, if we applaud those who stand behind the men and women in uniform to make certain they do not lose their pay while they are activated, can we do no less for Federal employees, the employees of the U.S. Government? By a resounding vote of 96 to 3, this bipartisan vote on the Senate floor, we said, yes, we will stand behind the Federal employees who activate.

How many are involved? Of the 1.2 million Guard and Reserve in America today, 10 percent are Federal employees, 120,000. Currently 23,000 are activated. Some do not see a cut in pay, but many see dramatic cuts in pay. What I asked for was the same type of justice and caring from the Federal Government we asked from State and local governments.

We passed that amendment, and I felt good that we made this commitment. Frankly, I sang the praises of the Senate and those who were involved. We went to the conference committee, and on a party-line vote, with every Republican Senator voting no, they removed this provision from the bill. Many of the Senators who just a few days before on this floor had voted for the provision to protect the pay of activated Federal employees turned around, within a few days, and voted no. That does not set a very good example, does it? If we will not provide the same kind of compensation for Federal employees as State and local governments do, how can we in good conscience turn to businesses and say, stand behind your guardsmen, stand behind your reservists; they are serving our country; they deserve your help, when we turn our backs on them in this bill?

It was the first thing we did when we sat down in conference. It was the first vote we took. It was a sad day. Unfortunately, I will have to offer this amendment again in the hopes that the next time around, if it passes on the Senate floor, the Senate conferees will stand up for it. They did not do that this time.

I also want to say we are paying a great amount of money out of our Federal Treasury to search for weapons of mass destruction. I cannot disclose the sum because it is classified. Trust me, it is very large. The Iraq Survey Group is in this so far futile search for weapons of mass destruction. I asked in this bill that they at least give us a quarterly report on what progress was being made. That was stripped out of the bill—no report necessary.

The amendment would require the special adviser to the Director of the Central Intelligence Agency for the strategy in Iraq, Dr. David Kay, to provide both classified and unclassified written status to Congress on a quarterly basis. That accountability was removed in this bill.

Another provision that was stripped out of this bill relates to profiteering

by corporations out to make a buck on a war. During World War II, Harry Truman called war profiteering treason. President Franklin Roosevelt said: I do not want to see a single war millionaire created in the United States as a result of this world disaster.

But when the Appropriations Committee considered this bill, they deleted an amendment by Senator LEAHY, Senator FEINSTEIN, and myself to criminalize war profiteering, price gouging and fraud. The same law that was passed during World War II was stripped out in conference. I do not understand it. I do not understand how anyone could be opposed to prosecuting those who want to defraud and overcharge the U.S. Government and the American taxpayers in time of war. It is unseemly that this has been stripped out in light of questionable no-bid and secretly bid contracts that have been let for Iraq construction.

Since the late 1980s, the move to privatize just about everything the Government does has led to the granting of billion-dollar contracts to a handful of huge companies. We have heard the names: Halliburton, Bechtel. They go on and on. With no surprise, many of them are politically well connected. This amendment was eliminated. It would not have hurt this conference, it would not have hurt this country to include that provision in the law as fair warning to those who would profiteer during a war that we will come down on them like a ton of bricks. But, no, it was removed.

There are many elements in this bill which trouble me. There are some which deserve praise. Access to TRICARE was enhanced for members of the Guard and Reserve; \$100 million was added to secure and destroy conventional munitions in Iraq, the ordinance that is being used to bring down our helicopters and killing our soldiers every single day; \$500 million for recent disasters, including the California wildfires and Hurricane Isabel; \$100 million to help Liberia recover from its brutal civil war; \$60 million for Afghan women and girls; and a modification of language Senator MURRAY, Senator LANDRIEU, and I offered on the Senate floor to ensure the assistance provided for Iraq and Afghanistan advances the social, economic, political rights, and opportunities for women and girls.

I want to especially salute Senator MURRAY and Senator LANDRIEU. They had to fight to restore this money in the conference committee. Before the conference committee came together, a staffer stripped it out and they restored it. It took a lot of hard work on their part, but I think most of us realize women and girls in Afghanistan have been brutalized by the Taliban and by the previous government. Frankly, we need to stand behind them. I am glad this money was restored.

I voted reluctantly for the Iraq supplemental when the Senate passed it the first time for the same reason I

mentioned earlier. As much as I believe this war was begun in a wrong fashion, with a policy that can no longer be defended, I have to say that as long as 120,000 of our best and brightest soldiers are over there risking their lives every single day, we have to stand by them.

I believe the sensible loan provisions which Senator DORGAN from North Dakota, who is now in the Chamber, supported, as well as his effort to say that the Iraqis will pay for the cost of the war with their own oil were just sensible. They are what American families would say, but unfortunately it is not what the Bush administration would say, and those have been removed.

This deletion of the reservist pay provision is one which I hope we can visit again. I hope next time instead of 96 to 3, we will have a 100-to-0 vote in the Senate. Maybe that is what it takes to convince conferees to stay with a provision once we have adopted it in the Senate.

The American people will ultimately be the judge of our work today. Sadly, they are the ones who are not only paying the bills and writing the checks. They understand the costs of war sometimes better than elected officials. The families with soldiers overseas and those who have seen those soldiers injured or killed understand the costs of war far more than anyone on any Appropriations Committee ever could.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. DORGAN. Madam President, I will take a few moments to discuss the Iraq supplemental conference report. At the start of this process, we attempted to have two portions we might consider. One would be the military, which provides almost \$1 billion a week to support our troops, and the second is the Iraq reconstruction fund, which is the amount of money the American taxpayer will be asked to fund for the reconstruction of Iraq.

We were not successful in separating these two, and so this travels as one. As a result of that, I offered an amendment to provide that Iraqi oil ought to bear the burden of Iraq reconstruction. We did not target Iraq's infrastructure. We did not target or attempt to bomb their roads, their bridges, their dams, their power structure. So the requirement that the U.S. taxpayer should pay for the reconstruction of Iraq is a requirement that does not make much sense to me.

Iraq, by the way, has the second largest oil reserves in the world, something people have frequently said on the Senate floor. If they have the second largest oil reserves in the world and are capable of producing, according to Ambassador Bremer, 3 million barrels of oil a day beginning next July, that is \$16 billion a year in export value, \$160 billion in 10 years. There are ample resources, by pumping oil out of the

sands of Iraq, to pay for the reconstruction of Iraq. It ought to be that oil, not the burden of the American taxpayer, that pays for the reconstruction of Iraq. I lost that vote on the Senate floor. The President did not support it. The majority did not support it. They said the American taxpayer must bear the burden of the reconstruction of Iraq. I think that is wrong. It does not make any sense to me. But, again, the requirement is included with the requirement to support our troops.

This country cannot send its sons and daughters to war and then say to them, oh, by the way, when you need some additional money for equipment and ammunition and those kinds of things, we will not provide them. We have no other alternative. We have an obligation to provide that which our military needs to complete this mission. We must do that. So this is going to pass today. I will support it. I support reluctantly the provisions that have to do with the reconstruction of Iraq for the reasons I just mentioned. It is unthinkable to me that the American taxpayer will now be required to come up with \$18.6 billion. The reason it is \$18.6 billion is because, with my colleague Senator WYDEN, I offered the amendment to cut \$1.8 billion. The cut of \$1.8 billion, which was accepted by the Senate, includes cutting money to construct two new high-security prisons at \$50,000 a bed, \$100 million to restore marshes, \$4 million for a nationwide telephone numbering system in Iraq, \$9 million to create ZIP Codes and do a postal architecture in Iraq, \$10 million to modernize the business practices of Iraqi television and radio, \$20 million for 1-month-long catch-up business courses at \$10,000 per pupil. That is more than twice as much as the Harvard Business School costs. You get the point. I was able to cut \$1.8 billion, so this is \$1.8 billion less than it otherwise would have been, but it is \$18.6 billion.

I think there is great question of whether that money will be spent effectively. Let me give some examples. A contract is let to provide air-conditioners in hundreds of public buildings. Then it goes to another contractor and then a subcontractor and that which represented air-conditioners in that contract has now become \$11 ceiling fans. Let me say that again. That which was air-conditioners in the contract, when installed by the subsequent subcontractor, became \$11 ceiling fans.

What happened to the money? Halliburton is importing oil into the country of Iraq at \$1.59 a gallon. The Iraqi oil officials say we can get that oil for 98 cents a gallon. So what is happening? Is the American taxpayer getting squeezed to the tune of \$300 million here? It looks like it to me.

These are the kinds of questions that I think are very important to ask. I am going to be chairing a hearing today at 1:30 on these issues. The Democratic Policy Committee is holding a hearing

on contracting in Iraq to make sure that, if the American taxpayer has to pay for this—and apparently by this it does because those of us who attempted to make it the burden of Iraqi oil to pay for Iraq reconstruction lost—if that is the case, when you send \$18.6 billion out into the wind, I am telling you there is going to be a lot of waste, fraud, and abuse unless we set up conditions to watch it carefully.

This started with sole-source contracts. That is the way this started. That is not what we want to have happen in the future. So there is a requirement for contracts that are bid, which is important, but the question is how do you make sure there is not abuse as a result of this, and waste and fraud? We need to care a great deal about that. I do not understand. I just don't understand the circumstances here, when it is Katie bar the door if you want money for reconstruction of Iraq. The taxpayers will ante that up. We have an unlimited supply of money.

That is what some say. I don't think that makes any sense. We are going to borrow money in this country so we can send that money to Iraq for the reconstruction of Iraq for a whole series of things that have deteriorated for 20 years in Iraq. We didn't destroy them. Then Iraq, incidentally, is going to pump oil out of the ground. They have liquid gold under that soil; the second largest reserves in the world are there. Then, guess what. When Ambassador Bremer testified before the Appropriations Committee I asked him: Why can't we use Iraqi oil to pay for Iraqi reconstruction?

He said: Very simple; it's because Iraq has a lot of foreign debt.

I said: Who does Iraq owe money to?

He said: Germany, France, Russia.

At that point I didn't know enough to respond to him. I checked after the hearing and found, yes, indeed, Iraq owes money to Germany, France, and Russia. But that is not the biggest debt it owes. Mr. Bremer didn't know, or failed to mention to me, the largest debts are to Saudi Arabia and Kuwait—interesting. Wouldn't it be a perversity if the American taxpayers are borrowing money to ship it to Iraq to pay for reconstruction, and then Iraq is pumping 3 million barrels of oil a day beginning July 1 and selling the oil on the open market making \$16 million a year and using the money to pay Saudi Arabia on past debts?

It is incredible to think of the perversity of that kind of situation. I don't know whether Mr. Bremer simply didn't know that Iraq owes large debts to the Saudis and Kuwaitis or just neglected to mention it. They do owe money to France, Germany, and Russia, but it is a lesser amount of money. Most Americans have a right to take a look at this and say this is a missed priority and a missed opportunity. The reason those of us who attempted to change the construct of this were denied the opportunity to do so by a vote in the Senate was we were told every

single dollar of this is necessary for the support of our troops, and the quicker we get things back on track in Iraq, the quicker the troops come home. Therefore, we were told it is necessary to reconstruct the ZIP Code system in Iraq, number the telephone system in a different way, and restore marshlands.

That, of course, is all patently nuts. I mean only in this town would people not laugh out loud at that assertion. You don't need to do that to provide for the safety of our troops.

We have a responsibility, it seems to me, to try to make sure that we win this battle in Iraq. Yes, indeed, it is a battle. This weekend another 16 soldiers, tragically, lost their lives. All of us are heartbroken about those losses. We cannot withdraw from Iraq. Some say let's pull out tomorrow. We can't do that. There is not any way this country can do that. There would be a bloodbath in Iraq tomorrow if we pulled out. So we have a responsibility to stay in Iraq at this point.

But what we have a responsibility to do, in my judgment, is to put this back on track by making it less a U.S. occupation and more an international occupation. That means it is very important for us, as Secretary Rumsfeld said this weekend, to build up the security forces in Iraq—that is very important—and do a lot of other things so at some point we can withdraw our troops. But especially we must understand that we need to get other countries to commit troops so this is, in fact, an international occupation in Iraq, not just a U.S. occupation.

In response to that, some would say it is an international occupation.

It is not. It is not. The overwhelming, 90 percent of the occupation is American. We need it to be an international occupation now and we need to set the stage to do the things to allow there to be security in Iraq, to allow the Iraqis to develop a government, and then to allow us to withdraw our soldiers and bring our soldiers home. We can't do that this week, we can't do that this month, but our goal is to do that. In the context of doing that we provided \$66 million requested by the Pentagon to keep those troops in Iraq, to provide the funds they need while they are in Iraq.

Attached to this is the \$18.6 billion now for the reconstruction of Iraq. I regret that is there. Although that reconstruction may well be necessary in many cases, it ought not be an obligation borne by the American taxpayer. It just should not be. Yet here in the Senate we vote, and when we lose a vote, we lose. I lost the vote believing this ought to be a burden of Iraqi oil.

Now we will pass, today, the Iraq supplemental conference report. The President will sign it, and the funds will begin to flow for our troops and we will also see substantial money that begins to go in contracts to reconstruct Iraq.

This afternoon, as I indicated, I will chair a hearing that looks at that, to

evaluate exactly what is happening with those funds.

We had some sole-source contracts with Halliburton, Bechtel, and others that were not bid. There was some allegation of substantial waste. We will have testimony today about some very wealthy families in Iraq who are extracting kickbacks from suppliers and from contractors in Iraq. We will have other questions about waste of money and waste, fraud, and abuse in this contracting.

I think all of us want the same thing. I don't think anybody would object to making sure that we put a structure in place to protect the American taxpayer against the waste, fraud, and abuse.

You talk about a bunch of hogs in a corn crib, I will tell you how to get that sound going. You just provide \$18 billion out there and say to companies: Come and get a part of this and do something in Iraq. I will show you the opportunity for substantial waste, fraud, and abuse. We ought to make sure, if we are going to do this—and we are because I lost on this—if we are going to do this and provide \$18.6 billion in taxpayer funds, then let's make sure we shut down the opportunity to waste this money.

Madam President, I yield the floor and I suggest the absence of a quorum. I ask unanimous consent the quorum call be charged equally against both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I wish to make special note of thanks to staff of the subcommittees who worked so hard on this important legislation. This bill before the Senate required the work of seven of the appropriations subcommittees—Defense, Foreign Operations, Military Construction, Homeland Security, Commerce-Justice-State, HUD-VA, and Labor-HHS. The members of our committee staff have put in long hours working not only on this bill but on our other regular fiscal year 2004 appropriations bills. It meant working nights and most weekends of the last 5 weeks.

I especially thank our staff director, Jim Morhard, who has shepherded this bill through and coordinated these subcommittees, and got us to the place where we are now.

I especially thank Sid Ashworth, clerk of the Defense Subcommittee, and her counterpart on the Democratic side, Charlie Houy; and Paul Grove, clerk of the Foreign Operations Subcommittee, and his counterpart, Tim Reiser. These four hammered out the compromises on the major provisions of the legislation before the Senate

today. Paul Grove deserves special recognition. He is a true professional who has worked tirelessly to help us complete action on both the supplemental and the fiscal year 2004 Foreign Operations appropriations bill at the same time.

He worked literally around the clock yesterday and into today. I am not sure he has seen his family or has gotten more than 2 or 3 hours sleep every night for the last 2 weeks. I am serious. He has been a totally dedicated man. His efforts represent the dedication of the staff of the Senate Appropriations Committee. I am very proud of these people. I hope everyone in the Senate realizes how hard they have worked to get this bill before the Senate today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

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

AGENCY FUNDING

Mr. GREGG. Mr. President, I rise today to address an issue within the Appropriations Committee's jurisdiction, which is the subcommittee that I chair, the Subcommittee on Commerce, Justice, State, and the Judiciary, and a letter sent to the committee as a result of the mark which came out of the full committee markup process funding those major agencies. This subcommittee has very broad jurisdiction. It is an exciting committee, quite honestly, of which to be chairman. It has the Commerce Department, it has the Justice Department, it has Judiciary, the FTC, FCC, and a number of other major agencies, including State Department.

As a result of the allocation process, which is a process by which the chairman of the full committee assigns each of the 13 subcommittees within the Appropriations Committee an amount of the money they can spend on the various agencies which they have responsibility for, which amount is tied to the overall budget passed by the Senate, so that the overall budget, which I believe was \$784 billion, is chopped into parts and each subcommittee gets a part of that budget which it then allocates to the various agencies for which it has responsibility.

As a result of that process, this subcommittee, the Subcommittee on Commerce, Justice, State, and the Judiciary, was the only subcommittee which actually received less of an allocation. In other words, our number that we had for our agencies was less than what, first, the President requested by, I believe, \$700 million, and, second, what the House had allocated to this same group of agencies by \$900 million. Our subcommittee, when it was assigned our number, was almost \$1 billion below the amount which was available to the House subcommittee and

even more significantly below what the President had requested for these agencies. That was a responsibility I was willing to accept.

I am happy to try to do my job around here. If my job involves being fiscally responsible, I am more than happy to do that. So when the chairman made this decision, which was a reasonable decision in light of the very stringent numbers he had to work with, I worked with them and produced a bill which met those numbers.

Our bill came out at a funding level which was significantly below the House number. A number of the agencies which were impacted obviously were not happy about that. Most of them, however, were sophisticated enough to realize that in the end there was going to be a compromise between our committee and the House committee and that I suspect our number will move up closer to the House number and, therefore, closer to the President's number.

Most of the other agencies were fairly responsible in their reaction to this, fairly reserved. For example, we received a letter from the Justice Department, which took many of the major cuts—not cuts but reductions in increases—that I had to make. This letter was a very matter of fact, accurate statement of where they thought they needed more money.

I cannot argue with their position. In fact, in many ways, if I have more money as we move down the road, I will address those concerns very aggressively: for example, in the areas of the FBI, ATF, DEA, and general operations of the Justice Department. These were reasonable objections. They disagreed with our funding levels, but the Attorney General understood that we had a problem.

Then we received a letter from the State Department. Now, the State Department is supposed to be diplomatic. I believe that should be one of their skills. This was not a diplomatic letter. It was excessive, inaccurate, and inflammatory. It essentially attacked the Appropriations Committee and the subcommittee in terms which I thought were grossly overstated and inappropriate. In it, the Department questioned our commitment to national security, questioned our commitment to the State Department, and then went on to raise specific problems with the bill that were not dollar related, for the most part, but were policy related, many of which were actually policy initiatives that the State Department knew or had to know were inaccurate. They based an inflammatory letter on facts which were wrong.

I am going to go through that letter, point by point, and address those issues. I am not going to address the overall funding issue too much because this gets into my allocation, the allocation we received, and down the road we will be able to address that. Down the road, we will be able to address

that. But that was not really the essence of this letter.

This letter was a very vitriolic attack on the Appropriations Committee, regrettably, by the Secretary of State, signed by the Secretary of State, and I think it has to be responded to.

I am going to try to do it in a matter-of-fact way. I am not going to raise my language to the level he raised his because I think his level was inappropriate and extraordinarily undiplomatic. But let me pursue the specifics.

The Department's—when I say “Department,” I am referring, of course, to the State Department. The Department's appeal letter criticizes the bill for not providing full funding for the Diplomatic Readiness Initiative. The Diplomatic Readiness Initiative is the State Department's plan to hire 1,158 new Foreign Service officers over 3 years. The \$97 million requested in fiscal year 2004 represents the third and final year of funding for this unprecedented hiring surge.

The Department's target levels, both in terms of funding and personnel, for the Diplomatic Readiness Initiative were arrived at in a rather arbitrary way, in our opinion. State never undertook a comprehensive review to determine where and how many additional staff might be needed. In fiscal year 2002, the committee asked the Department to provide justification for the requested 1,158 new hires. The committee repeated that request, and the request went unanswered.

The committee, this year, asked the State Department to explain where the 399 new Foreign Service officers, requested in fiscal year 2004, would be stationed—What bureaus? What embassies?—a fairly reasonable request from the appropriations committee charged with protecting the pocketbooks of American taxpayers. The State Department could not answer the question.

If any internal review process had taken place to determine the proper personnel levels for overseas posts, the Department would have easily been able to tell the committee where these new FSOs would be placed, but they could not.

The problem concerning the Diplomatic Readiness Initiative goes hand in hand with the issue of right-sizing. “Right-sizing” refers to the configuration of U.S. Government overseas personnel to the minimum necessary to support national interests.

According to the General Accounting Office—this is not our committee—but according to a General Accounting Office report, the State Department “has no comprehensive process in place for developing the staffing projections that are essential to the right-sizing process.”

In its appeal letter, the Department states that this claim is “no longer accurate.” But the Department's very use of the words “no longer” is an admission it did not, in fact, have a right-sizing process in place when the Diplo-

matic Readiness Initiative was put forward.

In the absence of any indicators that State has undertaken right-sizing on its own, the committee decided to include two provisions that would compel the State Department to right-size downward, hopefully, two posts in Western Europe.

For the sake of argument, however, let us assume that State was, in fact, able to justify its Diplomatic Readiness Initiative requests and that it did have an effective right-sizing program in place.

The Department's letter claims that the bill provides only \$67.4 million for the Diplomatic Hiring Initiative. That simply is not true. It is not accurate, like much else in this letter. The Senate report clearly states that \$90 million is available for the Diplomatic Readiness Initiative. The State Department is dissatisfied because the committee considers its request for 68 new consular officers to be part of the diplomatic readiness, not an add-on.

In fiscal year 2004, the State Department requested 68 new consular officers in addition to the final tranches of 399 new Foreign Service Officers. State claims the increase is necessary due to unanticipated personnel needs.

The last-minute addition of the 68 new FTEs, at a cost of \$22.6 million, confirms the committee's suspicion that the Department, in fact, had not undertaken any meaningful workforce planning.

The second point the Department makes here: the Department's appeal letter criticizes the bill for not providing any funding for the Bureau of Legislative Affairs, or “H”, as it is commonly known.

For the sake of full disclosure, it should be noted that the Bureau of Legislative Affairs wrote the letter that was sent to us by the State Department, which I think, on its face, should explain why we zeroed it out. But I will go into more specifics.

The House bill contains language capping both the funding and the personnel of that Bureau. Why would both the House and the Senate Appropriations Committees move to limit or, in our case, strike the office's funding? The reality is that both House and Senate appropriators are unhappy with the performance of this office and are unconvinced of its necessity. There are currently 69 full-time equivalents at H at an annual cost of \$7.7 million.

The Senate CJS Subcommittee works almost exclusively with the State Department's budget office, not the Bureau of Legislative Affairs. In the interest of fairness to my House and Senate colleagues who might utilize the H Department, I would consider reducing the Bureau of Legislative Affairs' budget by one-quarter to account for the services that are not provided to our subcommittee but for which we seem to be paying. And possibly the House will take the same position. That would allow, of course, H to be able to

work with the authorizing committees and other Congressional offices. So we are willing to adjust there.

But I think people can understand why, after I complete my analysis of this letter, this Bureau does not merit funding from the committee.

The Department appeal letter also criticizes the bill for not providing any funding for the Office of Legal Adviser, or "L", as it is commonly known. As the letter points out, the committee certainly does not believe the State Department's legal needs should go uncovered. Situations will undoubtedly arise that will require a legal response from the Department of State. This is why the committee would likely have moved in conference to restore at least a portion of this office's funding, and we will do that.

The committee did not provide funding for L in fiscal year 2004 to make a point as to the failures of L's performance in a number of areas. This office has several times overstepped its bounds.

The Office of Legal Adviser is responsible for providing timely legal advice and support to the Secretary of State. However, L regularly inserts itself into the policymaking process, even to the point of telling the Congress what the Congress does and does not intend by the laws we pass.

With all due respect to the good people who work at L, Senator HOLLINGS and I and other members of the Appropriations Committee really are not interested in having State Department lawyers tell us what we meant when we passed laws. This is exactly, however, what L did when Senator HOLLINGS tried to pass legislation allowing Americans who were held hostage during the Iranian hostage crisis to file claims for damages against Iran.

Whether my colleagues agree or disagree with Senator HOLLINGS' position—and it has been a position of some controversy—on this particular issue there can be no disagreement over the Office of Legal Adviser's slick lobbying tactics and outright refusal to follow the congressional direction.

Another source of frustration is L's past attempts to withhold information from the committee. An April, 2003, Department of State Inspector General's report described the case of a State Department employee who was committing fraud against the Department. The IG report did not clarify the outcome of the case, stating only that the employee had been recommended for removal. As an oversight responsibility, we inquired as to whether the person had been removed or not. L directed the Legislative Affairs Office not to provide this information to the committee on the basis that it had Privacy Act protection.

I believe the American people, and certainly the appropriations committee, have a right to know whether or not a person accused of fraud by the IG has been removed from that office.

The American people have a right to know whether an employee caught

stealing their tax dollars remains on the Federal payroll. So, the committee reiterated its request. At that point, the State Department told the committee what we already knew to be true: that the Privacy Act contains a statutory waiver for congressional committees of jurisdiction.

State then told the committee it could have the information only if it could produce a letter of request. However, the statutory waiver contains no mention of a letter. We refused to sign a letter and gave the State Department a deadline to make the information available to the committee. This was many months ago, and we are still waiting for the information.

A congressional committee of jurisdiction should not be at the mercy of the State Department's legal department and its internal rules for access to information. Such rules are obviously intended to withhold information from the American people that could potentially embarrass the State Department.

It is regrettable that the Office of Legal Adviser can so flagrantly defy the wisdom, the spirit, and the intent of a waiver for congressional committees of jurisdiction.

The Department's appeal letter further criticizes the bill for not providing funding for the Office of Brazilian/Southern Cone Affairs and the Deputy Assistant Secretary for that office. There is a very straightforward reason for the committee's decision not to provide funding for this office.

In 2002, the Department decided to consolidate the Rio de Janeiro, Brazil, operations into leased facilities rather than construct a new consulate building. This decision left the Department holding several properties in Rio de Janeiro that it could not sell due to the 1991 Brazilian law that requires individuals and businesses to be current on their Social Security payments to the Government of Brazil before they can legally transfer property title.

In 1996, the State Department discontinued the payment of employer contributions into the Brazilian Social Security system for foreign service national employees because the Department deemed the Brazilian Social Security system to be fiscally unsound. The Department deemed it to be fiscally unsound. The Department set up its own pension system for the FSNs.

The result of this is that the United States now owes approximately \$10 million in arrears to the Government of Brazil. The State Department had in the past refused to pay the arrears. The committee supported its decision not to do so because we had already paid that \$10 million in two accounts to benefit these employers.

However, when the Department eventually needed to dispose of the property in Rio de Janeiro, it requested a reprogramming of \$10 million to repay the arrears. The committee denied the Department's request, citing the principle of the matter and the fact that

American taxpayers were, in essence, being asked to pay twice for these FSN pensions.

Shortly thereafter, it was brought to the committee's attention that certain officials from the Bureau of Western Hemisphere Affairs were trying to arrange a property swap with the Government of Brazil. In other words, the committee specifically told the Department not to pay back the arrears, and the Bureau sought a way around the committee's denial of the funding.

In light of these inexcusable actions and in light of the low fiscal year 2004 allocation, the committee decided that the appropriate funding level for the Office of Brazilian/Southern Cone Affairs was zero. The bill makes it clear that even the Department of State is accountable for the expenditure of the American taxpayers' dollars.

The Department's appeal letter further criticizes the bill for not providing funds for the Bureau of Oceans and International Environmental and Scientific Affairs. It is the responsibility of this bureau to promote U.S. interests in oceans, manage fish resources, protect marine environment through treaties, and promote U.S. interests in the international management of fresh water, forests, hazardous chemicals, and the atmosphere. Why would anyone want to abolish an office with such an important portfolio?

The answer is that OES is not really getting the job done. The people at OES are very skilled diplomats, but they are not using their talents to negotiate effective, forceful treaties on fisheries, forests, and the atmosphere. They are instead burning time and talent lobbying for more resources for themselves or trying to wriggle out of initiatives which Congress has asked them to undertake.

For the record, the bill does not abolish the OES functions, as some have accused. The bill transfers all of the OES's oceans-related responsibilities to the National Oceanic and Atmospheric Administration. That seems reasonable.

The bill does not reassign many of OES's other core functions, such as climate change, deforestation, et cetera. This is because the Commerce, Justice, State Subcommittee does not have jurisdiction over the agencies responsible for these activities. It is not our place to say that the EPA Administrator should negotiate climate change treaties on behalf of the United States since the State Department can't seem to manage to do it.

The committee has received quiet praise from a range of groups, from industry to NGOs, on the elimination of this office. These groups share our frustration with the OES's inability, and sometimes unwillingness, to do its job in what we consider to be an effective manner and have congratulated the committee on its decision to move OES functions to agencies that actually care about and have expertise in issues such as endangered turtles, lumber imports, and global climate change.

What is the root of the committee's frustration with the OES? OES has contravened statutory requirements to seek binding international treaties on endangered sea turtles and shark finning. On trade issues, OES has consistently pressed a U.S. position that sacrifices the environmental and conservation agenda. It is important to note that things were no better under prior administrations.

Finally, there is widespread frustration with the lack of expertise and institutional knowledge of the OES negotiators due to State's policy of constantly rotating Foreign Service officers. Simply put, the committee got tired of being ignored by OES, and the Congress should also be tired of this.

This year, the committee decided to take action. The action taken was constructive. It reassigned these important functions to people who actually understand the issues and who are willing to pursue them.

Further, the State Department's appeal letter objects to the bill's inclusion of \$52 million for the Center for Anti-Terrorism and Security Training. The CAST facility would allow the Department to consolidate training for the Bureau of Diplomatic Security and the Anti-Terrorism Assistance Program.

The Department requested \$52 million for this project in fiscal year 2003. The House objected, and the Department ultimately did not receive the funding last year. In light of this, the committee included the \$52 million in fiscal year 2004. It was assumed that if the Department had requested the funds in fiscal year 2003 it would then want them to be included in the fiscal year 2004 funding. However, the Department's appeal letter objects to their inclusion this year.

The State Department's inconsistency on this matter leads one to seriously question the processes by which it determines its budgetary priorities. In my humble opinion, they do need a center where they are able to train their Bureau of Diplomatic Security people, who have expanded radically in number over the last few years. State's inconsistency on this matter is hard to understand. State's complaints about the decisions of this committee are rather bold, given this inconsistency.

The Department's appeal letter next objects to the bill's inclusion of \$40 million for security enhancements for so-called soft targets. These funds are intended to be used to pay for security enhancements such as guards, shatter-resistant windows, emergency warning systems, and bollards at staff housing and American schools overseas. I started this initiative in the fiscal year 2003 budget. A total \$15 million was included in that bill, along with language drawing particular attention to the security needs of our overseas schools. Or at least I thought \$15 million was included in the bill.

The State Department has recently informed the committee that it has

chosen to interpret this figure as \$15 million over 3 years, not \$15 million for each of 3 years as the committee intended. And since the actual funding level for the soft target initiative will fall \$10 million below what was envisioned for fiscal year 2003, the fiscal year 2004 level will have to be at least \$25 million to meet the goal.

The Department has argued that \$40 million is too much for this program. It is the committee's position that this is the right amount, especially since the Department appears to be playing budget games with this important initiative. It is extremely disheartening, in light of the pledges given to us by leadership at the State Department, that they would now try to decrease this funding to protect soft targets.

Some of us are personally very committed to making sure that, when our Foreign Service people go overseas and take their families with them, we give those families reasonable protection. It appears the Department, perhaps, is not.

The Department's appeal letter objects to the bill's inclusion of language limiting the number of personnel working in U.S. Embassies in Paris, France, and Berlin, Germany. The letter states: "This micro-management circumvents the Department's right-sizing plan process".

The bill includes caps on personnel because, as discussed earlier, the Department has no right-sizing process in place. And our Embassies in Paris and Berlin are a living—and growing—testament to this. I addressed this problem of right-sizing earlier, and I will not belabor the point.

There are a couple of factors that led the committee to choose Paris and Berlin as the places to begin this mandatory right-sizing. The U.S. Embassy in Paris has grown so large that the post now occupies several annexes throughout the city in addition to the primary Embassy building. Recently, the Department requested to utilize \$25 million to renovate a building into which personnel from other annexes could be consolidated. As if the \$25 million price tag weren't bad enough, shortly after State made this request the committee discovered that the roof of the building had collapsed. State continued to push for approval of the funds to renovate the dilapidated building—right up until both the House and Senate Appropriations subcommittees denied this request.

As far as Berlin is concerned, the committee had originally been told that the new embassy building planned for the historic Pariser Platz site would have to be smaller than normal, due to the small size of the property—about 1.5 acres. This is how State justified to the committee the cost of purchasing and renovating an ample new consular compound in Frankfurt, Germany. State's rationale was—and the committee agreed—that if the embassy building in Berlin had to be smaller than necessary, some personnel could

be transferred to what was to become a "regional hub" in Frankfurt.

A little under a year ago, the State Department informed the committee that the Berlin building would actually be much larger than normal. In fact, the new embassy building envisioned for Berlin is a 24,000 square meter colossus, what the Department terms a "special project." The result is that we have an enormous "regional hub" compound in Frankfurt and a supersized embassy building in Berlin. The convoluted history of the Berlin project leads one to question whether the State Department takes the concept of right-sizing seriously at all.

The Department's letter also criticizes the bill for reducing the funding level of the Berlin project by \$70 million. The Berlin project, unlike all of the other capital projects requested in fiscal year 2004, is not driven by security needs. The bill redirects this \$70 million to construction of a new consulate building in Karachi, Pakistan. The design/construction phase for Karachi was not scheduled to begin until fiscal year 2005. However, given the current security situation in Pakistan, the committee felt it should begin as soon as possible.

Employees of the U.S. Consulate General in Karachi have come under attack on four separate occasions during the last decade. On two such occasions, the consulate building itself was attacked. The most recent attack occurred in February, 2003, when a gunman opened fire on the local police assigned to the consulate. In light of this, the committee decided that our consulate in Karachi was in urgent need of reconstruction. Shrinking the size of an already-too-large building in Berlin, Germany, seemed like a very reasonable price to pay for a badly needed security construction project in Pakistan. It is the committee's policy to address the security needs of our embassies and consulates overseas before constructing buildings that are desirable for historical and cultural reasons.

The Department's appeal letter criticizes the bill for not providing full funding for the U.S. payment to the United Nations. The difference between the requested amount of \$1 billion and the recommendation of \$922 million can be explained by the committee's decision not to provide the requested funds for the United States to rejoin UNESCO. However, the Department may not be aware of this, but we have had significant discussions with the White House and members of the administration, and I fully expect we will be funding UNESCO.

Another factor contributing to the "cut" to this account was the committee's decision not to provide the funds for the United States share of the costs of the U.N. Human Rights Commission. The House bill contains a provision that would withhold funds for this U.N. body as well. The U.N. Human Rights Commission is notorious because it is

chaired by Libya and boasts such members as Sudan, Cuba, and Zimbabwe. Human Rights Watch this year called the U.N. Human Rights Commission: "An abusers club of governments hostile to human rights."

The U.N. Human Rights Commission ignores the real human rights violators. No resolution in the history of the commission has ever been passed on states such as Syria, China, Saudi Arabia or Zimbabwe. The commission has not addressed gross and systematic human rights abuses in countries such as Bahrain, Chad, Liberia, Malawi, Mali, Saudi Arabia, Syria, United Arab Emirates, Yemen, and Zimbabwe. The Commission is a platform for Israel-bashing. It has spent more time on Israel than any other country. Eleven percent of its total substantive meeting time has been spent on Israel alone, while 24 percent of its time has been spent on all other U.N. states combined.

Lastly and most alarmingly, the U.N. Human Rights Commission is being used as a forum for the expression of values and positions that run completely counter to America's own. One member state objected to the inclusion of language calling cross amputation "cruel, inhuman and degrading treatment" on the grounds that it was an offense to all Muslim countries. The Commission has also adopted a resolution affirming the legitimacy of "all available means," including suicide-bombing, "to resist foreign occupation and for self-determination." At one meeting, the Libyan Chairman shouted that the U.S. war against terror showed that the U.S. "despised humanity."

Should we stand by as American tax dollars are allowed to flow to such an organization? The House of Representatives doesn't think so. The Senate Appropriations Committee didn't think so. Apparently, the Department of State thinks so.

The last portion of the "cut" to this account is explained by the bill's discontinuation of funding for a number of the smaller international organizations. In the past, the committee has directed the State Department to review the list of smaller international organizations to which the United States belongs to determine which of these may no longer be worthwhile for the United States. State has not done so. This year, the committee began making eliminations. The committee gave the State Department the chance to review the list itself, but it did not act.

The Department's appeal letter criticizes the bill for not providing full funding for the U.S. share of the cost of United Nations peacekeeping missions. The bill provides only \$483 million for peacekeeping while the request was \$550 million. This, the State Department correctly points out, is a difference of \$67 million.

What the Department's appeal letter does not acknowledge is that, on Sep-

tember 30, 2003, the committee approved a reprogramming providing that \$100 million in this account would be carried forward to fiscal year 2004. The result of this? State is not going to have a \$67 million shortfall, it is going to have a \$33 million windfall.

The State Department knew this \$100 million in carryover would be available when they wrote their appeal letter. They knew that the Senate CJS bill assumed that ample carryover funding would be available. This is the most egregious part of the Department's appeal letter. It is an outright fabrication.

But let's turn to the real issues. The report accompanying the fiscal year 2004 bill directs the International Criminal Tribunal for Rwanda to complete its work by 2004 and the International Criminal Tribunal for the Former Yugoslavia to complete its work by 2006. Both ICTY and ICTR have been criticized for being slow and unprofessional, for having inadequate staff, for the passivity of their judges, and for their insufficient oversight of expenditures and employees. The Department of State itself has criticized these tribunals for their shortcomings. For these reasons, the Senate report includes language urging the U.N. to develop an exit strategy for these Tribunals.

The committee's disappointment in the performance of the Yugoslavia and Rwanda Tribunals had little to do, however, with the level of funding they received (about one-third of the requested amount). This funding decision had more to do with the fact that the bills for these 2 Tribunals—that is, the amount the U.N. assesses to the United States each year—have been much lower than anticipated for the past few years. The State Department has, for several years, budgeted about twice what it really needed to pay the U.S.'s bills for the Yugoslavia and Rwanda Tribunals. In light of this year's low allocation, we decided to hold back these funds and use them elsewhere. State recently estimated that the bills for fiscal year 2004 would come in at just around the requested level. The committee will likely adjust this level upwards in conference, since it is not interested in creating new U.S. arrears without a compelling reason. But it is important to note that the low Senate level for the Tribunals resulted from State's own budgetary ineptitude.

State was quick to lash out at the committee for not providing full funding for the Yugoslavia and Rwanda War Crimes Tribunals. Yet, State itself is withholding funds for the Special Court for Sierra Leone. The Special Court is assigned the task of prosecuting those who committed atrocities during Sierra Leone's gruesome civil war. In fiscal year 2003, Congress appropriated \$10 million for the Special Court. State refused to provide the entire \$10 million, in a blatant disregard of congressional intent. The Chief Prosecutor for Sierra Leone has told the committee that

without the additional \$5 million, the Special Court may have to shut down as early as February.

The Department has criticized this bill for trimming down what, in past years, was a grossly inflated budget for the U.N.-run tribunals while denies the United States- and British-led tribunals its promised funding. This inconsistency is worrisome.

The Department also objects to report language under peacekeeping that directs the United Nations to develop an exit strategy for the U.N. Peacekeeping force in Cyprus. The reason for this language is simple. It is not fair for U.S. taxpayers to have to pay for missions in countries that are on the cusp of joining the European Union.

The last two years have seen the U.S. take on tremendous new global responsibilities, with Afghanistan and Iraq representing the largest. The U.S. cannot afford to keep taking on new missions if its existing missions never go away. The U.N. mission to Cyprus began in 1964, 39 years ago. The State Department needs to use the U.S.' voice in the Security Council to ensure that U.N. peacekeeping missions are held to some sort of reasonable time frame.

The Department also objects to the bill's failure to include language allowing it to carry over 15 percent of the fiscal year 2004 peacekeeping appropriations into fiscal year 2005. As I mentioned earlier, the peacekeeping bills have been coming in much lower than expected. In fiscal year 2004, the Department's peacekeeping appropriation was \$167 million above what it actually needed. Assuming this trend continues, the Department's request to carry over 15 percent of its peacekeeping appropriations is the equivalent of an advanced appropriation, something which the subcommittee of which I am chairman has tried to avoid. As a rule, the committee does not provide advanced appropriations since they take funding decisions away from the elected representatives of the people and hand it over to the agencies. This is simply a matter of policy and proper management.

The Department's appeal letter further criticizes the bill for not providing full funding for Educational and Cultural Exchanges, but the Department's appeal letter does not tell the whole story. In fiscal year 2004, the Office of Management and Budget decided to move the former Soviet exchange programs, at a cost of approximately \$100 million, over to the Commerce-State-Justice Subcommittee from the Foreign Operations Subcommittee. This maneuver was intended to make room for the expanded Middle East exchange programs in the Foreign Operations budget. This was an OMB initiative. Whether or not one agrees that these programs belong in Commerce-Justice-State, there were simply not enough funds in the subcommittee's 302(b) allocation to absorb them.

The committee has always generously supported the exchanges. They

are one part of the State Department's public diplomacy program that consistently produces good results, but even the committee has to question whether, if the former Soviet exchanges are no longer a high priority area for the United States—which the administration's budget signals they are not—then their funding needs to be reduced and they need to be folded into an existing exchange program under Commerce-Justice-State. OMB and the State Department should be committed, as I am, to reprioritizing rather than simply adding more and programs. In any event, OMB should not act unilaterally, creating an impossible situation for the subcommittee given its low allocation, and then, with the State Department, write a letter complaining about it.

The Department's appeal letter further objects to language in the bill designed to prevent the State Department from making a reprogramming request more than once. The committee decided to include this language after the Department requested to reprogram funding for the same project five times. In this particular instance, the committee denied the Department's request to utilize Commerce-Justice-State funding to construct two USAID annexes. The committee's position has always been that the Commerce-Justice-State Subcommittee should not have to build buildings for agencies over which it does not have any oversight. Seems reasonable to us.

The USAID's operating budget does not fall under the jurisdiction of Commerce-Justice-State and, thus, this subcommittee has no way of ensuring that USAID is managing its funds wisely, that its requests for new buildings are legitimate, and that all of the personnel it places in these buildings are needed in those buildings. Moreover, separating USAID's building function from the oversight of its own appropriators—the Foreign Operations Subcommittee—allows USAID to escape accountability for its capital program, which is not good budgeting procedure.

The State Department apparently has failed to grasp this concept that when the committee says no it means no.

The Department's appeal letter further objects to language in the bill requiring the Department to submit the U.N.'s budget along with its own budget to the committee.

The regular dues of the United States to the U.N. are paid through the Commerce-Justice-State bill. In the fiscal year 2004, these dues will amount to \$1 billion for the U.N. regular payments and \$550 million for peacekeeping, for a total of \$1.5 billion of American tax dollars. This amount represents almost 20 percent of the entire State Department account, yet none of these funds—none of these funds—are justified in any meaningful way or any meaningful detail to the committee. All this bill language does is allow the committee to see for what this \$1.5 billion is being used.

The Department's appeal letter says it would be "impractical" for State to submit the U.N.'s budget to the subcommittee. I don't see why. Furthermore, the Department's letter states that the fact the committee has requested to receive the U.N.'s budget "suggests that the committee would intend to exercise oversight over the U.N. budget to the same degree that it does over other accounts in the President's budget request." This, of course, is preposterous and inaccurate. The committee could never exercise this kind of oversight over the U.N. budget. The U.N. is an independent international organization. The committee can't make the U.N. do anything. Only the Security Council can make the U.N. do something.

All this language does is ensure the committee is able to account for the expenditures of U.S. tax dollars. The Appropriations Committee is given the responsibility by the Constitution and by the taxpayers of the United States to make sure their tax dollars are being spent effectively and to know where their tax dollars are going. It seems reasonable that we should at least get an accounting from the U.N. of how \$1.5 billion is being spent, and that is all we are seeking.

The State Department's appeal letter further objects to language included in the bill that provides for an automatic transfer of funding in the event of a visa fee shortfall. The Department's Border Security Program—essentially its consular operations—is funded exclusively from revenue generated through the Machine Readable Visa Fee Program. Since September 11, the number of visa applications to the United States has declined dramatically. This has created a shortfall in excess of \$100 million in the Department's Border Security Program. This has obvious national security implications.

The Department has been aware of this problem for more than a year now. The committee has asked the Department several times to propose a comprehensive solution to this problem. In the absence of a solution, the committee vowed to transfer funds from the Department's main operating account to cover the shortfall. Consequently, the committee included language in the fiscal year 2004 bill that provides just such a safety mechanism—an automatic transfer of funds—to ensure that funding shortfalls do not disrupt the Department's critical Border Security operation.

For the record, the committee has still not received a proposal from the State Department. The Department's current ad hoc system for addressing funding shortfalls in the Border Security Program is unacceptable. The Department leaves the committee little choice but to insist that this language be carried forward in the report.

The Department's appeal letter objects to language included in the bill that would withhold funds for any U.N.

peacekeeping mission that places U.S. troops under the command of a foreign national. This language is part of a larger debate over the International Criminal Court. Identical language was included in last year's Commerce-Justice-State conference report, which passed both the Senate and the House. The House included identical language this year. Congress has spoken on this matter and the matter rests as it is. Why the State Department would write such an inflammatory letter now claiming that this language is inappropriate is beyond my understanding, especially given the history of this language.

The Department's appeal letter objects to the language included in the report requiring the Department to demonstrate that consolidation of its payroll system would result in a savings for the American taxpayer. What an outrageous idea that we should ask the State Department to prove that something they are planning will save money, and then actually have them show us how it does save money.

There is also report language requiring the Department to submit a reprogramming before it obligates any funding for payroll consolidation. Last January, the Office of Management and Budget announced an initiative to consolidate the Federal payroll system. It is estimated that this consolidation will reduce the number of agencies processing employee checks from 22 to 4, which could save the taxpayers up to \$1 billion over the next 10 years.

The committee is very supportive of this initiative. However, State's payroll needs are very different from the payroll needs of domestic agencies. The State Department currently pays over 25,000 Americans both domestically and overseas and over 35,000 local national employees in 180 different countries bi-weekly in local currencies.

The purpose of this report language is to ensure that if any payroll consolidation takes place at the State Department, that State's unique needs are met.

The committee has a right to exercise oversight over these funds. In fact, it is our obligation to do so, and I would think that State would encourage it rather than resist it.

The Department's appeal letter objects to report language that requires the Department to move the Office of Foreign Missions out of the Bureau of Diplomatic Security to the Bureau of Management. The Office of Foreign Missions was created to review and control the operations of foreign missions in the United States and to administer the benefits available to them. The Office of Foreign Missions was originally invented as a stand-alone office under the Secretary of State. In 1996, however, the office was moved to the Bureau of Diplomatic Security. The person who was then the director of the office took OFM with him when he was appointed head of Diplomatic Security.

The committee's reason for including this report language is straightforward. We have talked to several foreign ambassadors who say the Office of Foreign Missions acts as though its primary mission is to police foreign missions rather than assist them. We have even had foreign diplomats tell us that they feel as though the Office of Foreign Missions treats them like "criminals". This is unacceptable. I am certain this penchant for heavyhandedness can be explained by the Office of Foreign Missions' being housed in the Department's security branch.

For the second year in a row, the committee has asked the Department to consider moving the office back. The language was ignored the first time and hopefully we can get it to work this time.

The appeal letter objects to report language that directs the Department not to grant visas to any person caught trafficking in looted Iraqi antiquities. It objects to that language. This language says, essentially, that anyone found to be responsible for looting and damaging Iraq's historical and culturally significant works is barred from receiving a U.S. visa.

U.S. visas are not a right. They are a privilege. Any person who attempts to profit from the misfortune of the Iraqi people should lose this privilege. Why the State Department opposes this is beyond us. It is especially disconcerting that the Department objects to this language in the context of an inflammatory letter that questions this committee's commitment to national security.

The appeal letter objects to report language requiring that children under the age of 1 be present for the adjudication of a U.S. passport. This minor change in Department policy, though admittedly an inconvenience for passport applicants, would help prevent international child abductions. Currently, State Department regulations do not require children under the age of 14 to appear personally when passport applications are made on their behalf. As a result, passport fraud involving the substitution of photographs of one child for another is regrettably common.

The committee included this language following a Department of State Inspector General's report that recommended precisely this policy change. By law, State Department bureaus are required to respond to the recommendations contained in an Inspector General's report. On July 8, 2003, the Assistant Secretary of State for Consular Affairs sent a memo to the Inspector General stating that she not only concurs with the IG's recommendation, but is implementing it. This is good news. But one wonders why State is attacking us for suggesting it in our bill.

Included in the appeal letter is an objection to report language directing the Department to construct a new of-

fice building in Kingston, Jamaica, instead of utilizing an existing building for both post housing and embassy functions. The committee was under the impression this plan also was already being implemented by the Bureau of Overseas Building Operations. Perhaps we could get some further clarification. It would have been better if the Department had engaged us in a constructive dialogue, rather than sending such a letter.

The appeal letter objects to the report language requiring the U.S. Representative to the Organization of Economic Cooperation and Development, OECD, to submit OECD reports to the committee prior to their release. OECD already submits these reports to its member states. The State Department, on behalf of the United States, is responsible for approving these reports before they are released.

Last year, OECD released a report that dealt with a particular U.S. domestic issue which at the time was being debated in the Congress. The OECD report was not intended to coincide with the congressional action on the particular matter. However, the release of the report nevertheless unduly influenced congressional debate on the matter. Such scenarios must be prevented in the future and this is precisely what this report language seeks to address.

The committee's position on this matter appears to have been substantiated by the recent release of an OECD report that made recommendations on another politically sensitive issue currently being debated by the Congress: vouchers. While in this instance the OECD recommendation was in line with my own views and position, I suspect the opponents of my position, or others who do not agree with the approach to choice and vouchers, might take issue with the OECD's timing. The report language merely states the Congress too shall have opportunities to review the list of OECD reports before they are released. State has twice failed to exercise discretion that should have led it to disapprove reports that inappropriately influenced congressional action. This report language would try to prevent that sort of failure on their part in the future.

That is a fairly comprehensive response to almost every point in this letter, except the overall funding levels, which brings me back to the language of the original letter. This is the language which the Secretary of State has directed at the Senate and the Senate Appropriations Committee. He says in this letter, which I think I have responded to in a very factual and reasonably understated way, that the bill passed by the full Appropriations Committee would adversely affect U.S. foreign policy and national security interests, undermine the management of the Department, is unconstitutional, misstates the legal requirements of the reprogramming process, and raises separation of powers concerns.

I think it is excessive when the Secretary of State and his Department wave the bloody shirt of national security at the Senate as a way of attacking a bill they object to for policy and funding reasons.

To say that I and other members of the Appropriations Committee would adversely affect national security interests at a time like this is an attack that is highly inappropriate, certainly not diplomatic, and that is inconsistent with the facts. As I have pointed out, the letter State has sent us is inaccurate in many areas. It is a disagreement on policies which are reasonable and should have been debated in a reasonable context.

So unlike the Justice Department, which sent us a very matter-of-fact and I thought appropriate, thoughtful letter outlining what their concerns were, and unlike the Commerce Department, which was pretty happy with our bill, the State Department has decided to raise this to a higher level of antipathy. I think it is a mistake, and I think the record will speak for itself when this letter is reviewed in the context of the facts as I have outlined them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak as if in morning business.

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

Mr. REID. Mr. President, if the Senator will withhold, I certainly have no problem with the Senator speaking. But we are on limited time. I ask that the time the Senator from Virginia is going to use apply to the 3 hours that are available under the control of the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALLEN. Thank you, Mr. President.

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

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise to speak on the conference report providing supplemental funding for our operations in Iraq and Afghanistan.

I will support the conference report because I believe we cannot abandon

either Iraq or Afghanistan prior to ensuring that both countries are becoming free, democratic, and stable societies. We are asking our men and women in uniform to put their lives on the line to accomplish this mission. Their sacrifices must not be in vain. We have an obligation to ensure that our troops receive the resources needed to do their jobs as safely and as effectively as possible. This bill will help to accomplish that goal.

Terrorists operating in Iraq are actively working with the remnants of Saddam Hussein's regime against the establishment of a democratic government in Iraq. Every time a bomb explodes, we face a test, a test of our resolve to stay and finish the job. It is not easy to stay the course when our American troops are dying and getting wounded. But to walk away from Iraq would hand these terrorists a victory. To walk away from Iraq now would abandon innocent Iraqis to yet another authoritarian regime that oppresses human rights and threatens the entire region.

Three-quarters of the funding in this bill will help provide our soldiers with the tools they need to get the job done as safely and effectively as possible. The bill includes additional personnel and health care support, much-needed protective equipment, such as body armor and fortified Humvees that will help keep our troops safer, and funding for expanded military operations to pursue terrorists globally. The bill also provides \$18.6 billion to build a modern infrastructure for Iraq and to strengthen security forces. Basic services are a fundamental building block of a modern country. As we recently experienced with Hurricane Isabel, the lack of reliable electricity and clean water supplies can disrupt the most modern functioning of societies. That, obviously, was a very small-scale disruption compared to what is being experienced in present-day Iraq.

I agree with the administration's proposal that we must focus on building an infrastructure. When I visited Iraq in July, I was struck by how little damage to the infrastructure was caused by the war. Our precision targeting spared the bridges and much of the infrastructure of this country, but nevertheless the infrastructure is in shambles.

It is in shambles because of the decades of personal greed and neglect of Saddam Hussein. So building a modern infrastructure for Iraq is critical to helping this country get back on its feet as a functioning economy and a modern society.

Despite my support for the goal of building an infrastructure, I want to make very clear that I am very disappointed that the conferees dropped a Senate provision I offered with many of my colleagues, including Senators BAYH, ENSIGN, NELSON, and GRAHAM. That provision would have provided for half of the money to be used for the infrastructure rebuilding in the form of a

long-term loan to Iraq. Both the Senate and the House expressed strong bipartisan support for this approach. I continue to strongly believe there are ways to structure our reconstruction assistance that would provide the Iraqi people with the assistance they need, when they need it, while lessening the long-term impact on the American taxpayers.

We should make Iraq a partner in this rebuilding venture, not simply the recipient of our goodwill. Iraq has abundant human and economic resources to enable it to shoulder some of the responsibility for its own future. It has been pointed out many times—but perhaps it bears repeating—that Iraq has the second largest oil reserves in the world. The administration has estimated that within 2 years Iraq will be generating \$20 billion in annual oil revenue. With such an economic capability, Iraq undoubtedly will have the financial resources to repay this loan one day.

I recognize—I emphasize—the need for help in the short term, but surely our taxpayers could be partially repaid in the long term.

The American people are very generous. They understand that Iraq needs our help right now. But in the long term, we will be better off if we act in partnership with the Iraqi people, giving them a sense of ownership in their own infrastructure by working with them, lending money to them, and by making this a shared responsibility.

Let me point out that the World Bank and the IMF have pledged money in the form of loans at the recent donors conference. Although they attached some conditions to the establishment of a loan program, these international financial institutions clearly believe that administering loans to Iraq is doable and that the country will have the capacity to repay this money in the future.

Finally, I remain very troubled that the status of Iraq's preliberation foreign debt remains unclear. Saudi Arabia, France, Germany, and Russia should not be repaid for debts incurred by Saddam Hussein while the United States invests billions of its own dollars in reclaiming the country for the Iraqi people. Indeed, if the leaders of three of those nations had had their way, Iraq would still be suffering under the brutal regime of Saddam Hussein. The American taxpayer will be justifiably furious if one dime of his money goes even indirectly to repaying the debts incurred by Saddam Hussein.

As we go forward with the distribution of the aid provided by this bill, it is critical that the administration continue to vigorously pursue an international agreement that will ensure that the holders of Saddam-era debt will not seek repayment. American taxpayers' money simply cannot be used, even indirectly, to repay the dirty debts of a dictator. That was another advantage of our loan proposal. It would have made it very far less likely that that could occur.

This is particularly important after the donors conference made crystal clear that many wealthy nations, such as Saudi Arabia, France, and Germany, are apparently unwilling to donate any significant sums to the rebuilding cause.

Despite my reservations, I believe this package will pave the way to the day when our soldiers finally come home from Iraq. We must not waiver in our mission to eliminate terrorism and bring democracy and stability to Iraq and to the Middle East. I hope we will continue to consider ways we can achieve this goal that are fair to the American taxpayers and that recognize the need for a shared partnership with the Iraqi people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I ask that I be recognized to speak for up to 10 minutes with the time coming from the time previously allotted to Senator KENNEDY.

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

Mr. LEVIN. Mr. President, I am disappointed in the conference outcome on the emergency supplemental appropriations for Iraq and Afghanistan Security and Reconstruction. I had hoped that the conferees would have followed the Senate's decision to provide one-half of the funding for Iraqi reconstruction as a loan, which could become a grant only if 90 percent of Iraq's bilateral debt was forgiven. A loan would have given the Iraqis a stake in the reconstruction of their own country, which is important, I believe, for them and for us.

Beyond that issue, I am also disappointed at the administration's response thus far to a proposal most recently made by the October presiding officer of the Iraqi Governing Council, Iyad Alawi, in an opinion piece in the *New York Times* on Sunday, October 19. I wrote to Secretary Rumsfeld on October 22 to bring Mr. Alawi's proposal that Iraqi Army units be recalled at the mid-officer level and below to his attention and to ask that he consider it.

I ask unanimous consent that my letter to Secretary Rumsfeld be printed in the *RECORD* at the end of my remarks.

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

(See exhibit 1.)

Mr. LEVIN. Last week I discussed the proposal with Ambassador Bremer, and I urged him to raise this issue with the entire Iraqi Governing Council. Last Friday, I discussed the issue further on the Senate floor.

The conference report before us contains \$3.2 billion for Iraqi security and

law enforcement, and an additional \$1.3 billion for justice, public safety infrastructure, and civil society. Included in those amounts is funding for the Iraqi police, border patrol, facilities protection services, the Iraqi civil defense corps, and the New Iraqi Army. While I strongly support that funding, I again call upon Secretary Rumsfeld and Ambassador Bremer to consider reassembling the units—and I emphasize units—of the Iraqi Army, and I call upon them further to ask the Governing Council in Iraq, which we established, for their advice and recommendations on the wisdom of reassembling units of the Iraqi Army.

The security situation is too serious for us to stand on ceremony. The decision of May 15 to disband the Iraqi Army may turn out to be a major mistake. The decision made on May 15 was against the advice of a study conducted under the aegis of the Department of State. It resulted in a significant Iraqi security force being tossed to the wind.

The major reason given by the Department of Defense for not reconstituting the Iraqi Army is that the army melted away when we attacked. But that happened because most of its members did not want to lay down their lives for Saddam Hussein. In fact, it was because Saddam Hussein knew the Iraqi Army might not fight for him that he created his special security forces.

The fact that the Iraqi Army would not fight for Saddam is one of the reasons we should consider reconstituting it. It is surely not a reason for not doing so.

Let me be clear, it is the units of the Iraqi Army about which I am talking. The administration's response to this proposal—that they are already signing up members of the Iraqi Army—is disingenuous. While they are using individual members for various security functions, the New Iraqi Army they are creating from scratch currently has fewer than 1,000 members.

We cannot afford to transfer security functions to Iraqis at that slow a pace. Americans are the target of more and more deadly attacks. The quicker we get the Iraqi Army back in place, the more security we are likely to have and the better off Iraq will be.

Nobody suggests that the Baathist army officers be reinstated. The proposal is that mid-level officers and below be called back and that they be vetted to rid their number of those who committed crimes under the old regime.

When I personally urged Ambassador Bremer last week to consider doing so, I further asked him to commit to taking up this issue with the Iraqi Governing Council. His reply was ambiguous, and that will not do in this extremely dangerous situation.

Ambassador Bremer is running Iraq at this time, to the extent that anyone is, but that doesn't give him a monopoly on wisdom. We are not smarter than everybody else in the world, par-

ticularly about other countries and their traditions and cultures. We should consult with the Iraqis who are presently carrying out governing functions.

In issuing Coalition Provisional Authority Regulation No. 6 last July 13, Ambassador Bremer specifically committed to "consult and coordinate on all matters involving the temporary governance of Iraq" with the Iraqi Governing Council. He should do so urgently, and he should do so visibly if we truly believe Iraq can become a democratic state. The judgment of the Governing Council on this issue may not be unanimous, but it is relevant.

There is another reason to consider shifting course. Today, the Iraqi Army is being paid a lot of money to do nothing—\$25 million a month. We know who the officers and the noncommissioned officers are and where they live. Many of them are probably frustrated and angry because they believed they were serving their country by refusing to fight for Saddam.

The stubborn refusal to reconsider decisions will not do in the dangerous security situation we face in Iraq. Stubbornly staying the course we set when we disbanded the Iraqi Army, instead of considering changing course to improve the security situation, cannot be tolerated. We do not need confessions of error. What we do need is a willingness to try some new approaches. At the top of the list should be to reconsider the May 15 decision to disband the Iraqi Army and, as part of that process, to involve the Iraqi Governing Council in reconsidering that decision.

EXHIBIT 1

DEAR MR. SECRETARY: Attached is a copy of an OP-ED piece from the Sunday, October 19, 2003 edition of the New York Times written by Iyad Alawi, the president of the Iraqi Governing Council for the month of October.

This highly-significant article calls for the call up of the Iraqi Army at least up to the mid-officer level, with appropriate vetting by the Coalition and the Iraqi Interior Ministry, as a way of more quickly relieving the burden on American troops and replacing them with Iraqi soldiers who have credibility and legitimacy with the Iraqi people.

Since it appears that, despite the adoption of a new UN resolution on Iraq, there are unlikely to be large numbers of additional foreign troops made available for duty with the Coalition, Mr. Alawi's proposal strikes me as worthy of serious consideration.

I would welcome an opportunity to discuss this matter with you personally and, in any event, would solicit your views on this matter.

Sincerely,

CARL LEVIN,
Ranking Member.

Enclosure.

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

The PRESIDING OFFICER (Mr. ENZI). Will the Senator withhold?

Mr. LEVIN. I do withhold.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I be recog-

nized to speak for up to 20 minutes, this time coming from the time previously allotted to Senator KENNEDY.

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

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. President, I come to acknowledge my "Cambodian moment" in the Iraq war. I refer to the Cambodian moment that Senator Mansfield experienced after years and years of opposing the war in Vietnam. He had a practice of taking written memoranda time and again to both Presidents Johnson and Nixon, supporting the President openly on the floor of the Senate, but finally at the time Cambodia was invaded under President Nixon, he could not take it any longer and spoke out.

He went on national TV and said: This war was a mistake from the get go. The next day, he got a letter from an admirer who had just lost her son. She said: I just buried my son and came home and watched you on this program. You said it was a mistake from the get go. Why didn't you speak out sooner?

She said: My regret is that you did not speak out sooner or loudly enough for me to hear.

It is time we speak out, because unless we are going to put in 100,000 or 150,000 more United States troops and get law and order in Iraq, in Baghdad, we are going to have operation meat grinder continue, and it is our meat.

In conscience, I cannot stand silent any longer. What happens if we had invaded the city of Atlanta, let's say. We had landed at Hartsfield Airport, and then we had gone on to an aircraft carrier and said: Whoopee, mission accomplished; when the truth of the matter is, two divisions of Republican Guards have blended into the environs of Atlanta with all kind of ammunition dumps, and all they do day in and day out is raid the dumps, set traps, blow us up, kill more Americans, and we talk about schools opening and hospitals working, and that we have a water system. This cannot go on. It has to stop.

Let me start by saying I believe, unlike most of my colleagues, that the intelligence we had on Iraq was sound. We knew from the outset a lot about Iraq in the sense we had conquered it and we had two overflights, one in the north and one in the south. We had to look down and see in the middle of Iraq. For 10 years we knew exactly what was going on. If we had any doubts, we could check with the Israeli intelligence. Don't tell me Israel didn't have good intelligence on nuclear weapons because she went in there back in the eighties—she is a small country and can't play games and can't wait around for the United Nations and conferences. She had to knock that facility out.

What else did we know about Iraq? We knew they didn't have terrorists there at the time. Oh, yes, while we are

trying to internationalize a defense effort, what we find is, our effort is more or less internationalizing terrorism.

The most ridiculous thing on the TV last night was to hear the President say foreigners are in Iraq killing our soldiers. Can you imagine us, thousands of miles away, talking about foreigners killing our soldiers? Come on. What happened was, it did not have terrorists at the time we went in. They tried to connect al-Qaida to Iraq, but now the President himself has acknowledged you couldn't connect al-Qaida. They didn't have nuclear capability. And, of course, there was no democracy. There weren't people yearning for it, as Deputy Secretary of Defense Wolfowitz said, meeting us in the streets waving: Whoopee, we finally got democracy.

Anybody who knows the history of the Mideast knows that is a bunch of nonsense. They don't have democracy in Iraq, in Syria, in Iran, in Jordan, in Saudi Arabia, in Egypt, in Libya—or go right around—Libya, in the Mideast. Where does somebody think they are going to meet us in the streets and say: Whoopee for democracy?

I wish the distinguished Chair would pay attention to this one. What did George Herbert Walker Bush, the former President, say in his book, "A World Transformed"?

I firmly believed that we should not march into Baghdad. . . . To occupy Iraq would instantly shatter our coalition, turning the whole Arab world against us and make a broken tyrant into a latter day Arab hero.

. . . assigning young soldiers to a fruitless hunt for a securely entrenched dictator and condemning them to fight in what would be an unwinnable urban guerrilla war.

That is what President George Herbert Walker Bush, the President's daddy, said.

We all knew that about Iraq. But why did we go in and why did the Senator from South Carolina vote for the resolution last October? Why? I can tell my colleagues why. On August 7, Vice President CHENEY, speaking in California, said of Saddam Hussein: What we know now from various sources is that he continues to pursue a nuclear weapon.

Then on September 8: We do know with absolute certainty that he is attempting to acquire the equipment he needs in order to enrich uranium to build a nuclear weapon.

Then the President of the United States himself said, in his weekly address on September 14, before we voted in October: Saddam Hussein has the scientists and infrastructure for a nuclear weapons program and has illicitly sought to purchase the equipment needed to enrich uranium for a nuclear weapon.

Then on September 24, Prime Minister Blair said that the assessed intelligence has established beyond doubt that Saddam continues in his efforts to develop nuclear weapons.

On September 8 of last year, Condoleezza Rice said that we do not want the smoking gun to be a mushroom cloud.

On October 7, President Bush said: Facing clear evidence of peril, we cannot wait for the final proof, the smoking gun that could come in the form of a mushroom cloud.

Now, any reasonable, sober, mature, experienced individual listening to that litany knows to vote against that resolution would have been pure folly. One has to back the President.

I am not on the Intelligence Committee. I was not privy to any kind of intelligence but I knew we had a lot of intelligence. The truth is, I thought the Israeli intelligence was really furnishing all of this information and that we were going in this time for our little friend Israel. Instead of them being blamed, we could finish up what Desert Storm had left undone; namely, getting rid of Saddam and getting rid of nuclear at the same time.

I voted for the resolution. I was misled. Now we hear that this is not Vietnam. I read my friends Tom Friedman and Paul Krugman. They say this is not a Vietnam.

The heck it is not. This crowd has got historical amnesia. There is no education in the second kick of a mule. This was a bad mistake. We were misled. We are in there now, and I am hearing the same things that the Senator heard in 1966, 1967, 1968, 1969, 1970, 1971 right on through 1973.

At the time I was a young politician, having just come to the Senate, listening to those who knew. I knew Leader Mansfield would know about Vietnam. I knew my friend Senator Dick Russell was against the war in Vietnam from the get-go. Now, if Senator Mansfield had spoken up, he could have saved 10,000 lives. We would have followed him in the Senate. But he was trying to follow the mistake and the misread of Maddox and the Turner joy that brought about the Gulf of Tonkin resolution.

There are similarities. There are the misleading statements that I have just given, the litany by the President telling us all there was reconstituted nuclear. Here again we are in a guerilla war. It is an urban guerilla war, not in the bushes of Vietnam but we still again are trying to win the hearts and minds.

We were trying to victimize Vietnam. In this one we are trying to Iraqi Iraq. We are trying to do our best doing the same things over and over again. In fact, in this particular war we received the Pentagon papers a lot earlier. I ask unanimous consent that this article in USA Today entitled "Defense Memo: A Grim Outlook," by Secretary Rumsfeld, be printed in the RECORD at this particular point.

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

[From USA Today, Oct. 22, 2003]

DEFENSE MEMO: A GRIM OUTLOOK

(By Dave Moniz and Tom Squitieri)

WASHINGTON.—The United States has no yardstick for measuring progress in the war on terrorism, has not "yet made truly bold

moves" in fighting al-Qaeda and other terror groups, and is in for a "long, hard slog" in Iraq and Afghanistan, according to a memo that Defense Secretary Donald Rumsfeld sent to top-ranking Defense officials last week.

Despite upbeat statements by the Bush administration, the memo to Rumsfeld's top staff reveals significant doubts about progress in the struggle against terrorists. Rumsfeld says that "it is not possible" to transform the Pentagon quickly enough to effectively fight the anti-terror war and that a "new institution" might be necessary to do that.

The memo, which diverges sharply from Rumsfeld's mostly positive public comments, offers one of the most candid and sobering assessments to date of how top administration officials view the 2-year-old war on terrorism. It suggests that significant work remains and raises a number of probing questions but few detailed proposals.

"Are we winning or losing the Global War on Terror?" Rumsfeld asks in the Oct. 16 memo, which goes on to cite "mixed results" against al-Qaeda, "reasonable progress" tracking down top Iraqis and "somewhat slower progress" in apprehending Taliban leaders. "Is our current situation such that 'the harder we work, the behinder we get'?" he wrote.

Pentagon spokesman Lawrence DiRita declined to comment specifically on the memo, but he said Rumsfeld's style is to "ask penetrating questions" to provoke candid discussion. "He's trying to keep a sense of urgency alive."

Among Rumsfeld's observations in the two-page memo:

The United States is "just getting started" in fighting the Iraq-based terror group Ansar Al-Islam.

The war is hugely expensive. "The cost-benefit ratio is against us! Our cost is billions against the terrorists' cost of millions."

Postwar stabilization efforts are very difficult. "It is pretty clear the coalition can win in Afghanistan and Iraq in one way or another, but it will be a long, hard slog."

The memo was sent to Air Force Gen. Richard Myers, chairman of the Joint Chiefs of Staff; Deputy Defense Secretary Paul Wolfowitz; Marine Gen. Peter Pace, vice chairman of the Joint Chiefs; and Douglas Feith, undersecretary of Defense for policy.

Rumsfeld asks whether the Defense Department is moving fast enough to adapt to fighting terrorists and whether the United States should create a private foundation to entice radical Islamic schools to a "more moderate course." Rumsfeld says the schools, known as madrassas, may be churning out new terrorists faster than the United States can kill or capture them.

The memo is not a policy statement, but a tool for shaping internal discussion. It highlights a Rumsfeld trait that supporters say is one of his greatest strengths: a willingness to challenge subordinates to constantly reassess problems. The memo prods Rumsfeld's most senior advisers to think in new ways about the war on terrorism at a time when many are preoccupied with the 7-month-old war in Iraq.

In public, the Bush administration has been upbeat in describing the war on terrorism. Attorney General John Ashcroft has noted that two-thirds of al-Qaeda's leadership has been captured or killed.

Last month, Rumsfeld told PBS that "al-Qaeda has been put under enormous pressure" and "their ability to function has been significantly affected."

Mr. HOLLINGS. Mr. President, I do not know how many more similarities

we are going to get. Iraq is Vietnam all over for the Senator from South Carolina.

Now we have to either put the troops in there or else get out as soon as we can. I take it the present plan is to Iraqi Iraq; namely, train up a bunch of folks together, give them high pay. They have 70-percent unemployment so they will all grab and get a uniform and act as if they are security, but that will give us a cover and face to leave and leave as soon as we can, unless we are going to put the troops in there and get law and order.

What we have done is come into Iraq against the military requirements of taking the city. We just stopped at the airport and declared mission accomplished, and look around and wonder and say this is part of the war on terror.

This is not and was not a part of the war on terror. Yes, there are terrorists in there now, but Iraq was not a part of the war on terror. It was quiet. It was not bothering anybody. They did not have al-Qaida. They did not have nuclear capabilities. They were not connected in any way to 9/11. We went in there under a mislead.

We learned in World War II that no matter how well the gun was aimed, if the recoil is going to kill the guncrew one does not fire the gun.

Yes, it was a good aim to get Saddam but now look at the headline. I ask unanimous consent to include this particular article from the Financial Times, "Al-Qaida Exploits Insecurity in Iraq to Acquire Weapons and Swell Its Ranks."

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

[From the Financial Times, Oct. 16, 2003]

AL-QAEDA, "EXPLOITS INSECURITY IN IRAQ TO ACQUIRE WEAPONS AND SWELL ITS RANKS"

(By Peter Spiegel)

Continued instability inside Iraq has given terrorist groups easier access to shoulder-launched anti-aircraft missiles and, potentially, chemical or biological weapons, a leading think-tank reported yesterday in its annual evaluation of global security issues.

The London-based International Institute for Strategic Studies said in its newly published Military Balance survey that while the invasion of Iraq might have isolated al-Qaeda from potential state sponsors, it was also likely to have had the effect of "swelling its ranks and galvanizing its will".

"War in Iraq has probably inflamed radical passions among Muslims and thus increased al-Qaeda's recruiting power and morale and, at least marginally, its operational capability," the report states.

John Chipman, the IISS director, noted that David Kay, the US's chief weapons inspector, had recently reported that more than 100 sprawling Iraqi ammunition storage sites remain unexamined. The inference made by Mr. Kay was that evidence of unconventional weapons could still be uncovered by coalition teams inside Iraq.

But Mr. Chipman said the unexamined depots also raised grave concerns about what arms might be available to terrorist groups, said by US intelligence officials to be moving into Iraq in greater numbers.

"While the number of uninspected sites may be interesting in terms of the struggle

to find evidence of weapons of mass destruction, it is even more interesting as a comment on the ammunition that may be available to terrorist who can get access to unguarded or poorly guarded depots," Mr. Chipman said.

He added that shoulder-launched missiles were of particular concern, noting that Soviet-era SA-7s and US Stinger systems could fetch Dollars 5,000 (Euros 4,250, Pounds 3,000) on the black market, while coalition forces in Iraq were offering only Dollars 500 for those handed in to authorities.

"This proliferation problem is exacerbated by the porosity of Iraq's borders in the post-conflict stage, making it easy for weapons to flow outside the country and into the Middle East in general," Mr. Chipman said.

The IISS also argued that while it was unlikely that al-Qaeda still had the capability of a "mass-casualty attack" on US soil, its members might see a large-scale attack on US forces inside Iraq as a "feasible substitute" while they worked to reconstitute the network.

"It is worth recalling that the operational cycle for large and complex al-Qaeda operations can exceed the 25 months that have passed since 9/11," Mr. Chipman said.

The Military Balance study found that global defense spending increased 7 per cent last year in dollar terms, from Dollars 786.6bn to Dollars 842.7bn, largely because of the huge military build-up in the US and a stronger euro.

The authors predicted another 7 per cent increase this year, again citing huge Pentagon spending increases for the bulk of the rise. Still, such spending levels account for only 2.6 per cent of global GDP, as compared with 6.2 per cent in 1985.

Mr. HOLLINGS. I thank the distinguished Chair. We now have more terrorism than less terrorism. That is the fact. We have the entire world turned against us. When we cannot get Mexico and Canada to go along with us, we are in trouble.

I am hopeful the United States will win back the hearts and minds of the world's people, because we were always loved, respected, and looked up to for leadership.

In this particular venture what we have done is exactly what President George Herbert Walker Bush warned against. He said to watch out; do not go into that place. I quote again, now that my distinguished friend is here. I want that particular quote to appear in the RECORD again. He said in his book "A World Transformed":

I firmly believe that we should not march into Baghdad. To occupy Iraq would instantly shatter our coalition, turning the whole Arab world against us and make a broken tyrant into a latter-day Arab hero. Assigning young soldiers to a fruitless hunt for a securely entrenched dictator and condemning them to fight in what would be an unwinnable urban guerrilla war.

Iraq is Vietnam all over again. I know the distinguished Senator from Alaska revered our friend Senator Mansfield. I will never forget when Senator Mansfield said all Senators are equal, and when they rolled the Senator from Alaska on a particular matter he was concerned with, he, himself—that is Leader Mansfield—got up, took the floor, and put Alaska's amendments up and we passed them.

So Senator Mansfield took some 5 years and 17 memos to Presidents be-

fore he finally changed his mind and spoke. That is exactly where I am today as I enter this particular debate with respect to the supplemental. I would oppose the supplemental on one score, namely we will not pay for it. We tell that poor GI, downtown in Baghdad, we hope you don't get killed, and the reason we hope you don't get killed is because we want you to hurry back. We want you to hurry back so we can give you the bill because we are not going to pay for it. We in the Congress, my generation, we need a tax cut so we can get reelected next year. We are not going to pay for it.

This is the first war in the history of the United States where there is no sacrifice on the homefront. They all run around the mulberry bush here saying "it's not Vietnam" and that we have to stay.

We either have to get in or get out. We can't stand for operation meat grinder to continue day in and day out.

In a war on terror, I just want the administration to know that might does not make right. On the contrary, right makes might. Winning the hearts and minds of the world's peoples, I can tell you here and now, we have to get right on our policy in the Mideast. We all back Israel, but we don't back the taking over of these settlements. If you have been a conquered people—and I read where the distinguished Senator from Alaska went down into those areas for the first time in Israel—for 35 years you have looked not only for your light and water but your jobs up in Israel. Anybody with any get-up-and-go has gotten up and gone, after 35 years. You have the disenchanting. They don't have an army or anything else like that. So don't be amazed. You have to play it with an even hand.

Might makes right in this terror war. We got onto this Iraqi venture, which was a bad mistake from the very beginning. There is not any question about it. If I went to a funeral this afternoon of a fallen soldier in Iraq, what would I say? Did they fall there for democracy? They are not going to have a democracy. It is going to be the Shiite democracy, like they have in Iran—at best. That is exactly what Secretary Rumsfeld said we were not going to have.

Was it for nuclear? No.

Was it for terrorists? No, they didn't have terrorists there.

Your son gave his life for what? As their Senator, I am embarrassed. It wasn't for any of those things. Why we went in, the administration has yet to tell us. They keep changing the rules and the goalposts every time. But somehow, somewhere they have to really put the force in there, quit trying to do it on the cheap, put the force in there and clean out that city, so they will quit killing them, or otherwise get out as fast as we can.

I thank the distinguished Chair.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the last 20 minutes of the time under the control of the previous order be divided so that Senator BYRD has 10 minutes next to last and that I have the last 10 minutes.

The PRESIDING OFFICER. Without objection, it is so 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. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DAYTON. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DAYTON. Mr. President, it is a sad and somber day to consider the conference report on the \$87.5 billion supplemental appropriations for the continuing wars in Iraq and Afghanistan. Yesterday was the worst loss of American lives in any day in Iraq. Sixteen American soldiers died in a helicopter brought down by a ground-launched rocket. Twenty others were wounded in that horrible moment. Another U.S. soldier was killed when his Humvee was ambushed by a roadside bomb in Baghdad.

Another convoy was attacked in Fallujah, a city west of Baghdad. One U.S. vehicle was destroyed and no casualties were officially reported. Yet another attack on that city killed two American civilians and wounded one. In Abu Ghraib, a western suburb of Baghdad, U.S. soldiers and residents reportedly fought in the streets. The residents said at least one American soldier had been killed, along with several Iraqis. That is in one terrible day.

Our deepest condolences and prayers go out to the families and friends of those brave Americans who gave their lives in the service of their country, as those who have lost their lives before them.

I will support this additional funding for one primary reason, and that is to win this war in Iraq, to secure lasting victory there and in Afghanistan, and then bring our American troops home as quickly as possible. That should be a goal we can all agree on, something that unites us all in this Chamber and as Americans. Let's do what we must to secure our military victory, to establish the framework for continuing success there, and then let's get our troops home as soon and as safe as possible.

Whether we agreed or disagreed with the decision to start this war, we are in

it now. Whether or not weapons of mass destruction are eventually found, whether they were there before or not, whether international terrorists were there or not—none of these questions, nor their answers, nor the debates over them, change or will change the situation we are in today, which is that 138,000 of our sons and daughters are in Iraq because they were sent there. They are risking their lives. Some are fighting for their lives. Some are losing their lives to carry out the orders they have been given to fulfill the mission they have been assigned. They have done so courageously, heroically and, to this point, successfully. This supplemental funding gives their Commander in Chief almost everything he asked us for. It gives the military command everything they asked us for, gives the soldiers everything they need to complete these assignments successfully, to accomplish their mission victoriously, as quickly and efficiently and completely as possible, and we do so because they must succeed.

Our country must succeed. We must prevail in the very difficult circumstances in which we are entangled in Iraq. We must win a lasting victory there militarily, economically, and socially. We must succeed and establish a new Iraqi government, which will be able to itself succeed after we leave. We must assist and enable the Iraqi people to succeed now and after we depart. We must win this war we started because the consequences of failure would be catastrophic. Failure is not an option—not for our sake, not for Iraq's sake, not for the world's sake. We must not lose this war.

I speak as somebody who voted against last year's congressional resolution that authorized the President to start this war. I thought it was premature a year ago last October. I thought it was unconstitutional. I thought it was a mistake, that it would weaken, not strengthen, our national security. I said then I hoped I was wrong. Today I don't believe I was, but that is irrelevant to what we face today—that we are fighting a war in Iraq. The Americans and the Iraqis who are supporting them there are fighting for their lives, and we must win the war and secure that peace so we can leave that country with a victory that will last.

Failure, pulling out now or at any time, followed by the collapse of that country—whatever government, whatever resulting civil war or anarchy, or if a return to power by Saddam Hussein would occur—would be a disaster for Iraq and for us. It would be devastating to our national security, to our standing in the eyes of the world, to our ability to lead that world.

Failure is not an option, so we must proceed and succeed. How? I have my ideas. Everyone else in the Senate has his or her ideas, and House Members have their ideas. Every retired general has lots of ideas. What matters most is what are the ideas of the Commander

in Chief. What is his plan of action? What must be accomplished? What is the measure of our success? What is the intended timetable for reconciling and accomplishing them?

To the question he was asked at the press conference last week, would he guarantee there would be less than 200,000 troops in Iraq a year from now, he replied, "That is a trick question." That is not a trick question. It is essential. What is the timetable for the men and women serving over there, suffering over there, fighting and dying? What is the timetable to bring them home with a victory accomplished? Those are questions that deserve answers. They deserve truthful answers because, for \$87 billion, the American people—all of us—deserve to be told the truth. Mr. President, \$87 billion is a lot to pay for the truth. It is way too much to pay for partial truths or fabrications or misrepresentations or outright lies.

This administration must tell us the truth, the whole truth, nothing but the truth, the good, the bad, the ugly, and the successes and the nonsuccesses. If not, the credibility of those who are in command will suffer. That loss of faith and trust in our leaders is something we cannot afford—ever—in this country, but especially not now.

On last Saturday, a U.S. commander said that the opposition's attacks are "strategically and operationally insignificant." What are we supposed to believe the day after the most damaging, fatality-filled day of the war for Americans?

When Democratic Senators were not allowed to travel to Iraq during the last recess to see firsthand, as I was able to do with the Presiding Officer and a bipartisan delegation in July, when Democratic Senators are not allowed to see for themselves what is actually going on in that country, then what are we supposed to believe when what we are told by others turns out not to be true, such as when we are told, as we were last August, that 95 percent of that country is now peaceful and is secure, and these atrocities continue day after day taking the lives of Americans and maiming and wounding others. Tell us the truth.

Secondly, it is imperative that the administration spend this \$87.5 billion well and spend it wisely. The President insisted that all the money for economic and social rehabilitation be grants, not loans, as a majority, myself included, in the Senate would have preferred. The fact they are grants is all the more reason to make sure all those dollars go to get the job done as soon as possible because American troops' lives are depending upon it, because every day they don't come home is a day more casualties are likely to occur.

Any company, any individual, any American corporation, or American citizen who is taking money under those pretexts and is not putting that money to its proper use is a traitor to

this country and to the cause for which those men and women are fighting and risking and giving their lives.

The reports we have read of rampant overcharging by certain companies, egregious overcharging for the price of oil that is being transported into that oil-rich country, reports of kickbacks and bribes necessary to secure contracts, reports of sweetheart deals being arranged, no-bid contracts being awarded, of people in Washington setting up shop and telling those who want contracts over there that the means to achieve them, not because they are well qualified, but because they have higher up connections—that would be an abomination. It would be a waste of taxpayers' money. It would be a desecration of the memories of the men and women who have given so much on behalf of our country there, and it would delay—and this is what is most unforgivable—it would delay the achieving of success that is necessary to bring our men and women home with a lasting victory achieved.

We must get rid of Saddam Hussein. When I was in Iraq last July, I was told by a commanding general it was an urgent priority, an urgent necessity to remove him and his two sons from power permanently by whatever means necessary. The military of the United States is two-thirds of the way toward that objective. The people of Iraq must be assured, and every day they are not again delays our success. They must be assured Saddam Hussein will not return to terrorize that country ever again.

Finally, we must treat our Armed Forces in Iraq as well as we possibly can during and in the aftermath of this war, and those fighting in Afghanistan as well. I am very pleased that the conferees included an amendment my colleague from Minnesota, Senator COLEMAN, and I sponsored that earmarked \$55 million of this appropriation for the travel costs of troops to come back to the United States, to cover their airfare to their homes and back, whereas previously they were being forced to pay that airfare themselves to get back to their families and loved ones. Most of them, in fact, from Minnesota who are serving now have had their tours of duty extended from 6 months to a year, after they arrived in Iraq with no recourse, no opportunity to make those arrangements back home, except after the fact. So the chance to come home for 2 weeks is crucial for them, for their spouses, and for their children.

Given the financial sacrifices many of them have incurred by virtue of leaving better paying jobs, sometimes losing small businesses they had underway, incurring those financial hardships are such that even a round-trip plane ticket can be an almost prohibitive expense. It seems to be the least we can do and should do and, according to this bill, are going to do to thank them and give them a chance to connect with their families before they go back to again risk their lives in Iraq.

I am glad to see included an amendment that Senator GRAHAM of Florida proposed, which I was also pleased to cosponsor, that will prevent the Pentagon for charging our wounded soldiers for the cost of their meals and hospitalization or rehabilitation. It doesn't seem it should be necessary, but given they are paying that price for their service, the least we can do is feed them at our expense.

I am also pleased the conferees included the requirement that each member of the Reserve or National Guard who is serving in Iraq on active duty has to be informed in writing when their tour of duty will be concluded so they and their families will know when they can count on their return.

I strongly urge the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, that the period of demobilization, the time from when troops, especially those who are going to be deactivated, Guard men and women, reservists, from the time they arrive back home and the time when they are released to their families, homes, jobs, that time be kept to an absolute minimum—days, at least a week or two, rather than the weeks and months I am told typically it takes. It is important we treat these men and women well for what they have given on behalf of their country so that we retain their services for future needs.

I support this supplemental appropriations with the regret that it is necessary but the resolve that it is what we must do to achieve victory. I want to be able to face our fellow citizens with the assurance that it is money that is needed, money that is going to be spent as it was appropriated, and money that is going to be spent as it was intended.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DAYTON. I ask unanimous consent for 1 minute to conclude my remarks.

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

Mr. DAYTON. Mr. President, I want us to walk out of that situation with our heads held high—on which the hopes and dreams of the Iraqi population now depend—with the victory and success we want to achieve, with the result we want to give the Iraqi people—a democratically elected government, a country that has hope and means for a better future and which restores this country's standing in the eyes of the rest of the world, the stature, the respect we have had and that we deserve to have and that we must have to be the leader of this world in the years ahead.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Under the order, the Senator has 60 minutes. There are 58 minutes 56 seconds remaining on that 60 minutes.

Mr. BYRD. Mr. President, I thank the Chair. Mr. President, I ask unanimous consent that I yield to the distinguished Senator from California, Mrs. BOXER, who has been yielded time by the distinguished minority leader. I yield the floor to her, if the Chair so recognizes her.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have been yielded 10 minutes by the minority leader, which I would like to use at this time.

I start off by first saying this is a very hard time for our country. Clearly, for my State, the kind of horror we have seen from these uncontrollable fires has been just unspeakable. Finally, we are getting them contained. At this point, we have lost 3,400 homes. Some 750,000 acres have burned. We have had 20 deaths, one of them a fireman from my home county.

For me, the bill that is before us is a mixed bag in many ways. It does have funding for these disasters. It does have money for our brave, courageous, and extraordinary heroes and, of course, I support all of that. What I do not support is the fact that many of the provisions have been dropped that would have made a difference in our policy there. We are going down a path that is bringing the American people pain deep within their hearts that one just cannot even measure.

I have long talked about shoulder-fired missiles and what they can do to aircraft. We have seen that in the starkest possible way. I feel so much sadness given what is happening in my State. I am glad the President is coming there tomorrow. I am writing a letter to FEMA. I have been calling Director Michael Brown, who has been very compassionate, to set up disaster centers. I have been calling on him to work with me in encouraging the mortgage companies to be as good to their mortgage holders as Fannie Mae has been, giving them a chance to recoup and getting those individual and business loans to start rebuilding, which we will. We will rebuild.

I went back to look at my own record on fire issues since maybe 5, 6, 7 years ago. We have been urging for so many years that communities close to national forests be paid special attention. So there will be more time to talk about all of that.

Today, I wish to eulogize our young men and women who have died during the war in Iraq, as well as those who have been killed during this postwar period. I simply want to call attention to the Californians who have died in this conflict. We have lost 73 young people in this war from California. My

colleagues will note that there are 72 on this list behind me. We just learned of the first woman from California today. That puts us up to 73. I want to read their names. I am not going to tell my colleague about each and every one of them. I am going to put that in the RECORD:

Michael Bitz, Jose Garibay, Jorge Gonzalez, Thomas Mullen Adams, Jose Gutierrez, Randal Kent Rosacker, Michael Vann Johnson, Jr., Ryan Beaupre, Therrel Shane Childers, Brian Matthew Kennedy, Kendall Damon Watersbey, Kevin Nave, William White, Joseph Menusa, Jesus Suarez Del Solar, Patrick T. O'Day, Francisco Flores, Aaron Contreras, Donald May, Robert Rodriguez, Michael Lalush, Brian McGinnis, Christian Gurtner, Erik Silva, Benjamin Sammis, Chad Bales, Mark Evinin, Eric Smith, Travis Ford, Devon Jones, Duane Rios, Edward Smith, Jesus Medellin, Juan Garza, Jr., Jeffrey Bohr, Jr., Jesus Gonzalez, Riayan A. Tejada, David Owens, Jr., Jason Mileo, Troy Jenkins, Osbaldo Orozco, Jose Rodriguez, Jakub Kowalik, Douglas Marecoreyes, Andrew Lamont, William Moore, Timothy Ryan, Aaron White, Kirk Straseskie, Jonathan Lambert, Atanacio Marin, Ryan Cox, Andrew Chris, Travis Bradachnall, Paul Nakamura, David Moreno, Andrew Tetrault, Cory Geurin, Evan Ashcraft, David Perry, Daniel Parker, Kylan Jones-Huffman, Pablo Manzano, Joseph Robsky, Jr., Joshua McIntosh, Sean Silva, Jose Casanova, Sean Grilley, Michael Hancock, Jose Mora, Steven Acosta, Paul Velazquez, and this is the first woman to die in this war from California, Karina Lau, age 20, of Livingston, killed on November 2 in Iraq. Karina was onboard a Chinook helicopter when it was attacked. She was assigned to B Company, 16th Signal Battalion, 3rd Signal Brigade, in Fort Hood, TX.

We send our deepest love and sympathy to all of these families.

This is what is happening in Iraq. Maybe we do not see the bodies coming home but this is what is happening in Iraq. It was not supposed to be thus. I sit on the Foreign Relations Committee and they told us we would be welcomed as liberators. They said the purpose was to get the weapons of mass destruction, and the purpose was to get rid of Saddam Hussein.

If those were the purposes, it is time now to rethink what we are doing there. That means, it seems to me, to admit that it is not going the way the American people were promised.

We are told 80 percent of Iraq is safe. We have been told that by many people. We have been told that by Paul Wolfowitz. We have been told that by Ambassador Bremer. I am going to take them at their word—80 percent of Iraq is safe. Then why do we have to have only our young people, with a few others sprinkled in, in those areas? What we need to do is bring in the peacekeepers, if things are safe in those areas, 80 percent of the country.

We should concentrate our force in the area of the country that is so very dangerous. We should get help from the entire world to do that. This burden cannot keep on falling on America's families.

Many reporting requirements were dropped from this bill. I asked for a specific report detailing the extent to which U.S. military personnel have been replaced by international troops or Iraqi forces in secure areas of Iraq—the 80 percent solution I talked about. The conference report requires a report on U.S. efforts to increase the number of international troops, but basically it has dropped the portion where we talk about that 80 percent of the country.

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

Mrs. BOXER. I ask for an additional 2 minutes from the time of the Senator from West Virginia and then I will conclude.

Mr. BYRD. Mr. President, I yield 2 minutes of my time to the Senator from California.

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

Mrs. BOXER. I thank Senator BYRD. It has been my privilege to work with the Senator on this issue. You have been around far longer than I have been, but I have been around a long time.

I have seen Vietnam. I have seen our troops become sitting ducks. I have seen it. It doesn't have to be this way. There are other ways to deal with this.

I hope and continue to pray we will have an exit strategy that includes help from the entire civilized world. We know Iraq was a haven for a most brutal tyrant—one of the most brutal in all history, Saddam Hussein. We know that. We know he is essentially gone. That is a plus. But now Iraq has become a haven for the terrorists. It was not supposed to be thus. Doesn't it mean something when the President and his people tell the American people what is going to happen? Doesn't it mean something to say: You know what, we predicted this and this. It didn't happen. We need a new strategy.

That is what I was hoping for in this bill. Everything that really was leading toward that got voted down. Senator BYRD's amendments, Senator KENNEDY's, others, the ones that were agreed to here have been knocked out, so we do not have the type of reporting requirements that would have shown us progress.

Instead, we have a continuation of the status quo. I am very surprised, for example, that the loan turned into a grant. I don't think that is good for taxpayers.

I thank you for your patience. I thank my colleague. I pray and hope for a new strategy.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from California, Senator BOXER, for her kind

references to me, and for her courage, for her foresight and vision, and for the strength she has shown, not only on this matter but also on many others, over the years I have served with her. I thank her for her friendship. I express only the highest of regard for her in the difficult situation she finds her State in at this time, and also, Mr. President, for the position she has so valiantly held on this particular bill that is before us, and the subject matter of this bill, throughout the time it has come before the Senate.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 44 minutes remaining.

Mr. BYRD. Mr. President, the Iraq supplemental conference report before the Senate today has been widely described as a victory for President Bush. If hardball politics and lockstep partisanship are the stuff of which victory is made, then I suppose the assessments are accurate. But if reasoned discourse, integrity, and accountability are the measures of true victory, then this package falls far short of the mark.

In the end, the President wrung virtually every important concession he sought from the House-Senate conference committee. Key provisions the Senate had debated extensively, voted on, and included in its version of the bill—such as providing half of the Iraq reconstruction funding in the form of loans instead of grants—were thrown overboard in the conference agreement. Senators who had made compelling arguments on the Senate floor only days earlier to limit American taxpayers' liability by providing some of the Iraq reconstruction aid in the form of loans suddenly reversed their position in conference and bowed to the power of the Presidency.

Before us today is a massive \$87 billion supplemental appropriations package that commits this Nation to a long and costly occupation and reconstruction of Iraq. Yet the collective wisdom of the House and Senate appropriations conference that produced it was little more than a shadow play, choreographed to stifle dissent and rubberstamp the President's request.

Perhaps this "take no prisoners" approach is how the President and his advisers define victory. But I fear they are fixated on the muscle of the politics instead of on the wisdom of the policy. The fact of the matter is, when it comes to policy, the Iraq supplemental is a monument to failure.

Consider, for example, that before the war the President's policy advisers assured the American people Iraq would largely be able to finance its own reconstruction through oil revenues, seized assets, and increased economic productivity. The \$18 billion in this supplemental earmarked for the reconstruction of Iraq is testament to the fallacy of that prediction. It is the American taxpayer, not the Iraqi oil industry, that is being called upon to shoulder the financial burden of rebuilding Iraq.

The international community on which the administration pinned such hope for helping in the reconstruction of Iraq has collectively ponied up only \$13 billion, and the bulk of those pledges—\$9 billion—is in the form of loans or credits, not grants. But still the White House claims victory for arm-twisting Congress into reversing itself on the question of loans and providing the entire \$18 billion in U.S. tax dollars in the form of outright grants to Iraq. I readily admit that how this convoluted logic can be construed as a victory for the President is beyond me.

But reconstruction is only part of the story. On May 1, the President stood on the deck of the USS *Abraham Lincoln*—strategically postured beneath a banner that declared “Mission Accomplished”—and pronounced the end of major combat operations in Iraq.

Since that day, however, more American military personnel have been killed in Iraq than were killed during the major combat phase of the war. According to the Defense Department, 376 American troops have been killed to date in Iraq and nearly two-thirds of those deaths, 238, have occurred since May 1, when the President declared that the major combat had ended.

When President Bush uttered the unwise challenge, “Bring ‘em on,” on July 2, the enemy did, indeed, “bring them on,” and with a vengeance. Since the President made that comment, more than 165 American soldiers have been killed in Iraq. As the death toll mounts, it has become clear that the enemy intends to keep on “bringing ‘em on.”

The \$66 billion in this supplemental required to continue the United States military occupation of Iraq over the next year and the steadily rising death toll are testament to the utter hollowness of the President’s declaration aboard the USS *Abraham Lincoln* and the careless bravado of his challenge to “bring ‘em on.”

It has been said many times on the floor of this Senate that a vote for this supplemental is a vote for our troops in Iraq. The implication of that statement is that a vote against the supplemental is a vote against our troops. I find that twisted logic to be both irrational and offensive. To my mind, backing a flawed policy with a flawed appropriations bill hurts our troops in Iraq more than it helps them.

Endorsing and funding a policy that does nothing to relieve American troops in Iraq is not, in my opinion, a support-the-troops measure. Our troops in Iraq and elsewhere in the world have no stronger advocate than ROBERT C. BYRD, senior Senator from the great State of West Virginia, where mountaineers are always free. I support our troops. I have been supporting our troops for more than 50 years as a Member of the Congress of the United States. I pray for the safety of our troops. I will continue to fight for a coherent policy that brings real help—not just longer deployments and empty

sloganeering—to American forces in Iraq.

The supplemental package before the Senate does nothing to internationalize the occupation of Iraq, and therefore it is not a vote for our troops in Iraq. We had a chance in the beginning to win international consensus on dealing with Iraq, but the administration was in too big a hurry, the White House was in too big a hurry. The administration squandered that opportunity when the President gave the back of his hand to the United Nations and preemptively invaded Iraq.

Under this administration’s Iraq policy, endorsed in the President’s so-called victory on this supplemental, it is American troops who are walking the mean streets of Baghdad; it is American troops who are succumbing in growing numbers to a common and all too deadly cocktail of anti-American bombs and bullets in Iraq.

The terrible violence in Iraq on Sunday—the deaths of 16 soldiers and the downing of an American helicopter, the killing of another soldier, and a bomb attack and the deaths of 2 American civilian contractors in a mine explosion—is only the latest evidence that the administration’s lack of postwar planning for Iraq is producing an erratic, chaotic situation on the ground with little hope for a quick turnaround. We appear to be lurching from one assault on our troops to the next while making little, if any, headway in stabilizing our improving security in that unfortunate country.

The failure to secure the vast stockpiles of deadly conventional weapons in Iraq, including shoulder-fired surface-to-air missiles such as the one that may have brought down the United States helicopter on Sunday, is one of many mistakes the administration made that is coming back to haunt us today.

Perhaps the biggest mistake, the costliest mistake, following the colossal mistake of launching a preemptive attack on Iraq, is the administration’s failure to have a clearly defined mission and exit strategy for Iraq.

The President continues to insist that the United States will persevere in its mission in Iraq and that our resolve is unshakable. But it is time, past time, for the President to tell the American people exactly what that mission is, how he intends to accomplish it, and what his exit strategy is for the American troops in Iraq. It is the American people out there—it is the American people—who will ultimately decide how long we will stay in Iraq.

It is not enough for the President to maintain that the United States will not be driven out of Iraq by the increasing violence against American soldiers. He must also demonstrate leadership by presenting the American people with a plan to stem the free-wheeling violence in Iraq, return the government of that country to the Iraqi people, and pave the way for the

orderly withdrawal of American troops from Iraq. We do not now have such a plan, and the supplemental conference report before the Senate does not provide such a plan. The \$87 billion in this appropriations bill provides the wherewithal for the United States to stay in Iraq when what we badly need is a course correction. The President owes the American people an exit strategy for Iraq. It is time for the President to deliver.

I have great respect and affection for my fellow Senators and my colleagues on the Senate Appropriations Committee. No one could ask for a finer committee chairman than Senator TED STEVENS. I have even greater respect and greater affection and greater dedication to the institution of the Senate and the Constitution of the United States by which this Senate was established.

Every Senator upon taking office swears an oath to support and defend the Constitution of the United States. It is the Constitution of the United States—not the President of the United States, not a political party, but the Constitution—to which all Senators swear an oath of loyalty before God and man. I am here to tell you that neither the Constitution nor the American people are well served by a process and a product that are based on blind adherence to the will of the White House and to the will of the President at the expense of congressional checks and balances. It is as if, in a rush to support the President’s policy, this White House is prepared to put blinders on the Congress.

This supplemental spending bill is a case in point. One of the earliest amendments that was defeated on the Senate floor was the one I offered to hold back a portion of the reconstruction money and give the Senate a second chance—give the Senate a second vote—on whether to release that money. Apparently, the President and his supporters did not want to give the Senate an opportunity to review the progress—or lack of progress—in Iraq and have a second chance to debate the wisdom of spending billions of taxpayers’ dollars on the reconstruction effort.

Time after time the House-Senate conference committee was given the opportunity to restore or impose accountability on the administration for the money being appropriated in the Iraq supplemental, and time after time the House-Senate conference committee majority beat back those measures. The conferees, for example, defeated on a party-line vote an amendment I offered which would have required that the head of the Coalition Provisional Authority in Iraq be confirmed by the Senate. Senate confirmation of the Coalition Provisional Authority in Iraq would have ensured that the person who is managing tens of billions of dollars in Iraq for the American taxpayers would be accountable to the public—to the people out

there who are watching through those electronic lenses. The current appointee, L. Paul Bremer III, is not. He answers to the Secretary of Defense and the President—not to Congress and not to the American people.

The conferees approved a provision creating an inspector general for the Coalition Provisional Authority, but I am dismayed to say that this individual is not subject to Senate confirmation. I am dismayed that the conferees defeated my amendment that would have required the inspector general to testify before Congress when invited. I am dismayed that the President can refuse to send Congress the results of the inspector general's work. Could it be that the President's supporters are afraid to hear what the inspector general might tell them? Could it be that the President's supporters in Congress would rather blindly follow the President instead of risking reality by opening their eyes to what could be uncomfortable facts?

The conference also stripped out my amendment to the Senate bill that would have required the General Accounting Office to conduct ongoing audits of the expenditure of taxpayer dollars for the reconstruction of Iraq. On the Senate floor my amendment required such audits, and it was adopted by a vote of 97 to zero—97 to nothing. But in the House-Senate conference, it was blown away. It was defeated in the House-Senate conference by the Senate conferees on a 15-to-14 straight-line party vote.

Sprinkled throughout the Iraq supplemental conference report, provisions euphemistically described as "flexibilities" give the President broad authority to take the money—your money—appropriated by Congress in this bill and spend it however he wishes. I tried to eliminate or limit these flexibilities—and in a few cases succeeded—but there remain billions of dollars in this measure that can be spent at the discretion of the President or the Secretary of Defense.

Although the money is appropriated by Congress, as it is required to be appropriated by Congress in section 9 of article I of the Constitution of the United States, these so-called "flexibilities" effectively transfer the power of the purse from the legislative branch to the executive branch.

The dictionary definition of "victory" is simple and straightforward: success, conquest, triumph. Within the constraints of that simplistic definition, I suppose one could construe this package to be a victory for the President.

But I believe there is a moral undercurrent to the notion of victory that is not reflected in the dictionary definition. I believe most Americans equate victory more closely with what is right than with simply winning. It is one thing to win, and the tactics be damned; it is quite another to be victorious. Victory implies doing what is right; doing what is right implies mo-

ality; morality implies standards of conduct. I do not include arm twisting and intimidation in my definition of exemplary standards of conduct.

Moreover, we should not forget that not all victories are created equal. In 280 B.C., Pyrrhus, the ruler of Epirus in northern Greece, took his formidable armies to Italy and defeated the Romans at Heraclea, and again at Asculum in 279 B.C., but suffered unbearably heavy losses. "One more such victory and I am lost," he said.

It is to Pyrrhus that we owe the term "pyrrhic victory," to describe a victory so costly as to be ruinous. This supplemental and the policy which it supports, unfortunately, may prove to be a pyrrhic victory for the Bush administration.

The conference report before the Senate today is a flawed agreement that was produced by political imperative, not by reasoned policy considerations. This is not a good bill for our troops in Iraq. This is not a good bill for American taxpayers. This is not a good bill for the mothers and fathers and sisters and brothers and husbands and wives of the troops in Iraq. This is not good policy for the United States of America.

Victory is not always about winning. Sometimes victory is simply about being right. This conference report does not reflect the right policy for Iraq or the right policy for America.

I oppose it, and I will vote "no" on final passage.

Mr. President, I yield the floor.

Before doing so, may I ask how much time I have remaining.

The PRESIDING OFFICER (Mr. CHAFEE). Eighteen minutes 42 seconds total, including the 10 minutes to close.

Mr. BYRD. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, I ask unanimous consent that I be permitted to use the Democratic leader's leader time.

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

Mr. REED. Thank you, Mr. President.

Mr. President, we are faced with a very difficult vote this afternoon. There are many of us who have questioned the wisdom of our policy in Iraq, dating back to October of last year, no one more eloquently or intelligently than Chairman BYRD, and his speech today echoes that sentiment so well. But for me this is a question of providing the resources necessary to support our soldiers, marines, airmen, and naval personnel in the field. Despite the questions of policy, I do believe we have to render such support, but I have reservations about particular aspects of the bill which I would like to address today.

During the debate on the bill, I offered two amendments. The first was to increase the resources allocated to acquire uparmored Humvees. These are

the tactical vehicles that are armored that provide increased protection against the improvised explosive devices being used throughout Iraq. Particularly I was concerned about the exposure of some of our National Guard forces.

The Presiding Officer and myself represent the State of Rhode Island. We have two military police companies. The Presiding Officer supported me and worked with me closely in trying to craft this amendment so we could increase the number of uparmored Humvees.

My original proposal was to increase the number in this bill by 800. I am very pleased to say this bill contains an additional 318 uparmored Humvees.

I thank Senator STEVENS particularly because on the floor he not only accepted this amendment, but he did his utmost with his staff to ensure these additional uparmored Humvees would be available to our troops in the field. This is good news to me, but better news for the troops who will use them and the families back here who each day monitor the newspapers and the television and watch and hope their soldiers, their military personnel, have every margin of safety and protection they need.

The second amendment I offered was with respect to the end strength of the active U.S. Army. Unfortunately, this proposal, although it succeeded on the floor of the Senate—it resisted a motion to table by a vote of 52 to 45—was dropped in conference. I believe eliminating this provision is a mistake. We do need additional troops. There are some who argue very strenuously we need additional troops right now in Iraq.

If one considers what has happened with the tragic loss of a Chinook helicopter, with 16 soldiers killed, and others injured, the fact that there are multiple, perhaps hundreds, of ammunition dumps throughout Iraq that are unsecured most of the time and subject to looting, the fact we are continuing to see a stiffening resistance throughout the Sunni triangle around Baghdad, all of that argues to many that we should, in fact, increase the forces on the ground.

Even if you do not concur, even if you believe, as the Secretary of Defense says over and over again, that we have enough American troops on the ground, if we are going to maintain such a deployment over the next several years, we need additional soldiers in our Army for rotation, because otherwise we will wear our Army out, and the first signs of that will be a diminution in the retention of our reservists and National Guard men and women.

The new threat we are facing in Iraq with shoulder-fired missiles is a very ominous one. These are mobile, lightweight, missile systems that can be operated by one person. They can be transported in a vehicle, easily hidden. They can be popped up, made ready to be fired within minutes, and then they

can be discarded, and the individual can flee. It is a very effective weapon.

Indeed, one of the ironies of history is we supplied these types of weapons to the Mujahedin in Afghanistan, and they played havoc with Soviet helicopters, Soviet aircraft. It is one of the factors that caused the Soviets to consider their efforts in Afghanistan as futile and to leave.

We have a new threat and that, I think, argues against not only new tactics and strategies but a reconsideration of the forces we have in Iraq and the strength we have there. Again, I point out we have approximately 1 million tons of ammunition unsecured throughout Iraq. There are about 100 of these sensitive sites reported by the New York Times that are guarded around the clock. The rest are guarded intermittently. They are a source, one could infer, for some of the munitions that are being used against our troops. Our convoys have been attacked by improvised explosive devices, by RPGs, and all of this is leading to the casualties we see each day. I think we should be very prudent and very responsible in terms of our end strength in the Army and our forces within Iraq. Both should be increased, I feel, and I am not alone.

James Dobbins, a former Ambassador, who is one of the leading experts on reconstruction, said, in his words:

Everyone agrees that we need more troops on the ground in Iraq; they just can't agree on more of what. Conservatives want more U.S. troops. Liberals want more allied troops. The Pentagon wants more Iraqi troops. My view is that they're probably all right: We're going to need all three.

Frankly, given the current end strength of the Army, we do not have enough to provide additional American forces on the ground on a sustainable rotation basis.

The Pentagon, Secretary Rumsfeld, is focusing on creating Iraqi security forces. That is an important goal. But there seems to be some confusion on the number of troops. This weekend, Secretary Rumsfeld stated that over 100,000 Iraqis were reporting to duty. Just a few days before that, Secretary Wolfowitz and Condoleezza Rice said it was 80,000 or 90,000. The numbers are unclear.

What is also unclear is the capabilities of these troops. The Iraqi Army was being trained in 8 week courses and is now being trained in about 6 weeks so we can get them into the field. This raises questions of reliability, questions of adaptability, all of these things.

Many suggest that we increase our international component. Frankly, the Turkish troops were apparently willing to come, but the Iraqis objected. It has been reported that Portugal and Bangladesh have decided against contributing troops. South Korea is delaying its decision. It is becoming increasingly obvious that the burden will fall not just in the next few months but in the next few years on the United States forces. As a result, I do believe we need more forces.

We are beginning to see already the stress on our National Guard and Reserves. Currently, more than 130,000 Guard and Reserve soldiers and airmen are deployed. Approximately 29,000 National Guard soldiers are in Iraq and Kuwait. More than 10,000 Reserve forces are in Kuwait, Afghanistan, and Iraq. We also have National Guard forces in Bosnia, Kosovo, and the Sinai.

This is tremendous stress. We are seeing, for the first time, reports—although they are still preliminary—that National Guard units are not able to make their recruiting goals.

There was a report on NBC News by Jim Avila, who referred to:

New figures, released this week, show the Army National Guard nearly 10,000 short of its 2003 goal of 62,000 recruits.

Those are the first signs that recruiting and retention are becoming a problem in the Reserve component. They will only be made up, I think, by increasing the number of Active Forces we have.

There is a very difficult challenge for Reserve Forces. They have a career. They have families. They are not full-time soldiers, although they are excellent soldiers, they are professionals. They have taken their missions on with great skill and great patriotism. In fact, we could not perform the missions of the modern military today without the Reserve and National Guard. But they have separate careers and separate lives, and eventually they will have to give some credit and some interest to those separate lives.

I believe very strongly we have to ultimately increase the end strength of our military forces. I regret it is not in this supplemental. I will endeavor in the future to continue to urge this position. I hope someday we will have it.

In the meantime, I thank, again, the chairman and Senator BYRD for their efforts. Because ultimately this bill is putting resources into the hands of our fighting men and women who are engaged in combat today, I will support the measure.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the \$87 billion supplemental conference report, and I want to take a few minutes to explain why I support this conference report, even though I have serious misgivings about some of its provisions.

I support this conference report because I believe the United States now has an inescapable responsibility in Iraq.

We must stay the course and to do that, we must provide our troops in the field with the resources necessary to complete their mission. The defense title of this conference report provides nearly \$65 billion for that purpose, including important funding to improve the safety of our troops by securing Iraqi small arms caches which are the source of much of the munitions used to attack U.S. forces.

We must rebuild Iraq's infrastructure and assist in resurrecting a viable Iraqi

economy. We must see that a stable government is put in place. We must prevent civil war. And we must see to it that Iraq does not become a base for terror and instability throughout the region.

Nothing could be more disastrous for U.S. national security than, after bringing about regime change, if our nation were to turn tail and run and not accomplish the mission.

We would send precisely the wrong message to both our friends and our foes around the world.

If the United States were to pull out without completing the job, I believe that we would see civil war and a return of the Baathist regime, perhaps headed by someone as bad or worse than Saddam.

For many of us, the challenges that we now face in Iraq illustrate the shortcomings of a doctrine of unilateral preemption and preventive war.

When we use force against a state and seek regime change we are left with an inescapable role: Nation building.

This conference report is not perfect. Far from it. But it is critical that we do not leave the hard work of post-war reconstruction undone.

When the supplemental bill was before the Senate, I did what I could to see if it was possible to structure at least some of this package as loans—and the Senate adopted an amendment which would have made \$10 billion of the reconstruction loans.

That provision, unfortunately, was dropped in Conference over my objections and those of many of my colleagues.

I also worked with Senator DOMENICI to include additional reporting language in this bill. This amendment, which was adopted by the Senate, provided Congress and the American people real oversight over what the administration's plans were in Iraq and how the money in this supplemental was being spent.

Unfortunately, many of these reporting requirements were also stripped out in conference.

I also supported efforts to include provisions in this bill so that there would be greater international contributions to the reconstruction effort, to see if Iraqi oil could be quickly bought on-line to underwrite costs, to earmark some of the funds to be spent in Iraq on domestic priorities instead, and to try to pay for this supplemental by deferring the large tax cut for those Americans earning more than \$340,000 a year.

So if I had my way in putting this package together we would have before us a very different conference report.

Unfortunately, all these options were either debated and voted down by the Senate when we considered this bill earlier or, in the case of the loan provision, stripped out by the Republican majority in conference.

I would also like to note a provision of this bill that strikes close to home

for me and my constituents. I am pleased that the conference report provides \$500 million for FEMA disaster relief activities associated with recently declared disasters, such as the wildfires in California. Representative JERRY LEWIS and I sponsored this funding as a downpayment on what we all can expect to be a costly reconstruction effort in southern California. We in California are resilient, and I hope that this funding will help us to bounce back quickly from the catastrophic fires still burning in California.

So in the final analysis, even without the inclusion of many of the Iraq provisions I would have liked to have seen in this bill, I have come to the conclusion that the United States must step up to the plate and meet its obligations in Iraq. The United States must win the peace in Iraq.

The United States must also seek to repair the breach that exists between our nation and some of our friends and allies in the international community.

As I stated on the floor earlier when the Senate considered this supplemental, it is my sincere hope that in the reconstruction of Iraq, the United States can repair some of this damage by working with our allies, the United Nations, and the international community.

The United States has lost a great deal of good will throughout the world in the past year due to the perception that the American attitude has become "our way or the highway."

We must signal clearly and unambiguously that our attitude has changed and that we welcome the full partnership of others in the international community in Iraq.

On balance I find that I must support this conference report. Our national security and the safety and well-being of our troops demand it.

Indeed, how the United States approaches the reconstruction of Iraq may well prove to be one of the greatest tests of American leadership since World War II.

To fail in this endeavor could well escalate chaos in the Middle East and Gulf region, lead to civil war in Iraq, and allow Iraq to become a base for terror. I believe that it is important that Congress supports this conference report and that we stay the course in Iraq.

I yield the floor.

Mr. HARKIN. Mr. President, the assistance in this supplemental appropriations bill for victims of Hurricane Isabel and the California wildfires is certainly much needed and justified. Both of these disasters were vividly portrayed in images on television, newspapers, and the Internet. Those images drove home the need for help.

We have a strong history of providing assistance from the Federal Government to help our citizens survive and recover from natural disasters. As nearly all previous disaster aid, the assistance in this supplemental appropriations bill for both Hurricane Isabel

and the California wildfires does not require a budget offset.

We did not tell the victims of the hurricane or the wildfires that in their time of need they had to go find money elsewhere in the Federal budget. We did not tell these victims of disaster they had to give up something that they had coming to them in order to get the help they critically need.

Last year, many States across the middle of the United States were suffering from a terrible drought, and there were additional agricultural disasters in other parts of our country.

Now, drought is not as spectacular as a hurricane or a fire; that is true. The damage occurs over several months, even years, not days or weeks. But the financial and human losses are still acutely real—lost farms and ranches as they are driven out of business. Farmers and ranchers have to sell off cattle and other livestock. They have dramatically reduced crop yields or no crops at all, just as if a fire had gone through. There are huge financial losses to farmers and ranchers all over our country. There are the loss of homes, loss of businesses, impacts on local communities that may never come back. There is heavy damage to the economy in the drought areas. Without help, many lives would be dramatically changed for the worse in these drought-stricken areas.

Last year, we were told by the White House the only way we could get this disaster aid for agriculture was to cut back on the farm bill we had passed just several months before. For years, agricultural disaster aid has been treated as emergency spending—because it is—and not needing an offset in the budget. That is what we did for the wildfires in California and Hurricane Isabel that hit our Nation's Capital and communities on the east coast. We treated it as emergency spending.

In other words, in effect the White House said the victims of drought over the last couple years on farms and ranches, the victims of other natural kinds of disasters in agriculture, had to finance their own help by cutting the agricultural programs so important to their livelihood.

So in the omnibus appropriations bill last February, agricultural disaster assistance was financed by cutting the farm bill. Disaster assistance last year was estimated at \$3.1 billion. To generate an offset of that amount, the conservation title of the farm bill was cut back. The Conservation Security Program was capped and its funding sharply reduced to pay for that \$3.1 billion.

It is ironic and shortsighted that the funds for agricultural natural disasters would be taken from the conservation title of the farm bill. Drought is, of course, devastating to soil, plants, and animals. But it is conservation practices that help farmers and ranchers conserve and enhance natural resources and, in fact, lessen the potential impacts of future drought and natural disasters.

This support for conservation is much like the mitigation money the Federal Emergency Management Agency provides. When FEMA responds to a natural disaster, the Agency also provides additional dollars for measures to avoid losses in future similar disasters in that State. The farm bill's conservation programs likewise guard against future disaster losses.

Taking money from the farm bill's conservation title to pay for disaster assistance in the omnibus bill set a very bad precedent, one that will haunt us in the future when we seek to respond to natural disasters affecting agriculture. That action in the omnibus bill ignored the way previous agricultural disaster aid had been funded as emergency spending. It is also exactly the opposite of the policy we follow for nonagricultural disasters.

Fortunately, this precedent was not followed in funding relief for Hurricane Isabel and the California wildfire victims, and it should not have been. Those disasters were emergencies, and we should pay for the assistance by treating it as emergency spending, which we are doing in this supplemental appropriations bill.

By the same token, farmers and ranchers should not have been forced to pay for their own disaster assistance earlier this year. That was an emergency, and it should have been funded just as disaster aid in this bill was funded as an emergency.

So, Mr. President, I did not seek in any way to hold up this supplemental appropriations bill. There are many parts of it I was opposed to in terms of the way we are writing a blank check for some of the Iraq rebuilding. And I do not mean to impede emergency funding for California or Maryland or Virginia or any other States that were hit by these natural disasters. These are emergencies. We should respond as a nation to these emergencies.

The terrible precedent of taking money from the farm bill earlier this year should be reversed, and the conservation funds that were taken away from farmers and ranchers should be replaced. The damage to the Conservation Security Program should be repaired so the program is made whole, as it was enacted in the farm bill, passed by the Senate, passed by the House, and signed by the President. The President had loudly proclaimed as one of the reasons he was signing it the strong conservation measures in that farm bill.

Because of the way the money was taken out in the omnibus appropriations bill, as it came back to us as a conference report, there was no ability for any of us to amend it or to have an up-or-down vote on whether or not we wanted to have emergency funding taken out of the farm bill for disaster aid. But that is how it was done.

So, I take this time to point out the difference between how we are paying for the assistance for the wildfires in California and Hurricane Isabel here on

the east coast and how farmers and ranchers were treated earlier this year when they critically needed disaster assistance. Their disasters were perhaps not as visually dramatic as the wildfires or the hurricane but they nonetheless had devastating losses from disaster that had taken place over months, sometimes over years.

Our nation's farmers and ranchers should have been treated the same way as the victims of the wildfires in California or the victims here on the east coast of Hurricane Isabel. It is up to us to restore the funding that was taken away, to make farmers and ranchers whole, to make our conservation programs whole, and to recognize that when we have emergencies, when we have disasters, regardless of whether it is in California or New York or Iowa or Florida, or wherever it might be, regardless of whether it is homeowners or businesses or communities, yacht basins or beach homes or whatever, farmers and ranchers ought to be treated the same way with emergency funding.

So again, I will not do anything to hold up the bill or anything like that, but I just wanted to make my point that we have to treat everyone the same in this country when it comes to disasters.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. EDWARDS. Mr. President, today we cast our votes with heavy hearts. The memory of what happened almost 48 hours ago, thousands of miles away in Iraq, is still seared on our minds. What happened to our sixteen brave soldiers wears on us all, as do the memories of all of the lives that have been lost in this conflict. Our thoughts and prayers go out to those family members and friends who lost a loved one in Iraq, and we pray for a complete recovery for all who struggle at this hour.

Since "Operation Iraqi Freedom" began, we have proven yet again that the men and women in our military are the best trained, equipped, and motivated in the world. Their service and accomplishments make every American proud, and we pray for their safety and their safe return home.

Today, Members of Congress must uphold one of the highest responsibilities we have: to support our men and women in the military who risk their lives to serve their country. In this case, supporting our military means rejecting a policy that is clearly failing. We must demand that this President change course.

That is why today, I vote against the President's request for \$87 billion for Iraq.

For more than a year I have argued that the United States has a special responsibility to help build a stable and prosperous Iraq that is at peace with itself and its neighbors. Fulfilling this responsibility is not only the right thing to do for the people of Iraq, who

suffered under Saddam Hussein and now struggle with the consequences of war; rebuilding Iraq will also make the Middle East more stable and the American people more secure.

We must give our troops all the resources and help they need. I believe that we should have given the money designated for our troops right away—not make the support they deserve contingent on a failed reconstruction plan.

Given these failures, we cannot allow this President simply to call on Congress to give him funding without demanding fundamental changes. Our troops will not be safe—and their mission will not be successful—as long as this administration stubbornly clings to a policy based on poor planning, faulty assumptions, botched diplomacy and failed leadership.

We need a new policy to win the peace in Iraq—a policy that meets three core goals: to bring other countries and international organizations into the effort; to hand over more authority to the Iraqi people with specific benchmarks; and to end the insider deals for Iraq's reconstruction and the appearance that this war was about oil or paying off the President's friends.

We must immediately take three concrete steps:

First, we must take the American face off this occupation. The United States should immediately transfer the oversight of Iraq civilian reconstruction to the United Nations. President Bush waited too long to go to the United Nations to ask for help after the war. Even now, he remains unwilling to offer our allies a role in the oversight of Iraq that they are reasonably demanding before putting more of their money and troops in Iraq. We have a UN Security Council resolution that allows others a seat at the table—but this President still refuses to ask. The senior civilian in Iraq should answer to the United States and its allies on the United Nations Security Council—not Secretary Rumsfeld.

We must launch a serious diplomatic effort to get more international troops and resources to Iraq—an effort that will not only reduce the burden on our troops and American taxpayers but also transform the reconstruction into a genuine international mission. America's military presence in Iraq cannot be indefinite. As I have long argued, we should begin discussions immediately to get organizations like NATO more involved, as they are today in Afghanistan. We also need to accelerate the creation of Iraq's own security forces. Clearly, this administration failed our troops by impulsively disbanding the Iraqi Army, a move that not only left many Iraqis angry and unemployed, but took away a pool of Iraqis ready to help take control of their own security.

Second, with the help of the United Nations, we must outline a clear roadmap for the transfer of authority to the Iraqi people so that they can take control over their own destiny. This includes establishing specific timetables

to transfer authority to the Iraqis to give them more control over their economy, civilian authority, and security. To get this process moving, we should ask the United Nations to convene an international conference to work with the Iraqis to set priorities and establish clear benchmarks for when such goals will be achieved.

Finally, we must put an end to the special interest feeding frenzy this administration has created over Iraq's reconstruction. The enormous influence of corporate lobbyists in this administration, on everything from energy policy to health care, may dull our capacity to be shocked. But it should not. Halliburton, the Vice President's former company, has already received billions of dollars in non-competitive, no-bid contracts.

The President's supporters compare the rebuilding of Iraq to the Marshall Plan. But after World War II, Congress established a special committee to ensure that the allocation of reconstruction grants was free from war profiteering. Before billions more flow into Iraq, we should set up an independent commission for the same purpose.

I believe that we were right to act against the threat of Saddam Hussein. But this President's failures in Iraq are undermining many of the goals we meant to accomplish by eliminating his brutal regime.

When democracy is threatened by tyranny, America is there to defeat it. It is part of our history. But when the time came for us to rebuild those countries, we did so with integrity, honesty, and patience. The world was by our side. Our soldiers stood with others to build roads, bridges, hospitals, and schools. That is how we helped Japan and Germany recover from World War II. That is how Bosnia and Kosovo recover today. And that is what we must do for Iraq with the world at our side, a new plan in place, so that America is respected and strong.●

Ms. SNOWE. Mr. President, I rise today in support of the final passage of the conference report to accompany H.R. 3289, the fiscal year 2004 Iraq supplemental. I support this bill because it provides the resources necessary to support our gallant troops who are working in Iraq and Afghanistan to rid the world of the scourge of international terrorism and to recover from Hussein's corruption.

This bill provides our forces with \$65.7 billion to continue their campaign to restore peaceful and prosperous societies in both Iraq and Afghanistan. As our troops continue to root out the remnants of Hussein's horrific regime and work to ensure stability in Iraq, we must do no less than provide them with the most advanced technology, the most reliable force protection equipment, and the best personal care available. I believe that we all fundamentally agree that the funds requested to support our military forces in the field must be made available immediately.

However, as we are all aware, there was considerable debate when it came to the \$18.6 billion this bill provides for reconstruction efforts in Iraq—specifically regarding whether the funds should be provided as loans rather than a grant. I maintained throughout the debate that some portion, if not all, of these reconstruction funds should be in the form of loans.

Many argued that providing loans was not feasible—that it unduly burdened the Iraqi people. But after considering the totality of what we were talking about—that American men and women are putting themselves in harm's way day in and day out in securing the liberation of the people of Iraq and that we are also in the process of spending \$100 billion and more for that very same purpose, I concluded that asking the Iraqi people to be responsible for a portion of their reconstruction was only fair.

It remains my belief that the American people are not making a distinction between the money we are spending to support our troops and the additional funds being proposed to rebuild Iraq when it comes to the total measure of our nation's sacrifice toward this cause. So asking Iraq to repay one-tenth of that \$100 billion in the form of loans seemed eminently reasonable to me.

Some also argued that there was not a legitimate government in Iraq that could obligate the nation to the repayment of loans. But the international community, through U.N. Security Council Resolution 1511, specifically acknowledged that the Iraqi Governing Council and its ministers are the principal bodies of the Iraqi interim administration which "embodies the sovereignty of the State of Iraq during the transitional period until an internationally recognized, representative government is established."

Finally, still others maintained that providing loans to Iraq would run counter to the U.S. policy of shifting away from loans for development because of the ineffectiveness of such programs in the past. But that policy is predicated on the fact that many heavily-indebted, poor countries do not have the resources to both service debt and institute economic and social reform. Iraq, in contrast, is tremendously rich in resources to an extent sufficient to service this debt and continue to make future investments in their own infrastructure.

Therefore, after careful consideration and many discussions with my colleagues and constituents, I worked to author, with Senators BAYH, BEN NELSON, CHAMBLISS, ENSIGN, DORGAN, LINDSEY GRAHAM, and COLLINS, an amendment that designated \$10 billion of the Iraqi reconstruction funds as a loan. However, we also included a "trigger with a purpose"—designed to both encourage existing creditor countries to forgive at least 90 percent of the debt owed on loans that were made to the former regime of Saddam Hus-

sein, and to foster within Iraq itself a greater sense of responsibility toward, and a stake in, their own long-term rebuilding success.

I was heartened when, by a vote of 51-47, the Senate passed our amendment and included it in the bill sent to conference. However, during the conference, conferees decided to provide the entirety of reconstruction funds to Iraq as a grant rather than a loan and removed our amendment from the final report. I am extremely disappointed that conferees voted to remove the Senate provision in spite of the subsequent House of Representatives vote instructing their conferees to accept our amendment.

Mr. President, I still do not believe that the provision of \$10 billion in loans to the Iraqi people for the reconstruction of their nation would have placed an undue burden on them or their economy. Instead, by investing these loans in Iraq, we would have acted to restore their national pride and enhance their sense of responsibility as we worked toward the common goal of a free and stable Iraq.

With this bill, we are financing the restoration of a peaceful and prosperous society in Iraq and while I would have preferred this bill include provisions to ensure the U.S. taxpayer did not shoulder the burden alone, this bill includes the funds necessary to support our troops in the field. We must commit the resources necessary for our brave young men and women to carry out the task of making the world a safer place a task they are ready for and a task they are performing magnificently.

For that reason, I support this conference report and urge my colleagues to do the same.

Mr. FEINGOLD. Mr. President, when the Senate voted on this supplemental bill in October, I expressed my serious reservations about the overall direction of U.S. policy in Iraq and the astounding financial burden being imposed on the American people as a result of our misguided policies. Yet ultimately I voted in favor of the bill because I wanted to provide important resources for our troops on the ground and because I recognize that bringing stability to Iraq is in our national interest.

At that time, I made it clear that I would not be able to support future funding for the Iraq mission if the administration failed to take concrete steps to put that mission on a sounder footing.

Today, as we consider this conference report, my reservations have only multiplied.

Under intense pressure from the White House, the conferees have stripped a reasonable and appropriate Senate provision that would have converted a portion of the reconstruction grants to loans. This provision, which was designed to encourage international debt forgiveness, did not involve any U.S. decisions about Iraq's

future oil revenues, rightly leaving those decisions to the Iraqi people. The administration's refusal to accept this sound provision, combined with the disappointing showing at the recent donors conference in Madrid, suggests to me that the White House continues to set this country on an unsustainable course. The administration's failure to get more support in Madrid and continued insistence that the American people can and should shoulder the lion's share of the burden reveal a failure to grasp the reality of the current situation and the urgent need to rethink their approach.

I am also disappointed that the conferees chose to strip out my amendment, which was adopted here in the Senate, to help ease some of the strain that has been placed on the families of our military personnel. My amendment allowed a spouse, son, daughter, or parent who already qualifies for benefits under the Family and Medical Leave Act to use their benefits for issues arising from one additional set of circumstances—the deployment of a family member. Our military families—be they active duty, Guard, or Reserve—are coping with tremendous strains and a great deal of unpredictability. This Congress should be working to help them, and I will continue to pursue this issue.

I am pleased that my amendment to establish an Inspector General for the Coalition Provisional Authority was retained in this conference report. Though some changes were made to my proposal, the heart of the effort survived and in some cases was strengthened, and American taxpayers will now have someone watching how their dollars are spent in Iraq. We have sorely needed vigorous accountability and transparency mechanisms to oversee our policy in Iraq for some time. It is my hope that regular reports from the Inspector General can help the administration and the Congress to clean up waste and abuse and to improve our overall performance when it comes to reconstruction efforts.

Transparency is also important in our representations to the Iraqi people. I am pleased that another of my amendments, which requires the Coalition Provisional Authority to provide regular updates on the status and use of Iraqi oil revenues in Arabic on the Internet, was retained. Honest and regular information is our best weapon to combat those who would play to Iraqis' worst suspicions in order to harm Americans.

I am also pleased that this conference report recognizes the importance of bolstering U.S. efforts to help bring stability to Afghanistan, and to assist the war-torn states of Liberia and Sudan. While the administration has focused tremendous attention on Iraq, the global fight against terrorism is still our first foreign policy priority. Helping weak and failing states to recover is an important part of that effort.

But despite these positive elements, it is extremely difficult to have confidence in this conference report. Rather than listening to congressional reservations, rather than hearing what Members of this body had to say when we spoke about our constituents' profound sense of unease about our policy, those responsible for directing U.S. action in Iraq appear to have heard nothing at all—not the voices of the American people, not the voices of the Congress, not the voices coming from Iraq itself, where horrible violence continues to take American and Iraqi lives. In the days since the Senate voted on this bill, the administration has failed to grasp the need for a fundamental change in direction necessary to ensure that all of the resources that this bill provides at taxpayer expense will be used wisely.

Mr. NICKLES. Mr. President, I take this opportunity to report on the budgetary effect of the conference report to accompany H.R. 3289, making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

The President's supplemental appropriations request totaled \$87.0 billion in budget authority and \$36.8 billion in outlays for FY 2004 for ongoing operations in Iraq and Afghanistan and the reconstruction of Iraq. The conference report provides \$87.5 billion in budget authority and \$37.1 billion in outlays.

Most of the funds in the conference report, \$83.8 billion in budget authority, are designated emergencies under section 502(c) of the 2004 Budget Resolution. None of these emergency funds count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 and sections 504 and 505 of the 2004 budget resolution.

The conference report also contains non-emergency spending totaling \$3.8 billion in budget authority. Non-emergency appropriations are those appropriations that were not requested by the President and not declared a contingent emergency. Non-emergency appropriations are scored against the appropriate subcommittee's 302(b) allocation. I will remind the Senate at the appropriate time about any points of order that apply to subsequent bills.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 3289, EMERGENCY SUPPLEMENTAL FOR IRAQ AND AFGHANISTAN

[Fiscal Year 2004, \$ millions]

	Discretionary spending
Total H.R. 3289, Conference Report:	
Budget authority	87,547
Outlays	37,103
Emergencies in H.R. 3289, Conference Report: ^a	
Budget authority	83,782
Outlays ^b	N.A.

H.R. 3289, EMERGENCY SUPPLEMENTAL FOR IRAQ AND AFGHANISTAN—Continued

[Fiscal Year 2004, \$ millions]

	Discretionary spending
Non-Emergencies in H.R. 3289, Conference Report: ^a	
Budget authority	3,765
Outlays ^b	N.A.

^a Section 502(c) of H. Con. Res. 95, the Concurrent Resolution on the Budget for FY 2004, states that any provision designated as an emergency requirement by both Congress and the President shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 and section 504 (relating to discretionary spending limits in the Senate) and section 505 (paygo point of order) of H. Con. Res. 95. Amounts classified as non-emergency were added by Congress and do not carry the contingent emergency designation.

^b CBO has not yet provided an estimate of outlays split by emergency and non-emergency.
N.A. Not Available.

Mr. FRIST. Mr. President, a bloody tyrant rules no longer in Iraq. A man who without qualm or regret murdered hundreds of thousands of his own citizens has been removed from power.

The perpetrator of one of the past century's most gruesome crimes against humanity, the use of chemical weapons on innocent Kurdish civilians, no longer is free to pursue such weapons.

The aggressor in the Gulf War, who a decade ago invaded his neighbor, only to be driven out by a mighty coalition, no longer threatens the volatile region of the Middle East.

The record is replete with the case against Saddam Hussein. The mass graves are laid open, and only now are the thousands of widows, mothers and orphans—victims all—able to openly grieve.

Who here will ever forget the image of the desperate citizens of Baghdad, clawing at the ground in the hopeless search for hidden prisons that might hold their loved ones.

Mass graves have been found throughout the country, the unmistakable mark of history's tyrants.

As the regime of Saddam Hussein has come to an end, the difficult work has only just begun to ensure that we never again witness such horrors.

As this legislation proves, in both Iraq and Afghanistan this will be a costly effort in treasure and in time. But most costly of all are the lost lives of our men and women serving on the front line of the war against terror, whose devotion to our country may be matched in the history of the nation, but never surpassed.

These men and women, many just at the beginning of their adult lives, serve an ideal as old as the Republic. In the fight against terror, they risk their lives so that we may live safe.

Each and every one of them are citizens, parents, spouses, and somebody's child. Their sacrifice is our loss. We mourn the death of each of them.

The resources this legislation provides will move both Afghanistan and Iraq decisively toward stability and freedom; toward modernity and democracy.

We have worked long hours on this legislation, and we had some difficult votes over the course of the past 4 weeks. Although I am certain it is not the last debate we will have on Iraq, I

am grateful for the efforts of the managers on both sides, and for the cooperation of the Democratic leader, in getting this emergency package through.

In particular, I commend Senator STEVENS, Senator WARNER, Senator MCCAIN, and Senator MCCONNELL for their tireless efforts to pass this emergency funding request.

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

Mr. President, yesterday's losses were the latest tragic reminder that we are at war in Afghanistan and Iraq. The funds in this legislation provide both direct support for our soldiers as well as an investment in creating a safer environment in those countries where they serve. This legislation will make them safer and get them home sooner.

Mr. AKAKA. Mr. President, I rise today to express my strong support for our soldiers, sailors, airmen, and Marines who are deployed around the world in defense of the principles of democracy and our great Nation. Today the Senate will pass the conference report to H.R. 3289, the FY04 Supplemental Appropriations Act for Iraq, Afghanistan and the global war on terrorism.

The conference report does not include a key provision adopted by the Senate which would have required \$10 billion in Iraq reconstruction funds to be used as a loan rather than as a grant unless 90 percent of foreign creditors cancel Iraqi debt. I voted for this provision because I believed that it would have helped to provide Iraqis with meaningful participation in the reconstruction of their country by making them responsible for the funding. I am disappointed that the provision has been eliminated, but I look forward to continuing to work with my colleagues to address the issue of how to appropriately respond to continued requests for Federal dollars to reconstruct Iraq.

Last year, as the Senate debated authorization of the use of force in Iraq, one of my concerns was our planning of, and responsibility for, the reconstruction of Iraq. Before we even engaged in this conflict, I asked administration officials about post-war Iraq plans. I was repeatedly told that the appropriate officials were working hard to develop such plans and that details were not necessary because there were too many unpredictable factors to consider. Well, here we are, 4 months after President George W. Bush declared major combat in Iraq to be over. We are being told that our troops will be in Iraq for an extended period of time. American soldiers continue to be wounded and killed almost every day. We are faced with open-ended requests for billions of dollars to reconstruct Iraq.

There seems to be reluctance on the part of our international colleagues to

contribute and participate in the rebuilding of Iraq due to U.S. control and authority over the reconstruction funds and plans. It is imperative that we recruit other countries to assist us in peacekeeping activities to relieve our military members so that they can return home. It is just as imperative that we allow other countries to contribute to the reconstruction effort to relieve the American taxpayer of what has been and will continue to be a monumental expenditure of Federal funds in Iraq. The United States must be willing to take the necessary actions to make such international cooperation a reality.

During the Senate's consideration of President Bush's FY04 supplemental request, I voted in support of S. 1689 because I believed the Senate was successful in adding provisions to the legislation to support our deployed troops; increase accountability and transparency in post-war Iraq contracts; improve planning for post-war Iraq; and reduce the burden on the American Taxpayer of the costs stemming from Operation Iraqi Freedom, Operation Enduring Freedom, Operation Noble Eagle and the global war on terrorism on the American taxpayer. While I am pleased to learn that the conference report retains provisions to support our troops such as the one-year demonstration program for enhanced TRICARE eligibility for certain National Guardsmen and Reservists, the retroactive reimbursement for soldiers who paid for their food while being medically treated, and the continued authorization for Imminent Danger Pay and Family Separation Pay at increased rates for FY04, I am concerned that the provisions adopted by the Senate which were eliminated will make it more difficult for us to ensure appropriate oversight, accountability, and success in Iraq, Afghanistan, and the global war on terror.

I am particularly disappointed by the conference committee's decision to eliminate the provision proposed by Senator JACK REED to increase Army end-strength by 10,000. I remain increasingly concerned about the strain of the increased OPTEMPO on the Army. I firmly believe we need to increase end-strength and look forward to working with my colleagues and the Army to address this matter. I understand that General Schoomaker has directed a study of this issue and I look forward to the results of this study.

Again, I fully support our men and women in the military. For that reason, I fully support the \$51.4 billion for ongoing military operations in Iraq, \$10.5 billion for U.S. forces in Afghanistan, and \$3.6 billion for homeland defense. I will work diligently with my colleagues to ensure that our Armed Forces are provided with the training and equipment necessary for them to accomplish their mission so that they can return home safely to their families in a timely manner.

I support the \$5 billion for security training for Iraqi security forces. I re-

main concerned, however, with the amount of funding that has been designated for reconstruction of Iraq, particularly since we have been assured that this supplemental only represents the most pressing reconstruction needs for the next 12 months and does not cover all reconstruction needs. At the same time, we have pressing domestic needs including the need to fund an additional \$1.3 billion for medical care for veterans. We have a number of educational and social programs that are in definite need of increased funding. We must be responsible stewards of taxpayers' money.

I voted in opposition to authorizing the use of military force against Iraq in October 2002. I voted this way because I believed we had not yet utilized all of our options at the international level. However, once the decision to utilize military force was made, I fully supported the men and women who were deployed in this effort. We are now responsible to ensure that they have the equipment and resources to undertake their mission in the safest manner possible. Our leadership of the coalition forces in Operation Iraqi Freedom also makes the United States accountable for the restoration and reconstruction of Iraq. Again, I believe we must work closely with our allies and neighbors in the international community for us to successfully bring out troops back home. I look forward to working with my colleagues to find a way to accomplish such a difficult challenge.

Mr. KENNEDY. Mr. President, I oppose the Senate-House conference agreement on the \$87 Supplemental Appropriations bill for Iraq.

When the Senate voted on this legislation on October 17, I opposed it because it provided no effective conditions for genuine international participation in the reconstruction of Iraq or other important steps needed to win the peace. Our troops in Iraq are doing a remarkable job under enormously difficult circumstances, and I wholeheartedly support them. But it is an abdication of our responsibility in Congress to provide an \$87 billion blank check for a failed policy.

The administration needs to go back to the drawing board and adopt a new Iraq policy that is worthy of the sacrifices our soldiers are making—a policy that restores America as a respected member of the family of nations and make it easier, not far more difficult, to win the war against terrorism.

The Bush administration still does not have a realistic plan for achieving security and democracy in Iraq and our soldiers are paying for it with their lives.

Since the Senate originally passed this legislation 2 weeks ago, the situation in Iraq has further deteriorated. Forty-four more American soldiers have been killed, and more than 300 American soldiers have been wounded. The United Nations did approve a new

resolution on Iraq that could have become the basis for genuine international support for our effort, but America still stands largely alone in Iraq. We have not modified our unilateral position, and other nations are unwilling to assist us. The United Nations has pulled all of its staff out of Baghdad, and international NGOs are leaving as well.

America comprises 85 percent of the international forces on the ground, and we are providing the lion's share—nearly \$20 billion—for Iraq's reconstruction. On October 23, at the international donors conference in Madrid, the administration came up short on international contributions. Of the \$55 billion needed for Iraq over the next 4 years, the international community pledged only \$13 billion, two-thirds of it in loans, not grants, over 5 years.

Over the same period of time, the security situation has gone from bad to worse. On October 25, a rocket propelled grenade in Tikrit struck a Black Hawk helicopter, shortly after Deputy Secretary of Defense Wolfowitz left the area.

On October 26, rockets seriously damaged the Al Rashid Hotel in Baghdad, where Deputy Secretary Wolfowitz was staying, killing one soldier and missing Mr. Wolfowitz by only one floor. That same day, the Deputy Mayor of Baghdad was assassinated.

On October 27, coordinated attacks rocked Baghdad, targeting the headquarters of the International Committee for the Red Cross and killing 15 people. Three police stations were also attacked. On this one bloody day, 34 people were killed, including one American soldier, and another 200 were wounded.

Just yesterday, a Chinook helicopter was shot down over Faluja, killing 16 American soldiers, and wounding 20 more.

Meanwhile, the administration continues to claim that things are going well. Last week, President Bush claimed the attacks were a result of our successes on the ground in Iraq. In an October 29 interview, Deputy Secretary of Defense Wolfowitz said, "Our side is winning." After the downing of the helicopter, Ambassador Bremer said, "the overall security situation" in Iraq "is a lot better" than when he arrived in May.

Mr. President, it is clear that things are not going well in Iraq. The administration must face reality. It cannot continue to cover up its failures and try to sell its rosy version of events by repeating it with maximum frequency and volume, and minimum regard for realities on the ground.

I support our men and women and uniform, but I oppose the administration's policy, and I urge the administration to devise a realistic plan for Iraq.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, we have heard a lot of comment today

about what the President said and what he has not said. It should be remembered that the President celebrated the military victory, as he should have, when he declared the end of the war. It was the end of the war against Iraq's military.

Since that time, we have been at war against terrorists—organized terrorists, international terrorists—in Iraq. The greatest cunning and deceit and trickery the world has seen are being shown in Iraq. Very clearly, it is not a military force that is opposing us today. We are trying to protect our soldiers and the Iraqi people from terrorists.

That is why this bill is so important. It combines money for our military to continue their activities with money for the Coalition Provisional Authority to move forward and help Iraq to build their own military, to build a new form of government, and to train policemen, to train people to keep the peace.

I must say, it is strange to me when I hear people talk about this administration lying. I have been sort of restrained concerning the past administration and lies. But I do believe it is entirely inappropriate to call the Commander in Chief a liar in terms of what has happened in Iraq.

I am one of the eight Members, as I have told the Senate before, who gets the same briefings that are available to the President of the United States. I guess he might have a few more than we get, but we get the general intelligence briefings. I firmly believed there were weapons of mass destruction there in Iraq. I still believe they had the ability to conduct chemical warfare. After all, they did it twice. They did it once in Iran, and they did it once to the Kurds in their own country.

We continue to hear how terrible it is, what is going on as far as this administration is concerned in terms of the conduct of our forces and our people in Iraq after the war was over. The military collapsed. We have been fighting terrorists constantly now.

When I woke up, as I did this morning, and read the paper about the terrible incident of shooting down a helicopter, that was not a military action; that was a terrorist action. We have to adjust ourselves to the fact that this is going on all over the world. It went on in New York. It went on here in Washington. It went on in Indonesia. It went on in the Philippines. It has certainly happened in Israel for years now. But it is coming home now. We are being exposed to it. Our forces are exposed to it. Our people, our civilians are exposed to it. The U.N. forces in Iraq have been exposed to it. Hundreds and hundreds of Iraqis have been killed since the end of the war by their own terrorists.

It is time for us to sit back and think about what we are doing today. Today, thankfully, this bill will pass. It will pass by unanimous consent—not one vote against it. Yet we have had 6 hours attacking the President because

he asked for the money. Where are the voices coming from? What am I hearing? People are willing to let the bill pass without a vote and yet they want to criticize the President for asking for this money?

The Senate ought to reflect and think what we are doing. We still have forces there, and we are going to have forces there. I haven't heard one Senator say we should leave—not one. There are those here who voted against going to war. There are people here who voted for it. But I don't know anyone here in this Chamber who voted against the war on terrorism. That is what we are conducting now.

I am sad to say it looks as if it is going to go on for some time. Out by the elevators, I was just asked by the press, do I expect another supplemental for Iraq and Afghanistan. Well, this is a supplemental for 2004. We are here because the Members of the Senate on that side of the aisle asked me to ask the President to submit a separate bill for funds for Iraq and Afghanistan. He could have submitted that money request in the regular 2004 bill. But he accommodated the request that I carried to the White House, and he sent us a separate supplemental for Iraq and for Afghanistan and the war on terrorism.

We have been on it for a long time, much longer than I ever thought it would take to get this passed. Very clearly, we do not expect another supplemental. We probably expect a request for fiscal year 2005 that will start on October 1 of next year. But clearly, we ought to get things into perspective.

Let me quote the President:

Heavy as they are, the costs of action must be weighed against the price of inaction. . . .

Which President was that? It was President Clinton, 5 years ago. He stated these words as he informed the American people that he was ordering a strike of military and security targets in Iraq. He ordered them in Iraq 5 years ago—in 1998. Their mission was to take out nuclear, biological, and chemical weapons sites, and he so stated. The former President sent forces into Iraq to attack nuclear, biological, and chemical weapons sites. That decision was based on a continuing lack of cooperation by Saddam Hussein with the international community.

In the last 6 months, President Bush is enforcing measures that were begun in the Clinton administration. Yet to hear people talk here about the lies and deception of this administration—what were those forces sent into Iraq for in 1998? It was based on the same kind of reports that President Bush received before he ordered this action.

As many in the Senate know, some more powerfully than others, wars and their aftermath are not easy. They are disturbing. Watching our soldiers, sailors, airmen, and marines die or be wounded touches a sadness deep inside each of us. It touches even more those of us who have been in war. There is

nothing like going to bed at night and seeing an empty bed beside you.

As of today, a total of 376 Americans have been killed in Iraq. Events such as yesterday, where 16 young soldiers were killed when their Chinook helicopter was hit by a missile, greatly trouble all of us. But each of these soldiers was doing his or her duty. We extend our deepest sympathy to each of their families and friends and offer our thoughts and prayers through this difficult time for them.

Some of us have lived through this time again and again: World War II, Korea, Vietnam, you name it. My generation has seen a lot of wars. It is not an easy thing to hear any report of Americans being killed. But those people were doing their duty.

When a person puts on the uniform of the United States and raises his hand, it is even more somber than the one we give here because they know they are laying their life on the line. These are all volunteers. Not one draftee is there. Every person there volunteered to serve in uniform.

We—this Congress, this President, and this country—went to war against Iraq to remove the regime of Saddam Hussein and give the Iraqi people a chance at a better, freer life and the region an opportunity for a more peaceful coexistence.

That is what President Clinton started in 1998. He made the strike against those areas because he firmly believed there were nuclear, chemical, and biological weapons of mass destruction there. Now, these events don't happen overnight. I certainly was not expecting a war that would be just sort of bedsheet clean, where you go to war and come back with fresh bedsheets the next night. That is not the case. These things do not occur overnight. The rebuilding of that nation and the recovery of the Iraqi people will take time. We have to provide the Iraqi people time to heal and the resources and tools to create a new nation and a secure and stable environment.

After World War II, we occupied Germany for 4 years before we even had the Marshall plan. Before the Senate today is the plan for recovery of Iraq in the same year, without an army of occupation per se. We are trying to help them rebuild their country and take it over and provide their own transition to a new form of government. I do believe the way we are doing this—by strengthening a civil society, repairing schools and hospitals, treating waterways, restoring electricity, and eventually assisting them with rebuilding their oil industry—will allow them to become self-sufficient.

I remember so well when Ambassador Bremer told me the problem was that one day there is a pipeline blown up and they cannot ship the oil. So they go about repairing the pipeline. The next day they blow up an electric power station so the pumps won't work. This is terrorism. We must realize we are not facing a military enemy; we are facing terrorists.

Some of my colleagues don't believe in portions of this supplemental. Maybe some don't believe in it at all. But not one of them will vote against it—not one of them. That is their right. Some of them voted against giving the President the authority to go to war to topple the evil tyrant who we all realized was there. Regardless, our men and women are there now—military, civilian, and the U.N.—and those people must have our support. They need the funds in this bill for body armor, for what they call uparmored Humvees, and for explosive detection equipment, for all sorts of detection equipment.

The bill provides the funds to make the lives of our troops—both here and in Iraq—safer and easier. We are providing better mess halls, quarters, TRICARE for members of the Guard and Reserve, and it maintains increases in pay for family separation allowance and imminent danger pay for our troops and their families, which was voted earlier this year and would have expired had we not taken action.

I said this earlier today and I will repeat it. It is a simple and a straightforward premise, as far as I am concerned. Security brings stability and stability fosters democracy. An Iraq that is well on its way to economic well-being and self-governance is the fastest way to get our military men and women home.

We as a nation have always had one goal—I said this also earlier today—and that is to finish what we start. We will not fail to do so now. This supplemental will accomplish that task. I urge my colleagues to vote for this bill. In effect, we have all done that by agreeing to the unanimous consent request that there be no form of vote.

The Senator from Virginia is here—

Mr. LEAHY. Mr. President, I have been waiting. I notice we are going back and forth. I ask for 5 minutes.

Mr. STEVENS. We have had a substantial number of speakers on that side. The Senator from Virginia called and asked me to yield time. How much time is left, Mr. President?

The PRESIDING OFFICER. There are 17 minutes 40 seconds, 10 of which is reserved for closing.

Mr. STEVENS. Are there 20 minutes reserved for closing and 17 left besides that? Who controls that time?

The PRESIDING OFFICER. The Senator from Alaska controls 17½ minutes, of which 10 is reserved for closing.

Mr. STEVENS. How much time does Senator BYRD have?

The PRESIDING OFFICER. The Senator from West Virginia controls 18 minutes, of which 10 are reserved for closing.

Mr. STEVENS. I yield 5 minutes to the Senator from Virginia.

Mr. LEAHY. Mr. President, I will not object to the senior Senator from Virginia speaking. I just ask that I be recognized after him.

Mr. STEVENS. We are glad to do that. The Senator has 18 minutes.

I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the chairman of the Appropriations Committee. I wish to commend him, Senator BYRD, Senator INOUE, and others, and our distinguished colleague from Vermont, for working on this.

As we debate passage of this important emergency supplemental spending bill, I want to pause for a moment to acknowledge the tragic losses our forces in Iraq suffered this weekend. I extend my heartfelt sympathies to the families and loved ones of those who died and those who were injured. Indeed, we must pause to remember all who have perished, American, coalition partners, and Iraqis military and civilian, who are fighting for freedom in Iraq and around the world in the Global War on Terrorism. We are fortunate as a Nation to have these dedicated citizens who willingly make such great sacrifices to defend liberty and extend the cause of freedom.

I rise today in support of the conference report on emergency supplemental funding for Iraq and Afghanistan for Fiscal Year 2004, and urge my colleagues to do the same. Seldom do we have choices before us as fundamental as this one. Our choices are to go forward, stand still, or quit. Two of these choices would represent failure. There is no choice—failure is not an option. We must go forward; we must stay the course and win the peace for the people of Iraq and Afghanistan, as well as for our own enduring interests in the Global War on Terrorism.

The timeliness and importance of this support for Iraq and Afghanistan cannot be overstated. The stakes in Iraq and Afghanistan are enormous. The military victories achieved by our Armed Forces, together with their coalition partners, must be secured.

We have achieved extraordinary success, in a relatively short period in Iraq. Saddam Hussein and the threat he posed are gone; the future is hopeful for the Iraqi people. We must send a strong message of resolve to our fellow countrymen, to our troops, to our coalition partners, and to the rest of the world, that we will see this through to completion—to win the peace.

We have had an unprecedented amount of debate on this funding request. General John Abizaid captured the essence and urgency of this supplemental request when he stated, "We can fight the terrorists her [in Iraq and Afghanistan], or we can fight them at home." I think we all prefer to fight them there and get the job done.

In recent weeks, I have had the opportunity to meet with several Iraqi leaders, including members of the Iraqi Governing Council and recently appointed ministers. They are clearly committed to achieving democracy, security and opportunity for the Iraqi people and deserve our support. The ministers are technically very well

qualified and committed to building a new Iraq as soon as possible. These are not people who have assumed positions of responsibility through tribal affiliations, nepotism and greed, as has been past practice in Iraq. These are highly qualified public servants—17 of 25 ministers have PhDs in technical fields—who have subordinated their own personal aspirations and accepted considerable personal risk to assume positions of high visibility, to build a new Iraq. Many have left lucrative careers, comfort and families in other countries to return to their homeland and lend their skills to this endeavor. I salute their courage, their patriotism and their selflessness. They are an inspiration to all Iraqis and they deserve our full support.

Some of our colleagues have passionately argued that some of this funding should be in the form of loans, to be forgiven if other debtor nations reduce or forgive old loans to Iraq. I understand why some have arrived at this conclusion, but additional debt now would be economically disastrous, and send the wrong message to Iraqis and, indeed, the world. At some point in the not too distant future, loans will be appropriate, but we must help establish those conditions now.

The United States will seek to convince the principal holders of Iraqi loans—Russia, France, Germany and Saudi Arabia—to forgive some or all of these loans.

We have an opportunity before us to send a message of full commitment to Iraq and of a balanced, fair U.S. foreign policy in the larger Middle Eastern region, by providing this reconstruction assistance to Iraq. Less than overwhelming support will be viewed as just the opposite, and would be counterproductive to our larger goals and interests in this important region.

There is a perception, I fear, that this supplemental will fully fund Iraq's reconstruction. Nothing could be further from the truth. The reconstruction needs of Iraq are enormous—not because of war damage, but because of three-plus decades of neglect, mismanagement and greed by Saddam Hussein's regime. The funds included in this supplemental will only begin to address these daunting needs, but adoption of this package will put the Iraqis in a much better position to help themselves in the future. The Iraqi leaders I spoke with want nothing more than to do just that, but they need our help for now, not with crippling conditions attached.

When U.S. troops entered Baghdad in early April, they were, indeed, greeted as liberators. The image of Iraqis celebrating in the streets—helping U.S. soldiers topple a statue of Saddam Hussein—will long be with us.

Despite the pockets of resistance in Iraq today, that feeling of gratitude and good will toward the United States remains. Recent polling found that most Iraqis believe that ousting Saddam Hussein was worth the hardships

they have endured since the invasion, and two-thirds think Iraq will be in better condition 5 years from now than before the invasion.

We must build on this good will and seize this historic opportunity to show our overwhelming support and commitment to help build a thriving democracy and ally against terror in Iraq.

American forces and coalition partners have already done a remarkable job of restoring basic services, rebuilding schools and hospitals, preventing ethnic violence and creating an environment where reconstruction can succeed. Many Members of this Chamber have seen this with their own eyes, and the response of most who have been to Iraq is concern that the good things that are taking place in Iraq are not being fully reported to the American people.

This reconstruction work is being done in a difficult environment of harsh conditions and significant personal risk, as those who have been removed from power in Iraq seek to delay their inevitable defeat, and as terrorists lash out at the loss of another haven. We are ever mindful of the risks our troops face, every day, and the sacrifices made by the families and communities that support them.

It is imperative that we give our President and our troops the resources they need to complete their missions in Iraq and Afghanistan. The faster the money gets to these countries, the faster conditions will improve, and the faster our troops will come home. As Ambassador Bremer stated before the Armed Services Committee last week:

Every day that goes by where we are not speeding up the Iraqi Army, speeding up the civil defense corps, speeding up the training of police, is a day when our soldiers, men and women, are not being substituted by Iraqis. Every day that Iraqis do not get electricity, do not get water, do not have proper sewage, is a day when their quality of life is such that they are less likely to view us as liberators, more inclined to view us as occupiers, and that also increases the danger to our men and women.

Lasting peace and security in Iraq will be achieved when we establish the environment for a democratic, economically viable Iraq. The first steps to democracy have been taken and a fledgling government is preparing itself to assume the responsibilities of sovereignty.

Let us join together in a clear message of resolve to provide the resources that will meet the immediate needs of the Iraqi people and best serve our interest in Iraq and the larger Middle East region. I urge my colleagues to support the conference report and send a message of overwhelming support to our troops, to their families, and to the newly liberated people of Iraq and Afghanistan. We must do what is necessary to secure this important victory in the war on terrorism.

Mr. President, again, I express my tremendous commendation for the managers of this bill and, particularly, for their wisdom and insight into the

needs of the men and women in the Armed Forces, and the ability to step up and get TRICARE for the Reserve and the Guard.

The Reserve and the Guard have performed magnificently, and not just in this most recent conflict in Iraq but beginning back in the days of Bosnia, Kosovo, and all the way through. Those of us who went into Sarajevo years ago remember that it was the National Guard planes that would take us in during that period of combat and strife in the Balkans. Of course, they performed magnificently in connection with the Afghanistan campaign, and then again during the course of the campaign in Iraq, the freedom of the Iraqi people being their goal.

So I commend the leadership of the Appropriations Committee for doing the TRICARE and addressing those pay provisions, which were due to expire. We have been addressing that in the Armed Services Committee, where we have original jurisdiction over these matters. But the plain fact is that we have not reached a resolution of our conference report as of this time. Therefore, often the Appropriations Committee needs to step forward and do these things which must be done, and done promptly. So I commend our distinguished members of the Appropriations Committee.

Over the weekend we suffered this tremendous tragedy, the loss of the helicopter with so many brave individuals on board. I and others have expressed our compassion to their families, their loved ones, and to their fellow colleagues and comrades all throughout the region. Each one of them feels the loss of one of their own when it happens—whether it is on the streets or in an aircraft that unfortunately comes down.

Those of us—many in this Chamber—who have had the opportunity to visit in Iraq, and particularly Baghdad and other areas, got a clear perception and feeling of the extraordinary risks being undertaken night and day by these young men and women not only of the Armed Forces of the United States but the coalition forces.

I am proud of the way our President stood up today before the world. He stated these words, which time and time again should be considered by the American people as spoken from the heart of the President. Imagine the sadness in his heart and that of the First Lady and others, because the buck stops on the President's desk.

When the news broke of that helicopter going down, I fully appreciate what he went through, and indeed the Secretary of Defense, this weekend. He addressed the Nation on three public television shows about this tragedy of the loss of the helicopter. But both the President and the Secretary of Defense are absolutely steadfast in their resolve to continue their role as leaders. The President said:

The enemy in Iraq believes America will run.

The President said:

That is why they are willing to kill innocent civilians, relief workers, and our coalition troops.

He finished by saying: America will never run.

I commend both the President and Secretary of Defense. At one time, I was in the Pentagon during Vietnam for some 5 years as Navy Secretary. I remember awakening in the night and the morning to receive those reports about exceptional losses, such as this one, and then often go, as we had planned, before the media the next day trying to interpret it and explain it for the American people and for the people throughout the world. It is not an easy task, but our President and others in authority are stepping up to it and being absolutely unflinching in their resolve, as this Senator is, to see this through.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Mr. President, I ask unanimous consent to proceed for 3 minutes.

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

Mr. WARNER. Mr. President, tomorrow I hope to attend the funeral service for a brave Army captain, a VMI graduate. I happened to go to the neighboring school of Washington and Lee. His family called me and talked with me and I talked with them. They asked if at all possible could I attend. I said I would do that irrespective of what is going on in the Senate. The mother said to me: We feel deeply the loss of our son, but, Senator, I want you to come and say to me that you and others will stay the course so that his life is not given in vain. I have made that commitment to his family, as I will to many other families.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter to the editor published in the Saturday Washington Post by Dr. David Kay who is responsible for the search for weapons of mass destruction in Iraq.

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

(See exhibit 1.)

Mr. WARNER. Mr. President, this letter to the editor is very worthy of our colleagues who, like me, are concerned about how thus far we are still trying to find the weapons, if they exist, but he covers very well one aspect of this, and it is deserving of the estimate. I commend Dr. Kay for his work and his continuing effort. Part of this bill has the funds necessary for him to continue this effort to resolve this very puzzling mystery about the weapons of mass destruction.

I thank the Chair, and I thank my distinguished colleague and commend him once again.

[From the Washington Post, Nov. 1, 2003]

THE HUNT FOR IRAQ'S WEAPONS

The Oct. 26 front-page article "Search in Iraq Fails to Find Nuclear Threat" is wildly off the mark. Your reporter, Barton

Gellman, bases much of his analysis on what he says was told to him by an Australian brigadier, Stephen D. Meekin. Gellman describes Meekin as someone “who commands the Joint Captured Materiel Exploitation Center, the largest of a half-dozen units that report to [David] Kay.”

Meekin does not report, nor has he ever reported, to me in any individual capacity or as commander of the exploitation center. The work of the center did not form a part of my first interim report, which was delivered last month, nor do I direct what Meekin’s organization does. The center’s mission has never involved weapons of mass destruction, nor does it have any WMD expertise.

Gellman’s description of information provided by Mahdi Obeidi, chief of Iraq’s pre-1991 centrifuge program, relies on an unnamed “U.S. official” who, by the reporter’s own admission, read only one reporting cable. How Gellman’s source was able to describe reporting that covered four months is a mystery to me. Furthermore, the source mischaracterized our views on the reliability of Obeidi’s information.

With regard to Obeidi’s move to the United States, Gellman writes, “By summer’s end, under unknown circumstances, Obeidi received permission to bring his family to an East Coast suburb in the United States.” The reader is left with the impression that this move involved something manipulative or sinister. The “unknown circumstances” are called Public Law 110. This mechanism was created during the Cold War to give the director of central intelligence the authority to resettle those who help provide valuable intelligence information. Nothing unusual or mysterious here.

When the article moves to describe the actual work of the nuclear team, Gellman states that “frustrated members of the nuclear search team by late spring began calling themselves the ‘book of the month club.’” But he fails to note that this was before the establishment of the Iraq Survey Group. In fact, the team’s frustration with the pace of the work is what led President Bush to shift the responsibility for the WMD search to the director of central intelligence and to send me to Baghdad.

One would believe from what Gellman writes that I have sent home the two leaders of my nuclear team, William Domke and Jeffrey Bedell, and abandoned all attempts to determine the state of Iraq’s nuclear activities. Wrong again. Domke’s assignment had been twice extended well beyond what the Department of Energy had agree to. He and Bedell were replaced with a much larger contingent of experts from DOE’s National Labs.

Finally, with regard to the aluminum tubes, the tubes were certainly being imported and were being used for rockets. The question that continues to occupy us is whether similar tubes, with higher specifications, had other uses, specifically in nuclear centrifuges. Why anyone would think that we should want to confiscate the thousands of aluminum tubes of the lower specification is unclear. Our investigation is focused on whether a nuclear centrifuge program was either underway or in the planning stages, what design and components were being contemplated or used in such a program if it existed and the reason for the constant raising of the specifications of the tubes the Iraqis were importing clandestinely.

We have much work left to do before any conclusions can be reached on the state of possible Iraqi nuclear weapons program efforts. Your story gives the false impression that conclusions can already be drawn.

DAVID KAY.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to take 7 minutes of the time available to the distinguished senior Senator from West Virginia.

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

Mr. LEAHY. Mr. President, today the Senate will adopt by voice vote the conference report containing \$87 billion in supplemental funds for Iraq and Afghanistan.

Before I speak about this legislation, I want to express my deepest condolences to the families and friends of those who were killed and wounded in the attack on a U.S. military helicopter yesterday. This tragedy illustrates, once again, the tremendous sacrifices of our soldiers in Iraq. They are there serving their country, and while their accomplishments rarely make the headlines, they are also enduring daily hardship and tragic losses.

This supplemental legislation has been controversial. We all want Iraq to become a democratic, prosperous, peaceful nation. But, we differ on the President’s decision to go to war and on the way forward from here.

I did not support the supplemental when it was considered by the Senate, and was one of twelve Senators to vote against it. I discussed my reasons for this decision at length in this Chamber on October 17, 2003. My views have not changed since that date.

That said, I want to recognize the chairman of the Appropriations Committee, Senator STEVENS, for the effort he made to get this supplemental passed. During the past several days he has demonstrated strength on par with one of his favorite superheroes: The Incredible Hulk. Senator STEVENS worked extremely hard, under difficult conditions, to accommodate a number of my priorities: Tricare for Guard and Reservists, humanitarian aid for Liberia, and additional assistance for Afghanistan.

He also supported my provision to impose new criminal penalties for war profiteering. Although the House Republican conferees ultimately rejected the new criminal penalties for war profiteering—a major mistake in my view—Chairman STEVENS defended the Senate position on this issue during conference. I am grateful to him for doing so.

I will have more to say on the war profiteering provision in a moment, but I want to take a few moments to explain why I oppose this conference report.

I have no doubt that the world is far better off without Saddam Hussein. But, I also feel that the administration rushed into this war prematurely, alienated some of our closest friends and allies, exaggerated the threat posed by Saddam Hussein, and downplayed the extraordinary difficult and costly task of rebuilding Iraq. We all know the confident statements made by senior administration officials, including the Vice President,

Secretary of Defense, National Security Adviser, Director of OMB, and Administrator of USAID, that have since been disavowed, debunked, or disputed.

Some say that we should simply move on—that the differences we have over the war and the administration’s abysmal post war planning is water under the bridge. I disagree. There is no question that we have to work hard to succeed in Iraq. But, I cite the words of Ted Koppel, a well-respected journalist with long experience, who said:

Before the Iraq war, senior officials confidently predicted that US troops would be welcomed as liberators, that vast quantities of weapons of mass destruction would be found, that Iraqi oil income would pay for post-war reconstruction, and that a successful military victory in Iraq would quickly lead to implementation of the “road map to peace” between Israelis and Palestinians. Not only were all those predictions wrong but there is growing evidence that officials should have known better at the time. But that was then, this is now. And everyone likes to pretend that what was said before the war is no longer relevant.

The decision to go to war in Iraq strikes at the very heart of our credibility as a nation. It is not a partisan issue. It is an American issue, and I am outraged by administration officials who attacked the patriotism of those who have asked legitimate questions about the decision to launch a unilateral, preemptive attack. I think we all wish that more questions had been asked and answered before we decided to send hundreds of thousands of troops to Vietnam.

I agree with those who say that we cannot simply walk away from Iraq. However, I am deeply troubled by the administration’s partisan, take-it or leave-it attitude towards this supplemental. There are better alternatives, and the Administration should have been open to considering other approaches. I believe they could have saved the taxpayers money and hastened the time when our soldiers can come home.

Amendments offered by Democrats on the Senate floor would have gone a long way towards accomplishing these goals. They would have: put the Secretary of State in charge of reconstruction efforts, which has been the case for every major post-conflict operation since the Marshall Plan; required the administration to internationalize the effort, formulate a viable plan to rebuild Iraq, and come up with a workable exit strategy; and fully paid for the reconstruction by repealing the tax cut on the wealthiest Americans for just one year rather than raiding the Social Security Trust Fund and saddling future generations with even more debt.

Each of these amendments was defeated by the Republican leadership, acting in concert with the administration, on the Senate floor.

Instead of acknowledging problems with the current policy and making bold proposals to turn around the situation in Iraq, the President’s approach

does little more than throw more money at the status quo. This goes to the heart of my opposition to this conference report, and again, I refer any who may want further details about my views to review my October 17 statement.

I want to turn to an issue that I mentioned earlier, which is the refusal of House Republicans on the Appropriations Committee to include a provision which I, along with Senators FEINSTEIN and DURBIN, included in the Senate version of the Supplemental conference report. This provision would have created criminal penalties for war profiteers and cheats who try to defraud American taxpayers and cash in on the relief and reconstruction efforts in Iraq.

Our men and women in uniform are risking their lives in Iraq. Our aid workers and diplomats are laboring under difficult and dangerous conditions. This provision would have sent a message: If you cheat American taxpayers while our men and women are dying in Iraq, you will go to jail.

In rejecting this provision, House Republicans offered no substitute or willingness to compromise. They also offered, in my opinion, no real substantive arguments against this provision. More importantly, Representative SENSENBRENNER, chairman of the House Judiciary Committee, did not oppose this provision.

The partisan approach by the House Appropriators was in stark contrast to the Senate position. Both Republican and Democratic Senate conferees consistently supported the provision, which was unanimously accepted during the Senate Appropriations Committee markup of the bill. Not a single objection was raised to this provision during Senate consideration of the Supplemental.

Why is this provision so important? Congress is about to send about \$70 billion dollars to a Iraq, where there is no functioning government, too little accountability and too few financial controls. This is a formula for mischief.

Because we are sending so much of the taxpayers' money to a place without the usual oversight and controls, I strongly believe that we need an extra layer of protection to guard against waste, fraud, and abuse. This is what my provision would have done.

By creating strong criminal penalties and clarifying current uncertainties about jurisdiction, it would create a strong deterrent against this type of behavior.

As I said during the conference discussion of this provision, if one warehouse is locked while another warehouse is unlocked, everyone knows which one will get robbed.

There are, of course, fraud statutes to protect against waste of tax dollars at home. But there are serious impediments, especially jurisdictional issues, to using these statutes to prosecute these types of crimes in Iraq. Moreover, there are no statutes that expressly prohibit war profiteering.

The provision in the Senate bill would have addressed these issues and made it easier to prosecute those accused of defrauding U.S. taxpayers in Iraq.

In addition, some of the penalties under existing fraud statutes are weak—perpetrators could walk away with little or no jail time. This provision would have increased the penalties to up to 20 years in prison and fines of up to \$1 million or twice the illegal gross profits of the crime.

We have a duty to do our best to protect every penny of the taxpayers' money from waste, fraud and abuse. I believe the House Appropriators, by refusing to accept this provision, abdicated this responsibility.

This is not a new idea. The United States has enacted similar laws after World War I, World War II, and the Korean War. These laws were successful, and there is a long history of case law on this issue. Advocating exactly such an approach, President Roosevelt once declared it our duty to ensure that "a few do not gain from the sacrifices of the many." The provision in the Senate bill borrowed heavily from this successful approach, especially the portions relating to war profiteering.

Some have asked me, you are the ranking member of the Senate Judiciary Committee, why not go through the regular process and report a bill out of this committee?

We all know that criminal penalties cannot be applied retroactively. I wanted to have this strong deterrent against defrauding the U.S. taxpayers in place on the same day that the President signed this bill into law and the money goes out the door. Clearly, this is an unusual situation that called for quick action to ensure that these controls were in place.

We have missed this opportunity. But, I am hoping that in the bipartisan spirit of the Senate, we can come together to pass a law that will minimize the damage of the House's refusal to act.

In the coming week, I will be introducing a free-standing bill that mirrors the provision in the Senate bill. I hope that the Senate will continue to do the right thing on this issue. I believe that we should press ahead and support its prompt passage through Congress.

In closing, I want to say that there has been bipartisan concern with the administration's approach in Iraq. I hope the administration listens to the Congress and asks the tough questions of itself. It should reach out to Members of Congress and consult with experts who do not necessarily agree with what the administration is doing in Iraq.

While we may disagree on how to get there, we all want the same thing: a peaceful and democratic Iraq and our troops home safely.

I yield the floor.

Mr. STEVENS. How much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 10 minutes 32 seconds.

The Senator from West Virginia has 11 minutes 22 seconds.

Mr. REID. Mr. President, could you go over that time again, please?

The PRESIDING OFFICER. The Senator from Alaska has 10 minutes 32 seconds. The Senator from West Virginia 11 minutes 22 seconds.

Mr. REID. That is fine. I was told we were going to be finished at 5.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. REID. Yes.

Mr. BYRD. I have made my remarks. I do not need to make any additional ones. I would be glad to yield back my time.

Mr. REID. I ask the Chair how the 10 minutes got lost in the last 2 or 3 minutes, just out of curiosity.

The PRESIDING OFFICER. The Senator from Rhode Island obtained consent to use Leader DASCHLE's time.

Mr. BYRD. I have no desire to use any of my remaining time. Senator STEVENS has used his time. As far as I am concerned, we can vote.

Mr. STEVENS. Mr. President, we reserved the last 10 minutes for the Senator from West Virginia and then the last 10 minutes for me, the Senator from Alaska. Does the Senator wish to use his time?

Mr. BYRD. Mr. President, if the distinguished Senator will yield, let me thank the distinguished Senator for his courtesy and thoughtfulness in reserving time for the two of us. I have the utmost respect and affection for the Senator from Alaska. It is characteristic of him to provide that time, but I only wish to say at this time, having made my remarks already, having said enough on the point, I am willing to yield back the balance of the time the Senator from Alaska set aside for me and, as soon as the Senator from Alaska completes his remarks, whatever he wishes to say, then we are ready to vote.

Mr. STEVENS. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I previously read a portion of President Clinton's remarks on December 16, 1998. I want to read a few more of them just to close this debate. The President said at that time on December 16, 1998:

This situation presents a clear and present danger to the stability of the Persian Gulf and the safety of people everywhere. The international community gave Saddam one last chance to resume cooperation with the weapons inspectors. Saddam has failed to seize the chance. And so we had to act and act now. Let me explain why. First, without a strong inspection system, Iraq would be free to retain and begin to rebuild its chemical, biological and nuclear weapons programs in months, not years. Second, if Saddam can cripple the weapons inspection system and get away with it, he would conclude that the international community—led by the United States—has simply lost its will. He will surmise that he has a free rein to rebuild his arsenal of destruction, and some day—make no mistake—he will use it again as he has in the past.

I am skipping a few paragraphs. He said:

... That is why, on the unanimous recommendation of my national security team—including the vice president, the Secretary of Defense, the chairman of the Joint Chiefs of Staff, the Secretary of State and the national security adviser—I have ordered a strong, sustained series of air strikes against Iraq.

He said:

So we will pursue a long-term strategy to contain Iraq and its weapons of mass destruction and work toward the day when Iraq has a government worthy of its people. First, we must be prepared to use force again if Saddam takes threatening actions, such as trying to reconstitute his weapons of mass destruction or their delivery systems, threatening his neighbors, challenging allied aircraft over Iraq or moving against his own Kurdish citizens. The credible threat to use force, and when necessary, the actual use of force, is the surest way to contain Saddam's weapons of mass destruction program, curtail his aggression and prevent another Gulf War.

And I go on. He said:

Heavy as they are, the cost of action must be weighed against the price of inaction. If Saddam defies the world and we fail to respond, we will face a far greater threat in the future. Saddam will strike again at his neighbors. He will make war on his own people. And mark my words, he will develop weapons of mass destruction. He will deploy them, and he will use them.

The people who criticize the current conclusion—and listening to the conclusion that President Clinton made—did not complain then. We used air strikes against Iraq. In fact, one of the conditions President Clinton mentioned was continued, almost daily attacks against our aircraft that were flying what we call continuous air patrol, the CAP, over Iraq. They did that for 11 years. Daily, there were threats against them.

I think we have acted reasonably under the circumstances, particularly in view of the conclusion that was made by the President of the United States in 1998 that Saddam was such a threat against the United States and the international community he should be subjected to attack and, if he persisted, to actually use force as soon as possible. That is what the President said.

I ask unanimous consent that the transcript of President Clinton's remarks explaining the Iraq strike be printed in the RECORD after my remarks.

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

(See exhibit 1.)

Mr. STEVENS. Mr. President, I said before and I say again, the war is over. The President was right when he said the war is over. The military force is not there. We are fighting terrorism, not just in Iraq and Afghanistan. We are also fighting it around the world, even at home. How many of us have had to stand in longer lines this morning because there is a greater threat right here at home?

This bill is being passed because we are fighting a war against terrorists

and terrorism everywhere. It is absolutely necessary that this money get to the people who are right now at the greatest risk of harm, those who are trying to help Iraq recover, form a new government and be able to defend themselves and be able to go on to a new life, really to be a new credible force in the Middle East, of people who form their own government and people who plan their own future.

I am pleased to associate myself with all those who supported what the President has done. I believe it was right and I think history will show it was right.

I yield back the remainder of my time and ask for the vote.

EXHIBIT 1

TRANSCRIPT: PRESIDENT CLINTON EXPLAINS IRAQ STRIKE

Clinton: Good evening.

Earlier today, I ordered America's armed forces to strike military and security targets in Iraq. They are joined by British forces. Their mission is to attack Iraq's nuclear, chemical and biological weapons programs and its military capacity to threaten its neighbors.

Their purpose is to protect the national interest of the United States, and indeed the interests of people throughout the Middle East and around the world.

Saddam Hussein must not be allowed to threaten his neighbors or the world with nuclear arms, poison gas or biological weapons.

I want to explain why I have decided, with the unanimous recommendation of my national security team, to use force in Iraq; why we have acted now; and what we aim to accomplish.

Six weeks ago, Saddam Hussein announced that he would no longer cooperate with the United Nations weapons inspectors called UNSCOM. They are highly professional experts from dozens of countries. Their job is to oversee the elimination of Iraq's capability to retain, create and use weapons of mass destruction, and to verify that Iraq does not attempt to rebuild that capability.

The inspectors undertook this mission first 7.5 years ago at the end of the Gulf War when Iraq agreed to declare and destroy its arsenal as a condition of the ceasefire.

The international community had good reason to set this requirement. Other countries possess weapons of mass destruction and ballistic missiles. With Saddam, there is one big difference: He has used them. Not once, but repeatedly. Unleashing chemical weapons against Iranian troops during a decade-long war. Not only against soldiers, but against civilians, firing Scud missiles at the citizens of Israel, Saudi Arabia, Bahrain and Iran. And not only against a foreign enemy, but even against his own people, gassing Kurdish citizens in Northern Iraq.

The international community had little doubt then, and I have no doubt today, that left unchecked, Saddam Hussein will use these terrible weapons again.

The United States has patiently worked to preserve UNSCOM as Iraq has sought to avoid its obligation to cooperate with the inspectors. On occasion, we've had to threaten military force, and Saddam has backed down.

Faced with Saddam's latest act of defiance in late October, we built intensive diplomatic pressure on Iraq backed by overwhelming military force in the region. The UN Security Council voted 15 to zero to condemn Saddam's actions and to demand that he immediately come into compliance.

Eight Arab nations—Egypt, Syria, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab

Emirates and Oman—warned that Iraq alone would bear responsibility for the consequences of defying the UN.

When Saddam still failed to comply, we prepared to act militarily. It was only then at the last possible moment that Iraq backed down. It pledged to the UN that it had made, and I quote, a clear and unconditional decision to resume cooperation with the weapons inspectors.

I decided then to call off the attack with our airplanes already in the air because Saddam had given in to our demands. I concluded then that the right thing to do was to use restraint and give Saddam one last chance to prove his willingness to cooperate.

I made it very clear at that time what unconditional cooperation meant, based on existing UN resolutions and Iraq's own commitments. And along with Prime Minister Blair of Great Britain, I made it equally clear that if Saddam failed to cooperate fully, we would be prepared to act without delay, diplomacy or warning.

Now over the past three weeks, the UN weapons inspectors have carried out their plan for testing Iraq's cooperation. The testing period ended this weekend, and last night, UNSCOM's chairman, Richard Butler, reported the results to UN Secretary-General Annan.

The conclusions are stark, sobering and profoundly disturbing.

In four out of the five categories set forth, Iraq has failed to cooperate. Indeed, it actually has placed new restrictions on the inspectors. Here are some of the particulars.

Iraq repeatedly blocked UNSCOM from inspecting suspect sites. For example, it shut off access to the headquarters of its ruling party and said it will deny access to the party's other offices, even though UN resolutions make no exception for them and UNSCOM has inspected them in the past.

Iraq repeatedly restricted UNSCOM's ability to obtain necessary evidence. For example, Iraq obstructed UNSCOM's effort to photograph bombs related to its chemical weapons program.

It tried to stop an UNSCOM biological weapons team from videotaping a site and photocopying documents and prevented Iraqi personnel from answering UNSCOM's questions.

Prior to the inspection of another site, Iraq actually emptied out the building, removing not just documents but even the furniture and the equipment.

Iraq has failed to turn over virtually all the documents requested by the inspectors. Indeed, we know that Iraq ordered the destruction of weapons-related documents in anticipation of an UNSCOM inspection.

So Iraq has abused its final chance.

As the UNSCOM reports concludes, and again I quote, "Iraq's conduct ensured that no progress was able to be made in the fields of disarmament."

"In light of this experience, and in the absence of full cooperation by Iraq, it must regrettably be recorded again that the commission is not able to conduct the work mandated to it by the Security Council with respect to Iraq's prohibited weapons program."

In short, the inspectors are saying that even if they could stay in Iraq, their work would be a sham.

Saddam's deception has defeated their effectiveness. Instead of the inspectors disarming Saddam, Saddam has disarmed the inspectors.

This situation presents a clear and present danger to the stability of the Persian Gulf and the safety of people everywhere. The international community gave Saddam one last chance to resume cooperation with the weapons inspectors. Saddam has failed to seize the chance.

And so we had to act and act now.

Let me explain why.

First, without a strong inspection system, Iraq would be free to retain and begin to rebuild its chemical, biological and nuclear weapons programs in months, not years.

Second, if Saddam can cripple the weapons inspection system and get away with it, he would conclude that the international community—led by the United States—has simply lost its will. He will surmise that he has free rein to rebuild his arsenal of destruction, and someday—make no mistake—he will use it again as he has in the past.

Third, in halting our air strikes in November, I gave Saddam a chance, not a license. If we turn our backs on his defiance, the credibility of U.S. power as a check against Saddam will be destroyed. We will not only have allowed Saddam to shatter the inspection system that controls his weapons of mass destruction program; we also will have fatally undercut the fear of force that stops Saddam from acting to gain domination in the region.

That is why, on the unanimous recommendation of my national security team—including the vice president, the secretary of defense, the chairman of the joint chiefs of staff, the secretary of state and the national security adviser—I have ordered a strong, sustained series of air strikes against Iraq.

They are designed to degrade Saddam's capacity to develop and deliver weapons of mass destruction, and to degrade his ability to threaten his neighbors.

At the same time, we are delivering a powerful message to Saddam. If you act recklessly, you will pay a heavy price. We acted today because, in the judgment of my military advisers, a swift response would provide the most surprise and the least opportunity for Saddam to prepare.

If we had delayed for even a matter of days from Chairman Butler's report, we would have given Saddam more time to disperse his forces and protect his weapons.

Also, the Muslim holy month of Ramadan begins this weekend. For us to initiate military action during Ramadan would be profoundly offensive to the Muslim world and, therefore, would damage our relations with Arab countries and the progress we have made in the Middle East.

That is something we wanted very much to avoid without giving Iraq a month's head start to prepare for potential action against it.

Finally, our allies, including Prime Minister Tony Blair of Great Britain, concurred that now is the time to strike. I hope Saddam will come into cooperation with the inspection system now and comply with the relevant UN Security Council resolutions. But we have to be prepared that he will not, and we must deal with the very real danger he poses.

So we will pursue a long-term strategy to contain Iraq and its weapons of mass destruction and work toward the day when Iraq has a government worthy of its people.

First, we must be prepared to use force again if Saddam takes threatening actions, such as trying to reconstitute his weapons of mass destruction or their delivery systems, threatening his neighbors, challenging allied aircraft over Iraq or moving against his own Kurdish citizens.

The credible threat to use force, and when necessary, the actual use of force, is the surest way to contain Saddam's weapons of mass destruction program, curtail his aggression and prevent another Gulf War.

Second, so long as Iraq remains out of compliance, we will work with the international community to maintain and enforce economic sanctions. Sanctions have cost

Saddam more than \$120 billion—resources that would have been used to rebuild his military. The sanctions system allows Iraq to sell oil for food, for medicine, for other humanitarian supplies for the Iraqi people.

We have no quarrel with them. But without the sanctions, we would see the oil-for-food program become oil-for-tanks, resulting in a greater threat to Iraq's neighbors and less food for its people.

The hard fact is that so long as Saddam remains in power, he threatens the well-being of his people, the peace of his region, the security of the world.

The best way to end that threat once and for all is with a new Iraqi government—a government ready to live in peace with its neighbors, a government that respects the rights of its people. Bringing change in Baghdad will take time and effort. We will strengthen our engagement with the full range of Iraqi opposition forces and work with them effectively and prudently.

The decision to use force is never cost-free. Whenever American forces are placed in harm's way, we risk the loss of life. And while our strikes are focused on Iraq's military capabilities, there will be unintended Iraqi casualties.

Indeed, in the past, Saddam has intentionally placed Iraqi civilians in harm's way in a cynical bid to sway international opinion.

We must be prepared for these realities. At the same time, Saddam should have absolutely no doubt if he lashes out at his neighbors, we will respond forcefully.

Heavy as they are, the costs of action must be weighed against the price of inaction. If Saddam defies the world and we fail to respond, we will face a far greater threat in the future. Saddam will strike again at his neighbors. He will make war on his own people.

And mark my words, he will develop weapons of mass destruction. He will deploy them, and he will use them.

Because we're acting today, if is less likely that we will face these dangers in the future.

Let me close by addressing one other issue. Saddam Hussein and the other enemies of peace may have thought that the serious debate currently before the House of Representatives would distract Americans or weaken our resolve to face him down.

But once more, the United States has proven that although we are never eager to use force, when we must act in America's vital interests, we will do so.

In the century we're leaving, America has often made the difference between chaos and community, fear and hope. Now, in the new century, we'll have a remarkable opportunity to shape a future more peaceful than the past, but only if we stand strong against the enemies of peace.

Tonight, the United States is doing just that. May God bless and protect the brave men and women who are carrying out this vital mission and their families. And may God bless America.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. BYRD has not yielded back his time as yet, has he?

The PRESIDING OFFICER. He has not formally done so.

Mr. REID. Mr. President, I briefly say this. I voted—

Mr. BYRD. Mr. President, will the Senator yield?

Mr. REID. Yes.

Mr. BYRD. I do not intend to use my time. I have already made my speech. If I have some time, I yield whatever time he needs to the Senator from Nevada.

Mr. REID. I thank the Senator from West Virginia for yielding me the time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I voted for the first gulf war. In fact, I was the first Democrat to announce publicly that I would do that. I voted for the second gulf war. I have no problems with having done that.

I have the greatest respect for the senior Senator from Alaska. I know what a fine chairman he is on the Appropriations Committee. But I do say this: That for anyone now to say the war is over, it is not over. The war is going on as we speak. One need only go to the families of the 16 people who were killed when the helicopter was shot down just a few hours ago.

Having said that, we still have a long hard row ahead of us in this war in which we are engaged.

I yield back the remainder of our time.

The PRESIDING OFFICER. Does the Senator from West Virginia yield back all of his time?

Mr. BYRD. Yes, I yield back my time.

The PRESIDING OFFICER. Without objection, the conference report is adopted.

The Senator from West Virginia.

Mr. BYRD. I do not think it should be adopted by unanimous consent. That was not meant to happen. I understood there would be a voice vote. I hope the Chair will propound the question for the voices to vote.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

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

The motion to lay on the table was agreed to.

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. BURNS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 2691, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill (H.R. 2691) making appropriations for the Department of Interior and related agencies for the