

In doing so, we would allow investigators and auditors to continue their efforts to uncover criminal fraud and for those who commit fraud to be brought to justice after the conflicts end. If left unchanged, under the current statute of limitations, each passing day of the conflicts in Iraq and Afghanistan could amount to immunizing fraudulent conduct by war contractors that has gone undiscovered during the Bush Administration or during the conflicts.

This legislation would make three simple changes to current law. First, it would suspend the statute of limitations not only to when the United States is technically engaged in a declared war, but also when Congress has enacted a specific authorization for the use of the Armed Forces consistent with the War Powers Resolution. In doing so, this language would apply the existing World War II-era law to the ongoing conflicts in Iraq and Afghanistan, and to similar actions in the future. It would not apply, however, to international peacekeeping missions under the auspices of the United Nations or to military actions not specifically authorized by Congress.

Second, the legislation would extend the statute of limitations for five years after the end of the conflict. The statute of limitations today for criminal fraud offense is five years from the time of the offense, and this bill would just toll the running of the statute during the conflict itself and not a day longer.

Three, the bill would make clear that a Presidential proclamation ending hostilities, and thus ending the tolling of the statute of limitations period, must be a formal proclamation with notice to Congress. Secret proclamation by the President or a self-serving "mission accomplished" speech will not do the trick.

The statute of limitations is an important check on the proper use of government power, and we should not act to suspend it except in extraordinary

circumstances. Wars provide exactly such circumstances, and current law recognizes this commonsense reality by suspending the statute of limitation for fraud offenses during wartime. It would be wrong to exempt the wars in Iraq and Afghanistan from this law and to allow war profiteers immunity for their illegal and unpatriotic conduct during wartime.

President Roosevelt called upon Congress to act on this important matter during World War II. Today, I echo his concerns and call upon the Senate to pass this legislation to protect the American taxpayers from war contracting fraud. This Congress should pass—and the President should sign—the Wartime Enforcement of Fraud Act of 2008 without delay.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2892

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Wartime Enforcement of Fraud Act of 2008".

**SEC. 2. SUSPENSION OF STATUTE OF LIMITATIONS WHEN CONGRESS HAS AUTHORIZED THE USE OF MILITARY FORCE.**

Section 3287 of title 18, United States Code, is amended—

(1) by inserting "or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)), " after "is at war";

(2) by inserting "or directly connected with or related to the authorized use of the Armed Forces" after "prosecution of the war";

(3) by striking "three years" and inserting "5 years";

(4) by striking "proclaimed by the President" and inserting "proclaimed by a Presidential proclamation, with notice to Congress,"; and

(5) by adding at the end the following: "For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).".

ORDERS FOR MONDAY, APRIL 21,  
2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3 p.m., Monday, April 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business with Senators permitted to speak for up to 10 minutes each. I further ask that the RECORD remain open until 12 noon today, for the purpose of introducing bills, resolutions, cosponsors, and statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. As previously announced, there will be no votes on Monday because of the Passover holiday. The next vote will occur at 12 noon on Tuesday, April 22, on the motion to invoke cloture on the motion to proceed to S. 1315, the Disabled Veterans Act.

ADJOURNMENT UNTIL MONDAY,  
APRIL 21, 2008, AT 3 P.M.

Mr. REID. There being no further business to come before the Senate today, I move we stand adjourned under the previous order.

The motion was agreed to, and, at 10:19 a.m., the Senate adjourned until Monday, April 21, 2008, at 3 p.m.