. . . the amount that is equal to the sum of the amount certified under paragraph (1). . . .

Namely, it is the amount that has been used from any source to service the debt that Iraq owed under the Saddam Hussein regime.

Madam President, we take the position there will be no such payment. In any event, we don't see any harm in finding out if there is such a payment and dealing with that subject accordingly. Therefore, I am prepared to state to the Senator from Nevada we have no objection to the amendment of the Senator under the circumstances right now, and I will rely upon the statement of the distinguished Senator from West Virginia to determine whether there is objection from his side of the aisle. It is not an amendment I really seek to have enacted. In all probability, it may be substantially changed in conference if it does survive. But it is not something that offends the process we are involved in now. We don't know of any payments that would be made by any country on behalf of the former regime of Saddam Hussein to deal with the debt that existed under that regime.

Therefore, I will not oppose the amendment. I seek the advice of the Senator from West Virginia as to what they intend to do concerning this amendment. Does the Senator wish some additional time to consider this matter? Would he like to take the recess now and come back and deal with this after our weekly luncheon?

Mr. BYRD. Madam President, it is my information that this side has not yet adequately followed this amendment and has not seen it until recently to the extent that we are prepared to accept it. It appears to be a good amendment, but we may or may not want to accept it. Will the Senator allow us a little time for further study?

Mr. STEVENS. Yes. Madam President, I thank the Senator. I think the Senator will remember, as we wound up the session just prior to the recess, there were a series of amendments that were under consideration. Senator ENSIGN's was one of those. I think Members of our side checked with staff on the Senator's side, but we are probably not dealing with the right people. We had to pull the Ensign amendment at the last minute because we didn't have the clearance we thought we had.

I suggest we just stand in recess now and address this matter when we come back after the scheduled recess.

Mr. BYRD. I thank the Senator.

RECESS

Mr. STEVENS. Madam President, I ask unanimous consent that we stand in recess, according to the previous order, until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:26 p.m., recessed until 2:16 p.m and reassembled when called to order by the Presiding Officer (Mrs. DOLE).

ORDER OF PROCEDURE

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, the Senator from Florida spoke just before the break to both managers of the bill. He wishes to speak for 4 minutes on an unrelated subject. I ask unanimous consent that he be allowed to do so.

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

CONGRATULATIONS TO THE CHINESE

Mr. NELSON of Florida. Madam President, there is at this moment in orbit the first Chinese astronaut. Their successful launch of a piloted spacecraft marks the beginning of a new chapter in the history of human exploration of space. Just the third nation to accomplish such a feat, I am happy on behalf of the Senate to welcome China into an elite group of nations that can independently send humans to explore the heavens.

The United States and Russia established manned space programs decades ago and are pleased to have a new ally—we hope a new ally—in the quest to explore space.

China's program will provide additional resources, I hope fresh ideas, and renewed enthusiasm for space exploration. My hope is that China will become a partner in our ongoing international efforts, such as the International Space Station, to make technological advances and to help solve mysteries of outer space.

As China undertook its first such mission, my thoughts were with the first taikonaut who is the sole space flyer on Shenzhou 5. Americans know all too well the potential risk of space flight, and we commend this astronaut's courage.

Americans also know that the benefits of space exploration outweigh the risks. We expect that the Chinese will reap rewards that space missions offer—to learn and to explore, to advance technology, and to uplift the human spirit.

Now that China has opened a new chapter in human space flight history, it is fitting that America refocus our own goals on exploration. Now is the time to renew our commitment to space exploration with a vision that will capture the imagination and the support of the people on planet Earth.

Congratulations to the Chinese. We look forward to a successful return, as he reenters, starting about 5 o'clock, as that reentry falls through space for about 30 minutes, and then as he starts encountering the upper atmosphere about 30 minutes from landing, which is a very perilous part of the journey, as we have very painfully learned as American citizens in the experience we had last February.

I am very confident our future missions at NASA will be quite successful. I again commend Admiral Gehman and his commission for the excellent report of the Gehman Commission. I commend NASA and I encourage NASA to adopt all of the recommendations of the Gehman Commission. We again welcome the Chinese into this select fraternity of space-faring nations from planet Earth.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION, 2004—Continued

AMENDMENT NO. 1839

Mr. STEVENS. Madam President, the pending business is the Ensign amendment?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I now believe that has been cleared and I urge adoption of that amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1839.

The amendment (No. 1839) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Senator BYRD has cleared the amendment to which we already agreed. He is ready to offer other amendments, as others are. We certainly want to cooperate and have the Republicans offer a number of amendments. We have more to offer than they do, but they have an opportunity to offer theirs. At this time, I suggest the Senator from New Mexico be recognized. If, in fact, Senator GRAHAM of South Carolina shows up, the Senator from New Mexico will be happy to yield to him. He is only going to speak for 10 minutes anyway.

Mr. STEVENS. Madam President, if the Senator will yield.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. My understanding was it was time for us to start moving some of the amendments on our side.

Mr. REID. We understand.

Mr. STEVENS. Senator GRAHAM of South Carolina, Senator WARNER, and Senator DOMENICI are coming. So I hope to proceed then. I have no objection to the Senator from New Mexico

proposing his amendment and making a statement. We will set that aside when the other Senators appear.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 1842

Mr. BINGAMAN. Madam President, I do send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 1842.

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

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

The amendment is as follows:

(Purpose: To require reports on the utilization of the National Guard and Reserves)

At the end of title I, insert the following:

SEC. 316. (a) FINDINGS.—Congress makes the following findings:

(1) The National Guard and Reserves have served the Nation in times of national crises for more than 200 years. The National Guard and Reserves are a critical component of homeland security and national defense.

(2) The current deployments of many members of the National Guard and Reserve have made them absent from their communities for an abnormally long time. This has diminished the ability of the National Guard to conduct its State missions.

(3) Many members of the National Guard and Reserves have been on active duty for more than a year, and many more have had their tours of active duty involuntarily extended while overseas.

(b) REPORT ON UTILIZATION OF NATIONAL GUARD AND RESERVES.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the utilization of the National Guard and Reserves in support of contingency operations during fiscal year 2004.

(2) The report under this subsection shall include the following:

(A) Information on each National Guard and Reserve unit currently deployed, including—

(i) the unit name or designation;

(ii) the number of personnel deployed;

(iii) the projected return date to home station; and

(iv) the schedule, if any, for the replacement of the unit with a Regular unit.

(B) Information on current operations tempo, including—

(i) the length of deployment of each National Guard and Reserve unit currently deployed, organized by unit and by State;

(ii) in the case of each National Guard and Reserve unit on active duty during the two-year period ending on the date of the report, the aggregate amount of time on active duty during such two-year period; and

(iii) the percentage of National Guard and Reserve forces in the total deployed force in each current domestic and overseas contingency operation.

(C) Information on current recruitment and retention of National Guard and Reserve personnel, including—

(i) any shortfalls in recruitment and retention;

(ii) any plans to address such shortfalls or otherwise to improve recruitment or retention; and

(iii) the effects on recruitment and retention over the long term of extended periods of activation of National Guard or Reserve personnel.

(3) The report under this subsection shall be organized in a format that permits a ready assessment of the deployment of the National Guard and Reserves by State, by various geographic regions of the United States, and by Armed Force.

(c) REPORT ON EFFECTS OF UTILIZATION OF NATIONAL GUARD AND RESERVES ON LAW ENFORCEMENT AND HOMELAND SECURITY.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the chief executive officers of the States, submit to Congress a report on the effects of the deployment of the National Guard and Reserves on law enforcement and homeland security in the United States.

(2) The report under this subsection shall include the following:

(A) The number of civilian first responders on active duty with the National Guard or Reserves who are currently deployed overseas.

(B) The number of first responder personnel of the National Guard or Reserves who are currently deployed overseas.

(C) An assessment by State of the ability of the States to respond to emergencies without currently deployed National Guard personnel.

Mr. BINGAMAN. Madam President, this amendment relates to the utilization of the National Guard and Reserve as part of our military activities and presence around the world. I think we have all been struck by the fact that in the current conflicts in Iraq and Afghanistan, and in many other instances, we are seeing a greater utilization of reservists and National Guard personnel by the Pentagon. I am not being critical of that, but I do think this is a new reality we need to adjust to and understand better.

Since the founding of our Nation we have relied upon the services of citizen soldiers. The National Guard and Reserves have a proud tradition of setting aside their civilian lives to serve our country in times of conflict. Recently, the need for this service has significantly increased. Today, the National Guard and Reserves' commitments overseas are critical to the resolution of several conflicts around the world. The almost 400 soldiers deployed to keep the peace between Israel and Egypt along the Sinai peninsula are members of the Oregon National Guard's 1–186th Infantry Battalion. The only Fighter Squadron operating from Iraq is an A–10 unit from Missouri's 442 Fighter Wing stationed at Tallil Airbase in Southern Iraq. This Reserve unit is the only A–10 Warthawg unit in the Air Force with Precision Guided Munitions delivery capability. Much of the air defense of Washington, D.C., is the responsibility of the D.C. Air National Guard's 113th Fighter Wing and air defense forces of the New Mexico National Guard.

The purpose of this amendment is to require the Departments of Defense and Homeland Security to provide a report to the Senate Armed Services Committee and House Armed Service Committee that contains the following:

No. 1, an assessment of the levels utilization of the Guard and Reserves component in the manning of contingency operations, domestically and overseas.

No. 2, Recruitment and retention plans for the National Guard and Reserves in light of increased commitments.

No. 3, and finally, a report from the Department of Homeland Security on the effects of National Guard and Reserves deployments on Homeland Security.

Last week I had the opportunity and honor to meet with families of the 717th Medical Company of the New Mexico National Guard. I cannot tell you how moved I was by the patriotism and commitment of these families and guardsmen. Despite the increased operations tempo members of the New Mexico National Guard remain as dedicated as ever to saving lives in New Mexico and overseas.

For example, last year, CPT Paul Saiz deployed to Kosovo in support of KFOR for 6 months flew dozens of aeromedical airlift missions throughout Kosovo in support of U.S. military and the civilian populace. Upon returning from his deployment he participated in several civil search and rescues in the New Mexico mountains, and when Albuquerque, NM was ravaged by wildfires, Captain Saiz and others flew firefighting missions, dumping water with pinpoint accuracy. I have been told that many firemen were convinced that had it not been for Captain Saiz's efforts, firefighters would have perished. Currently, Captain Saiz and 35 others are deployed to Afghanistan providing Aeromedical Airlift for the entire country. The 717th Medical Company's Commander, MAJ James Fishbourne writes:

The soldiers of the 717th Medical Company (AA) are doing extremely well. We are very busy and have completed 43 combat medevac missions to date. I am so proud of our soldiers and how they are performing in this environment. We are non-stop here with urgent and priority medevac missions. Last week one of our crews was called to rescue an infantryman from a 180-ft canyon near the Pakistan border. Our crews were able to hoist the soldier to safety and bring him back to the level 1 hospital.

We have also been called to evacuate many mine blast victims throughout Afghanistan. It is very sad to say, but most of the mine victims are children. One patient we evaced to Bagram was a 12-year-old girl with both legs amputated. The night she was in surgery, the hospital was running low on O– blood and one of our pilots (CW4 Atkinson) donated several pints to save her life. Just last night I transported two children involved in a rollover. What a sight it was seeing two small Afghan children lying on a stretcher together being cared for by SSG Esqueivel and CW2 Medina. These children are very sick or hurt when we are called to rescue them.

I can't tell you about all the missions our fine soldiers have accomplished but I will say that there is no medevac mission that we

have had to turn down and no better soldiers than those of the 717th. Our soldiers were involved with the bomb that went off near Bagram, we did assist the hospital with recovery of the local nationals and assisted the doctors and medical personnel here at the hospital. Please do all you can to tell the people back home that the soldiers of the 717th Medical Company are doing great things for the soldiers, airmen, and marines here in Afghanistan. They are making great sacrifices being away from their families and jobs back in New Mexico.

Guardsmen and reservists all over the country are making great sacrifices. We need to examine the long-term impact that prolonged activation has on recruitment and retention of the National Guard Reserves. We must ensure that the administration has a plan to not only retain qualified guardsmen and reservists, but to also attract new members. I find it very hard to believe that the increased operations tempo the Guard and Reserves are experiencing will have no effect on recruitment and retention. I fear that if we ask too much of these men and women, many will decide to leave military service. Therefore, we must ensure that the Department of Defense has prepared an effective strategy to maintain the National Guard and Reserves. it is quite possible that the Department of defense has such a plan, but I am not aware of it.

We must also closely look at the impact that long deployments have on security at home. Many of the young men and women serving overseas as members of the National Guard and Reserves work as first responders at home. How has the absence of Guardsmen and reservists who are civilian policemen, emergency medical technicians and other first responders, hampered the ability of states to respond in times of natural disaster or homeland security emergencies? How will the absence of Guard and Reserves personnel who may ordinarily serve in these capacities as part of their service when they are not otherwise deployed affect these operations? These are questions that must be answered.

There is no doubt that the utilization of National Guard and Reserves, at least at current rates, will continue well into the future. The information these reports will provide will be critical as we move ahead with decisions about manning, procurement, and security.

I understand that portions of this report may have some sensitivity. If there is a requirement for portions or all of this report to be in classified format, then it should be submitted at the appropriate level of classification.

Let there be no doubt that the men and women of the National Guard and Reserves are doing their part to protect us at home and overseas. We must ensure that analysis has been conducted, and plans are in place to preserve the integrity, readiness and force levels necessary for this period of long-term activation.

At the appropriate time I hope we can adopt this amendment—by voice vote, if possible. I do not know a reason why it should be objected to by any Member of the Senate, but obviously I await the opportunity for all Members to review the amendment before I call for a vote.

Madam President, with that, I see nobody else seeking the floor so I yield the floor and 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. I ask unanimous consent to set aside the Bingaman amendment in order that the Senator from South Carolina can offer his amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina.

AMENDMENT NO. 1805

Mr. GRAHAM of South Carolina. Madam President, I ask unanimous consent that my amendment No. 1905 be called.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM] proposes an amendment numbered 1805.

Mr. GRAHAM of South Carolina. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of Congress that arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority or the transfer of its authority to an Iraqi governing authority)

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

SEC. 2313. (a) Congress finds that—

(1) in a speech delivered to the United Nations on September 23, 2003, President George W. Bush appealed to the international community to take action to make the world a safer and better place;

(2) in that speech, President Bush emphasized the responsibility of the international community to help the people of Iraq rebuild their country into a free and democratic state;

(3) French President Jacques Chirac has proposed a plan for Iraqi self-rule within a period of months;

(4) for a plan for Iraq's future to be appropriate, the provisions of that plan must be consistent with the best interests of the Iraqi people;

(5) the plan proposed by President Chirac would impose premature self-government in Iraq that could threaten peace and stability in that country; and

(6) premature self-government could make the Iraqi state inherently weak and could serve as an invitation for terrorists to sabotage the accomplishments of the United States and United States allies in the region.

(b) It is the sense of Congress that—

(1) arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority or the transfer of its authority to an Iraqi governing authority; and

(2) no such dissolution or transfer of authority should occur until the ratification of an Iraqi constitution and the establishment of an elected government in Iraq.

Mr. GRAHAM of South Carolina. Madam President, this is a sense-of-the-Senate amendment. I think it is very important, as we deal with the Iraqi situation, for us to address as many issues as we can about the nature of how this is going to unfold. The President has asked for $87 billion. I am glad to support the funding. Most of it, two-thirds of it, I guess, goes to the men and women in uniform to make sure they have the assets necessary to protect themselves and do their job.

This resolution speaks to the idea of when the mission is complete, and this resolution addresses the French position. The French have proposed as recently as September 16 that within a month—a matter of 1 month and no later than 2—all authority be turned over to the Iraqi people and that the umbrella we have today cease to exist.

Not only is this irresponsible but the Coalition Provisional Authority ruling the country is a necessary entity until we can get a constitution written, voted on, and a government elected. But if we did what the French are suggesting, we would take a country that has been brutalized and raped—literally and figuratively—with Saddam Hussein still on the loose, and basically say, Here.

I think that would not only be a disservice to the Iraqi people but it would undermine the reason we went to war to begin with; that is, to take tyranny and turn it into stability.

This sense-of-the-Senate resolution says in no uncertain terms that it would be irresponsible to follow the French proposition—to turn back over to the Iraqi people the country while it is still in transition. In going from tyranny to stability, there will be a certain amount of chaos.

We are training the Iraqi police. We are training the army. They are having elections at the local level. There are a lot of good things going on. Schools are now open. Schools used to house weapons. Now they are housing kids. No young girl has to worry about being taken out of school and taken to one of Saddam's sons because she strikes his eye.

Iraq is a better place. But the French position of just leaving and turning it over within 30 days would undo the recent accomplishments. It is irresponsible.

I think it would be in order for the Senate to speak on this matter. The United Nations rejected an amendment that set a hard and fast deadline in terms of when control will be given to the Iraqi people. This makes good sense. Let us give them a chance to write a constitution, give them a chance to ratify a constitution, give

them a chance to have a national election, get some infrastructure in place, and allow the rule of law to be in place. Then, at the appropriate time, we will be glad when it comes time to leave Iraq. Most Americans who have family members in the military can't wait for that day to come. We can't wait to be able to bring our troops back home.

Having said that, most Americans understand that if you leave before the job is done, the problems will come back to haunt you. After September 11, the easy way out is no longer the right way—to shoot a missile or two and say, Boy, did we deal with that group which led to 9/11.

There are people who are infiltrating Iraq who are trying to destabilize the efforts of the Iraqi people to become a free democracy. There are people in the region who hate the idea that Iraq may be a free country with a democratic system. We need to stand shoulder to shoulder with the Iraqi people and fight those forces, not only for the good of the Iraqi people but for our own security.

This resolution I think is very appropriately timed. The United Nations has rejected the hard and fast deadline. This resolution basically says we are going to stay until the country is stable, we are going to stay until the job is done.

Having said that—by making that statement—it means more Americans are going to die. The forces in Iraq are small in terms of the population as a whole, but they are committed to creating chaos.

It breaks my heart—and every Member of this body and all Americans—to have a soldier, sailor, airman, or marine lost in this conflict. But just as surely as I speak, losses will come and more money will be spent. The day has not yet arrived when we can, in good faith and good conscience, turn all matters over to the Iraqi people. They need help. They need money. They need assistance. They need our support. But we need to do it for ourselves. If we cut and run, and if we take the French position to get out of there before the infrastructure is in place, we will take one form of tyranny and replace it with another. It is an irresponsible position.

I hope this body in a unanimous fashion will agree with the proposition that we should not leave Iraq until the job is done—until a constitution is written and ratified, until a government has been elected and the people have a chance to have a secure environment for their new nation that is emerging out of the ashes of Saddam Hussein's regime.

I ask my colleagues to support this resolution saying we will not leave until the job is done. Leaving in the next month is irresponsible. Reject the French position because the French position is irresponsible and undermines our national security.

Mr. STEVENS. Madam President, I have notified members of the minority that we are prepared to accept the Bingaman amendment and also the amendment of Senator GRAHAM. While we await their response, 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. I ask unanimous consent that the order for the quorum call be rescinded.

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

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

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

Mr. STEVENS. Madam President, I ask unanimous consent that the pending amendments be set aside temporarily so the Senator from Arkansas can offer an amendment.

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

The Senator from Arkansas.

AMENDMENT NO. 1829

(Purpose: To amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes)

Mrs. LINCOLN. Madam President, yesterday I submitted an amendment to the supplemental spending bill which I do hope the Senate will consider favorably. I know it is going to be difficult because of the issue I am bringing up. The amendment primarily consists of the Military Tax Fairness Act and the acceleration of the refundable child credit. Both of these bills have passed the Senate overwhelmingly.

We have been talking and talking and talking about them over the past many months, and I know there will be thousands of excuses we will be hearing telling us why we should not include this tax relief bill on the supplemental spending bill.

I know this is a tax bill on an appropriations bill. I know we have a child credit in two different conferences. I know the Military Tax Fairness Act has been going back and forth between the two Chambers. I know all of these excuses I am going to hear. I know there will be tremendous numbers of those who will come forward and opportunities to try to stop what I am trying to do.

But, Madam President, I am truly exhausted. I am truly exhausted with all of the excuses we have had. And I know the hard-working American families are just as exhausted as I am with the inability of us to be able to move forward these two very simple acts within the Congress that would be such a tremendous help to the working families of America.

The death gratuity paid to the survivors of a military member has historically been exempt from taxation. In 1986, the amount of the death gratuity benefit was $3,000. In 1991, the payment was raised from $3,000 to $6,000 in connection with the Persian Gulf conflict. But the Tax Code was not adjusted accordingly.

Currently, the military survivor must pay taxes on the $3,000 increase to the death gratuity payment. This is a very simple problem to fix. And I do not want any more excuses of why we cannot do it. I simply want to get it done.

In 1997, Congress passed legislation revising the taxation of capital gains on the sale of an individual's principal residence, providing up to a $250,000 exclusion, $500,000 per couple, on their home sale if the individual owned and lived in the house for at least 2 of the 5 years preceding the sale. Congress failed to provide a special rule for members of the uniformed service and Foreign Service who are required to periodically move either within the United States or abroad, making it difficult to meet those exclusion requirements.

The proposal in this amendment would permit military and Foreign Service men and women to suspend the 5-year period for a maximum of 10 years while away from home on assignment. In other words, those years away would count toward neither the 2-year lived-in-home nor the 5-year period.

Most American homeowners have the opportunity to build equity in their homes and are afforded this great tax benefit to do so. Members of the uniformed and Foreign Service who serve our country are deserving of no less. This should be an easy fix. It is something we can do; we should do; we have all agreed upon many times over. Why can we not do it? I do not want to hear the excuses. And I certainly do not want to present these excuses to my constituents.

Again, under the current law, military personnel located in a combat zone are provided an extension for filing taxes until 180 days after they return from the combat zone. This provision does not currently apply to contingency operations where military personnel are confronted with demanding circumstances similar to those faced by members in a combat zone.

Contingency operations we have seen recently include Operation Just Cause in Panama in 1989, Operation Restore Hope in Somalia in 1992, and Operation Uphold Democracy in Haiti in 1994.

Right now, for example, an airman who is currently deployed overseas in a contingency operation in support of our troops in Afghanistan or Iraq combat zones happens to be left out.

This, again, is a simple fix, something we can do for the hard-working military service men and women who are there serving our Nation, putting their lives on hold here at home to protect our freedoms, and to be a part of the overall war on terrorism. It is something very simple that we could fix if we just took the time to do it.

Some reservists must travel away from home to perform mandatory weekend drill one weekend per month and may incur significant travel and lodging expenses. Under current law,

these are deductible as itemized deductions, as unreimbursed business expenses, to the extent they exceed 2 percent of the member's adjusted gross income. Most lower income, junior reservists do not itemize deductions, so they receive no tax benefit for their expenses. For those who do, the 2 percent floor limits the amount of benefit of the deduction. For young reservists, their expenses may cost them as much as their entire take-home pay for that weekend.

This is a real-life issue for working men and women who are there serving each and every one of us in the military of this great Nation.

Why can't we just get it done? These are issues on which we have all agreed. It makes so much sense for us to come forward now, as we are talking about the issues that affect our service men and women who are stationed abroad. Let us give them the tools to be able to keep their families together here at home, to provide for their children, to make sure their families are going to stay together no matter how long they may be deployed.

Under current law, a veterans organization is exempt from taxation if it meets the requirements of section 501(c)(19) of the Internal Revenue Code. However, this status is in jeopardy. Many of these veterans organizations, such as the American Legion and the Veterans of Foreign Wars, could face losing their tax-exempt status if the Congress and the administration do not act to change the technical requirements of the Internal Revenue Code.

We have to get these things done. We are talking about wrapping up our business here in the next month or so. We have ample opportunity to move these issues. We have come to agreement on all of them. We have moved them in years past. Why can't we make them happen?

I could go on and on, describing all of the varied Tax Code fixes for veterans and military families that should have been enacted months ago. They are all included in this amendment, and I urge my colleagues to support it.

Now is the time to act. We talk about how valuable our service men and women are to us, how much they mean to us, the sacrifices they are making, and how much that means to us as a nation and as individuals. Let's move on our Military Tax Fairness Act now. Let's make sure we see this legislation through and that we enact it before we leave here.

The last provision of this amendment I would like to speak about is something I have talked a great deal about because I feel very strongly about it. I feel strongly about it because I am a mother. I am trying to keep my family together, working hard with my husband as a dual-parent household, recognizing the real challenges that American families face in raising children today. That is the child tax credit, its impact on military families and all of our working families.

The President promised America's families an advanced payment of the $400 increase in the child tax credit. These checks were sent out to a chosen few Americans earlier this summer. However, for millions of working and military families, hard-working military families, this promise was not fulfilled. The families of 12 million children did not receive the full child credit check this summer. By now they all know who they are.

We should extend the child tax credit to the other working families who were left out. These are people who work hard every day to provide for their children and their families, to keep their families together. These are hard-working families who have a family member, a father or mother, who may be stationed abroad or is in training now, someone who is out there who they have been dependent on who we are not going to give the same opportunity to in the refundability of a child tax credit simply because they make less money. Please remember, you are not even eligible for this child credit unless you are working and unless you have children.

This is not a giveaway. These are working families who are paying taxes every day, whether it is sales tax, payroll taxes, excise taxes, to get themselves to and from work. Why wouldn't we want to give these families the same ability, as they are working hard to preserve their families, why wouldn't we want to give them the same advantage we give other higher income working families to take care of their children and families?

I believe we need to extend that child credit to working families, all working families, and we need to do it now. A family with two parents making minimum wage and two children would not receive any increase in the child credit under the bill signed by the President. They would not receive any check this summer. Did they not work hard enough for this Congress? Did they not work hard enough for this administration? Did they not work hard enough to be a part of trying to revive this economy and strengthen the fabric of our Nation?

It isn't just minimum wage workers who were left out. These children in the shadows are living on our military bases as well. Roughly 200,000 military personnel have incomes between $10,500 and $26,000, and most of these families will not receive the increased child tax credit. In addition, roughly 100,000 military personnel stationed in combat zones will be ineligible to receive the full credit because they were called to duty. They did not receive a check this summer. Did they not work hard enough? Wherever they were stationed in uniform to protect our freedoms, did they not work hard enough for this Congress and this administration to get the same fair treatment as a working individual in this country to take care of their children and their families? The blue jeans, the milk, the loaf of bread, or anything else they buy, was it any less expensive than what other working families are dealing with?

I think they worked hard enough. I am ashamed that we have been hiding from these families, hiding behind our rhetoric, hiding behind our process. This great institution is full of processes that are here to make the effort more reasonable, to make sure that what we are doing is right, that it can be dealt with in an appropriate way. But these processes are not here for us to hide behind. These are working families in our military and in our communities that deserve the same fair treatment.

I, for one, am tired of telling them that if they will just wait a little bit longer, we will finally get around to them—maybe somewhere down the road. We could have done this 6 months ago. We could have done it 4 months ago. We could have done it 2 months ago before we left on our break. But we didn't. We have not and we probably will not.

It is so important that we address this issue. It is important we tell these people that they are a priority, not only because they are the fighting military men and women of this country but because they are the salt of the earth, the working families putting the fabric of this Nation back together, one family at a time. We owe it to them to give them the same opportunity to invest in their families, to reinvest in the economy, and to help make us strong so we can be and will remain the superpower of the world that is there to reach out to other nations to help them through liberation and rebuilding and a multitude of other issues. But we are only as strong as each of the individual families of this Nation that make up our whole.

I am ready for the excuses that my colleagues may throw at me. I am sure there are going to be many. I hope those families who got nothing from the trillions of dollars in tax cuts that we have shoved out of the door are listening, too. I hope they are listening, but I doubt that they are. These are the men and women who are too busy, too busy at work, too busy in the trenches and in the desert, too busy raising those children and working hard at one or two jobs to make sure their families will stay home, regardless of whether we find them as a priority in this Nation. They are too busy for our excuses.

I hope for just once my colleagues will join me in doing what is right on behalf of the working families in this great country and the 12 million children who are our future.

Madam President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 1829.

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

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

(The amendment is printed in the RECORD of October 14, 2003 under ''Text of Amendments.'')

Mrs. LINCOLN. 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. JOHNSON. 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. JOHNSON. Madam President, I rise to express my support for the effort of my colleague from Arkansas relative to the $87 billion supplemental appropriations request for Iraq that is currently pending before the Senate. I am very supportive of the President's $65 billion or roughly $67 billion level of funding for our troops. If we had an up-or-down vote on just that component of the President's request, I have no doubt it would pass 100–0. No question. Regardless of what you think about whether we should be in Iraq, I think this body will overwhelmingly be supportive of making sure our troops in Iraq have all the resources they need to safely and efficiently and properly do the courageous and extraordinary work they have done. We are proud of the members of our United States military who are currently operating under very difficult circumstances, but doing the very best they can and doing a very good job under the circumstances.

The portion of the request from the President, however, for the $20 billion, roughly, for construction and various needs in Iraq is entirely a different matter. That calls for $100,000–$200,000 consultants for tens of millions of dollars of study for the Iraqi postal service; $10 million for a new ZIP Code; new cities; new high schools, new hospitals—things that never existed in their history. This is not for damage done in the war; this is establishing a whole new infrastructure that never existed before.

It is hard to tell our military veterans that we cannot find $1.8 billion so everyone gets access to a VA hospital, and then turn around and spend $20 billion on construction and other needs in Iraq; or tell America's teachers and kids and parents that we cannot find $8 billion for Leave No Child Behind, but we are going to build a new school system abroad that never existed before, and $20 billion will go out the door for that.

Now we found this last weekend references in the Washington Post finding that one of the problems the Bush administration is having is physically moving so much American cash to Iraq. They started out putting the money into huge bags and putting it into aircraft at Edwards Air Force Base, but it got to be so cumbersome to send out these billions of dollars that now they are shrink-wrapping American money into these huge cubes and pushing them into airplanes and sending them to Iraq. But one of the problems we have is we are shrink-wrapping these mountains of American taxpayers' money, and they shift in the plane and sometimes fall apart, and we are having problems physically moving all this American cash to Iraq.

I asked my constituents in South Dakota over the past week what we should be doing about this. A number of suggestions came up from South Dakota constituents. A gentleman from Sioux Falls suggested since the combat phase of the Iraq war is over and we have all these intercontinental ballistic missiles, we ought to load the cash into the warheads of these missiles and fire them into Iraq. Since we are not keeping track of how the money is used there anyway—there is no auditing; we just hand it over to people and hope they spend it right—the missiles could explode and the money would sort of fall all over Iraq. That is one idea. The problem is sometimes these rockets explode on a launch pad, and there is a great risk some of that money might fall on an American school or daycare center. That is a risk the Bush administration would not tolerate. That would probably not work.

Another suggestion was since we take all the oil from the Middle East in the huge tankers to the U.S., perhaps once they come here and unload, they can fill the tankers full of American cash and send that to Iraq. Once again, the ports there are not capable of unloading that massive amount of American cash, and we would probably have ships backed up to Egypt if we did that.

One of the suggestions came from a gentleman from Aberdeen, SD. He suggested we use our B–52 and B–1 fleets to bomb Iraq with American cash—borrow it from the Social Security trust fund, as the President recommended—and drop this money over Iraq; some would land in good places and some in bad, but no doubt it would probably be used as efficiently as what the administration's plan calls for.

There are interesting ideas out there. I hope people will contact the White House with their ideas about how best to disburse these huge mountains of cash—more than any one of us here or any citizen will ever see in a lifetime—$20 billion. We have been spending $1 billion a week up until now. That is before you get to this provision. So at a time when we are having a hard time funding our own water projects, our hospitals, and we have nursing homes on the cusp of closure because of Medicare reimbursement problems, at a time when the White House is cutting back on Pell grants, college grants for young people, and nontraditional students who want to go to college, when we are $1.8 billion short for our veterans to get access to VA hospitals, and when our troops come home, one of the things they will be presented with is the bill for the borrowing that is going into this $20 billion package.

We are not going to cut and run. We do have a role to play in helping Iraq. No doubt, some expenditure is required. But $20 billion, when there is very little help coming from our allies at this point, is a massive expenditure.

The newspapers reported we are shoving this money out the door so fast they are unable to audit the disbursal of the money. It goes to a handful of Iraqi leaders and they hope they will get it to the right place. Yes, right. I can imagine where this money is winding up in many instances.

At the same time, to the degree we hire American corporations to do work there, I hope we will end this business of no-bid contracts going to a few well-positioned corporate entities and make sure it is an open, clear, transparent process so the American public at least has the consolation of knowing these tons of dollars going into Iraq are going for some constructive purpose rather than to line the pockets and bolster the profitability of a few. We can at least do that.

Madam President, we have a role to play, that is for certain. But this level of expenditure is almost mind-boggling, breathtaking—$20 billion. That is on top of the $79 billion just approved in the supplemental appropriations bill last April, and, heavens knows, this is not the last of it. This could be going on for a long time. We are told the construction projects that have been suggested for Iraq would run easily into the $50 billion or $60 billion range and that somehow our allies are going to pay for that. Well, that doesn't appear to be what is happening.

We may very well be seeing future requests as well for this kind of money. We don't have $20 billion laying around. If we had $20 billion laying around, that might be another matter. But we will have to borrow it to give to Iraq. Iraq sits on the first or second biggest supply of oil in the world. There is no question that they cannot pump it out quickly enough now because their infrastructure is not what it was 10 years ago; but the oil is still there, there is no question about that.

Why couldn't we come up with a mechanism for helping Iraq borrow against their own oil? Why should they not borrow against one of the world's biggest mountains of gold in the world, as opposed to us borrowing from our Social Security trust fund? This is not rocket science. We have already paid a billion dollars a month for the military operation, with virtually very little help from our allies. We have had some help from the Brits and modest amounts from others. We are paying a dear price for a doctrine of unilateral preemptive war now, but we are in it and we have to find a way to get out.

It seems to me that, while we will support our troops—and there will be

some effort, no doubt, toward reconstruction in Iraq; but $20 billion, at a time when we are finding ourselves in record budget deficits in the United States, is not a good use of our taxpayers' money. It is a disservice to the American taxpayers, and it is a precedent we will rue for years to come.

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

Mr. STEVENS. Madam President, will the Senator withhold his request for a quorum call?

Mr. JOHNSON. Yes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I listened with interest to the statement of the Senator from South Dakota. It is a very interesting proposition that we should support the military budget and not support the budget that is designed to bring our troops home. The $20.3 billion is a lot of money, there is no question about that.

I am informed there are about 22 million people in Iraq. They lived under a despotic regime, and we have destroyed that regime. There are still pockets of terrorists, pockets of resistance to the change to a new form of government. But those who support only the military expenditures are telling us: Let's just occupy Iraq. No one is saying: Let's go home. No one is saying: Let's just bring our forces out and cut and run. We are not going to do that.

If we put in the money, $66 billion for the year 2004, that is the amount of money that was calculated that we need for the military, provided we start bringing them home—we have already brought some troops home, and I am one who hopes we will be bringing more troops home this year and early next year. But they will be replaced by security forces, those trained in the Iraqi Army, those trained to be security forces. We do not want to train people to be forces of occupation. That has not been our way of life. Even in Bosnia and Kosovo we used forces who were trained combat soldiers, combat personnel to carry out a lot of functions, but we did not train people to just be forces of occupation.

Our people are trained combatants. They proved they are the best in the world in this current Iraq campaign. There are still threats against this country throughout the world. We do not want them left in Iraq in the numbers that are there now. They must start coming back to meet any contingency to defend this country and our interests at home and abroad.

To say we can just get by with the $66 billion for military begs the question: What do you want us to do? Send more forces over there? Should we increase the cost militarily and send more combat forces over there or should we provide forces, as has been suggested in one amendment, to train constables for maintaining the peace, people in uniform but not trained to be combat forces, not trained to fight wars, but just trained to be policemen at the corner or to guard schools or guard the churches or guard the shopping centers. We can do that. We have been in Kosovo. We have been in Bosnia for over 4 years doing that. We are trying to avoid that in this country.

I hope everyone in the Senate understands this is a unique, new approach to the concept of changing an administration, a nation-building concept, letting them build their own nation as quickly as possible. The $20.3 billion is a great deal of money, there is no question about that. It is an enormous amount of money. It represents a cost to this country, however, that is far less than maintaining our forces there for 3, 4, or 5 years at a rate of $66 billion plus a year for military.

I want to see the scales compared. I want people to understand that the $20.3 billion is going to mean we do not have to increase the defense costs in the years ahead as we occupy Iraq until they finally find some way to create their own government. We are trying to build up their forces so we can bring our troops home, and I believe we will succeed.

There are some people making a little bit of mirth over some of the problems of dealing with a new country. It has its own currency now, and we are trying to convert our money to their money so they can start spending and generating their economy. It is going to cost a great deal to do that; a lot less, however, than occupying that country for a period of 4 more years. We have not been in any of these countries we have been involved with in recent years less than 4 years. We hope to be out of this situation in less than 4 years, and that is why I support the $20.3 billion the President requested.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Madam President, the amendment offered by the Senator from Arkansas is a revenue bill. It cannot originate under our constitutional concepts in the Senate. It would create a blue-slip situation in the House of Representatives. I do not want to put the entire bill at risk by trying to include a tax bill in this supplemental appropriations bill.

Therefore, I make the point of order it violates the pay-go provisions of the Budget Act and ask that it be stricken.

Mr. REID. Madam President, I simply wish to say, prior to the Chair ruling, that the Senator from Arkansas is a member of the Finance Committee. She has studied this long and hard. I think it appropriate she brought this before the Senate. I compliment and applaud her for bringing this to the Senate's attention.

Mr. STEVENS. Madam President, there are similar provisions in the pending bill before the Senate. I renew my point of order.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Making my request more specific, I make the point of order that the amendment of the Senator from Arkansas is in violation of section 302(f) of the Budget Act and I ask that it be stricken.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. STEVENS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1846

Mr. BYRD. Madam President, I send an amendment to the desk on behalf of myself, Mr. LEVIN, Mr. DORGAN, Mrs. CLINTON, and Ms. LANDRIEU.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LEVIN, Mr. REED, Mr. CORZINE, Mr. LEAHY, Mr. DORGAN, Mrs. CLINTON, and Ms. LANDRIEU, proposes an amendment numbered 1846.

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

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

The amendment is as follows:

(Purpose: To modify the report requirements with respect to the Coalition Provisional Authority)

At the appropriate place insert the following:

SEC. 2309. (a) REPORTS OF COALITION PROVISIONAL AUTHORITY.—Not later than January 1, 2004, and every 90 days thereafter, the Administrator of the Coalition Provisional Authority (CPA) shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on all obligations, expenditures, and revenues associated with reconstruction, rehabilitation, and security activities in Iraq during the preceding 90 days, including the following:

(1) Obligations and expenditures of appropriated funds.

(2) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Iraq, together with the estimate of the Authority of the costs to complete each project and each program.

(3) Revenues attributable to or consisting of funds provided by foreign nations or international organizations, and any obligations or expenditures of such revenues.

(4) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

(5) Operating expenses of the Authority and of any other agencies or entities receiving funds appropriated by title.

(b) COMPTROLLER GENERAL AUDIT, INVESTIGATIONS, AND REPORTS.—(1) The Comptroller General of the United States shall

conduct an on-going audit of the Coalition Provisional Authority, and may conduct such additional investigations as the Comptroller General considers appropriate, to evaluate the reconstruction, rehabilitation, and security activities in Iraq.

(2) In conducting the audit and any investigations under paragraph (1), the Comptroller General shall have access to any information and records created or maintained by the Authority, or by any other entity receiving appropriated funds for reconstruction, rehabilitation, or security activities in Iraq, that the Comptroller General considers appropriate to conduct the audit or investigations.

(3) Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on the audit and any investigations conducted under paragraph (1). The report shall include information as follows:

(A) A detailed description of the organization and authorities of the Authority.

(B) A detailed description of the relationship between the Authority and other Federal agencies, including the Department of Defense, the Department of State, the Executive Office of the President, and the National Security Council.

(C) A detailed description of the extent of the use of private contractors to assist in Authority operations and to carry out reconstruction, rehabilitation, or security activities in Iraq, including an assessment of—

(i) the nature of the contract vehicles used to perform the work, including the extent of competition used in entering into the contracts and the amount of profit provided in the contracts;

(ii) the nature of the task orders or other work orders used to perform the work, including the extent to which performance-based, cost-based, and fixed-price task orders were used;

(iii) the reasonableness of the rates charged by such contractors, including an assessment of the impact on rates of a greater reliance on Iraqi labor or other possible sources of supply;

(iv) the extent to which such contractors performed work themselves and, to the extent that subcontractors were utilized, how such subcontractors were selected; and

(v) the extent to which the Authority or such contractors relied upon consultants to assist in projects or programs, the amount paid for such consulting services, and whether such consulting services were obtained pursuant to full and open competition.

(D) A detailed description of the measures adopted by the Authority and other Federal agencies to monitor and prevent waste, fraud, and abuse in the expenditure of appropriated funds in the carrying out of reconstruction, rehabilitation, and security activities in Iraq.

(E) A certification by the Comptroller General as to whether or not the Comptroller General had adequate access to relevant information to make informed judgments on the matters covered by the report.

(4) The Comptroller General shall from time to time submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a supplemental report on the audit, and any further investigations, conducted under paragraph (1). Each such report shall include such updates of the previous reports under this subsection as the Comptroller General considers appropriate to keep Congress fully and currently apprised on the reconstruction, rehabilitation, and security activities in Iraq.

Mr. BYRD. Madam President, 1 year ago this week, the President signed the congressional resolution authorizing him to go to war against Iraq. That signing was a historic moment for the United States. For the first time in our history, the President asked Congress for authority to launch an invasion against a sovereign nation that did not constitute a clear and imminent threat to the safety of the American people. And for the first time in our history, the President demanded that Congress give him unconditional power to initiate war whenever he wanted, limited by nothing but his own judgment. The President wanted war on his own terms, and Congress granted him everything he asked for.

For the next 5 months, the President and his top advisors turned a deaf ear to growing concerns about the administration's judgment. When intelligence analysts warned that the White House was acting on questionable conclusions, those analysts were ignored. When Members of Congress dared to ask questions about the President's war plans, they were branded as unpatriotic. When our oldest allies disagreed with the argument that immediate war was the only answer, they were dismissed and called irrelevant. Top administration officials who publicly contradicted the President's rosy predictions were fired, and the American public was kept in the dark about what Iraq would look like after the war.

On several occasions, I stood on the floor and asked: After Iraq, what? What shall we expect the morning after the war?

Confident that the reconstruction of Iraq was a job that could be handled without involving Congress too much or the United Nations, President Bush delegated the task to retired GEN Jay Garner, who quietly went to work with support from the Pentagon. The American people were not told much about General Garner or what he was doing in Iraq. Most Members of Congress didn't know anything more about him than what they read in the papers. So when General Garner was given his walking papers and replaced with Ambassador Paul Bremer without explanation or fanfare, Congress had no real information to judge what the shake-up would mean for the United States occupation of Iraq.

In the days after President Bush made his flamboyant landing on the aircraft carrier USS *Abraham Lincoln* to announce to the world that the United States had accomplished its mission in Iraq—that was the banner headline over and above his head—most of the country was too distracted celebrating the military triumph to think much about the President's appointment of Paul Bremer to serve as a Presidential envoy in Iraq. With the President declaring victory and the administration continuing to assure the public that we would be welcomed as liberators—a la Vice President CHENEY—and that Iraq's oil revenues would pay for reconstruction, the administration hoped that no one would bother to notice the management changes it was making in Iraq.

The administration moved quickly to set up a reconstruction team on the ground in Iraqi that would answer only to the President and the Secretary of Defense. In May, the President issued a classified National Security Directive creating the Coalition Provisional Authority, CPA. That document remains classified, and the administration has provided very little public information about the powers and authorities of the CPA. All we really know from the White House is that Ambassador Bremer, as administrator of the CPA, reports to the President through the Secretary of Defense. But after the recent announcement that National Security Adviser Condoleezza Rice will be coordinating reconstruction policy from within the White House, who knows what the chain of command looks like today or will look like tomorrow? Getting a clear picture of how the CPA operates has proved to be difficult, but it is clear Ambassador Bremer wields an extraordinary amount of power and independence in Iraq. And, if you don't believe it, listen to this. On May 16, the CPA issued its first regulation in Iraq in which it spelled out its authority in no uncertain terms. Section 1 of that regulation stated:

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

That is broad, broad, virtually without limitation, if the reading means what it says. Let's read that again.

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

Take a look at the Constitution of the United States. Let's see what it says, in the very first article, the very first section of that article, and then compare that authority with the authority I have just read. Here is what article I, section 1, of the Constitution says about the legislative authority.

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

That is one sentence, and it vests all legislative powers in a Congress of the United States.

Well, section 1 of the regulation, which I have just read, says it is the CPA that is vested with all executive, legislative, and judicial authority necessary to achieve its objectives. My, what authority that is. It does not stop with just legislative authority. It talks about executive, legislative, and judicial authority.

Read that again.

The CPA is vested with all executive, legislative, and judicial authority necessary to achieve its objectives, to be exercised under

relevant U.N. Security Council resolutions, including resolution 1483, and the laws and usages of war. This authority shall be exercised by the CPA Administrator.

There is a man mountain for you, with all that authority. That is a powerful statement, especially for an agency that has never been authorized by Congress and an administrator who was not confirmed by the Senate for his position. How about that?

The CPA under Paul Bremer has the power to run the Iraqi Government ministries, the power to appoint Iraqi officials, the power to award lucrative private contracts for reconstruction. The CPA also oversees local police and even sets public curfews in Baghdad.

Now the CPA is looking to further consolidate its powers with an unprecedented request to spend over $20 billion of your money. I say to you out there who are looking at this Chamber through those electronic lenses there: It is your money, your money. But here we are going to consolidate the powers of the CPA with an unprecedented request to spend over $20 billion of the American taxpayers' money, your money, with little oversight by the Congress.

Until now, the CPA has financed its various activities from a number of different sources, including billions of dollars in seized Iraqi assets. The CPA was not accountable to Congress for much of this spending, and it made very little effort to keep Congress and the public informed about the administration's reconstruction plans.

So, the White House let Paul Bremer maintain a low profile for months in Iraq before the President finally spoke to the American people about what was happening on the ground in Iraq.

But now the President has admitted that rebuilding Iraq will be a much tougher job than he had promised, and it will come with a bigger pricetag. I must say, however, the pricetag had never been mentioned. We attempted to find out from the administration what the pricetag would be, but the administration chose to stay mum about that. But now we find this business of rebuilding Iraq is going to come with a big, big pricetag. That means Paul Bremer needs more money, more of your money. It is your money that Paul Bremer needs. So the administration was forced to loosen its grip of secrecy, just long enough to send Ambassador Bremer to testify before Congress about the need for additional funding. And in one instance, when I asked Mr. Bremer when he was before the Appropriations Committee, ''Will you find it possible to appear before this committee again if the chairman so directs,'' what was Mr. Bremer's answer?

I'm too busy. I am too busy. I'm too busy.

I regret we don't have those hearings printed, but the transcripts are around and those were his words:

I'm too busy.

Don't be fooled. The public relations campaign with Congress will last only as long as it takes to get this massive bill pushed through both Houses in one piece. In typical fashion, the administration has been willing to say whatever Congress wanted to hear in order to get its way. We heard a lot of talk about plans and accountability, but the information given to Congress was long on rhetoric, short on substance.

After all of the detailed spending requests and so-called plans from the CPA, what we are left with today is a bill before the Senate that gives Paul Bremer a blank check. Did you hear it? Did you hear it? A blank check, that is what it is. Give to Mr. Bremer a blank check, a blank check to spend $20 billion as a start. However, once this bill leaves Congress, the administration can throw its plans out the window and restore tight controls over information to prevent any meaningful oversight or scrutiny of its activities.

Is that the way you want your money managed? Congress cannot simply trust the CPA to voluntarily cooperate with oversight of reconstruction spending. This administration has a long track record. It would not even take an elephant to remember how long that track record is. It has a long track record of stonewalling Congress. And, so far, Iraq has been no exception. The CPA took over the reins of Iraq's government 5 months ago, yet Congress still has very little useful information to evaluate its progress in Iraq thus far, let alone the merits of future spending needs. If Congress has any hope of holding the administration accountable for the reconstruction plans it is proposing today, Congress needs a mechanism to ensure accountability from the CPA.

Ambassador Bremer testified before Congress that the activities of the CPA will be fully transparent and accountable, but some of his own statements suggested that he was reluctant to cooperate with committee oversight. In particular, I was troubled by comments he made about congressional access to the CPA's financial records. When he testified before the Appropriations Committee, Ambassador Bremer told the committee that the CPA had detailed records of all of its receipts and outlays that could be audited by Congress. However, when he appeared before the Armed Services Committee only 3 days later, he said the Office of Management and Budget was responsible for maintaining those records, and Congress would have to go to the White House for access to the CPA's records.

Throughout my long years in Congress, I have seen the White House occupied by Presidents of both parties, and I know from experience that one needs to be skeptical when referred to the White House for oversight information. There is no reason why any arm of the executive branch charged with making such significant spending decisions should not be working directly with Congress. When we are talking about handing over another $20 billion to the CPA, there is a real need for Congress to confirm that the CPA has its finances in order and that the CPA is managing the taxpayers' money—your money—responsibly.

The amendment that I and other Senators are offering will require the Coalition Provisional Authority to report to Congress—how about that? That is not asking too much—on its receipts and expenditures as the reconstruction efforts move forward in Iraq.

Let me say that again.

This amendment will require the Coalition Provisional Authority, the CPA, to report to Congress—yes; the people's branch of government—to report to Congress on the CPA's receipts and expenditures as the reconstruction efforts move forward in Iraq. These reports will be submitted on a quarterly basis beginning on January 1, 2004. Building on the reporting requirements already in the bill, this amendment calls for an accounting of both appropriated funds and other sources, such as oil revenues and foreign contributions. This is information that the CPA is already tracking. So it shouldn't be too much of a burden to share that information with Congress, especially given the CPA's extraordinary flexibility in spending taxpayer dollars. Ambassador Bremer assured the committee during the committee hearing that he would comply with any reporting requirements Congress chose to include in this legislation.

This amendment also directs the Comptroller General of the United States to audit the spending records of the CPA. What is wrong with that? How about that? The amendment also directs the Comptroller General of the United States to audit the spending records of the CPA—we should all be for that—so that the General Accounting Office can provide Congress with a clear understanding of how reconstruction activities are being managed in Iraq. In its report to Congress, the General Accounting Office must outline the authorities and organization of the CPA, the CPA's relationship to the White House and other executive agencies, and the CPA's use of private contractors to perform critical reconstruction services in Iraq.

I think most people would agree with the purpose here. Let me say it again.

In its report to Congress, the GAO must outline the authorities and organizations of the CPA, the CPA's relationship to the White House and other executive agencies—and get this—and the CPA's use of private contractors to perform critical reconstruction services in Iraq.

The most important power vested in Congress by the Constitution is the power over the purse. Englishmen spent centuries and shed blood to wrest that power from tyrannical monarchs and vest it in the people's branch, the House of Commons. And our forbearers in our own country brought with them that legacy, brought with them to these shores that principle, that power over the purse vested in the people's

money—is being spent wisely. Congress must be able to follow that money wherever it goes, but right now our money may soon disappear into a whirling storm of White House rhetoric and wartime profiteering.

Without this amendment, following the money will only get harder as the President continues to reorganize the chain of command in Iraq and avoid straight answers to tough questions about the success of our reconstruction efforts.

If the constitutional power of the purse means anything at all, it must at least require that the people's elected representatives here in Congress have a right to know how the Government is spending the Nation's treasury. I urge the Senate to protect its own powers and live up to its oversight responsibilities, and I urge Senators to support this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Alaska.

Mr. STEVENS. Mr. President, there are a series of reporting requirements in this bill already. I have conferred with the leadership. We don't have any objection to this amendment by the Senator from West Virginia. I am certain that in conference the House is going to insist on consolidating some of these reports. We will be glad to review that matter with the Senator when that occurs. But we are happy to accept the amendment.

Mr. BYRD. I thank the distinguished Senator. May we have a vote on it?

Mr. STEVENS. Does the Senator want a rollcall vote?

Mr. BYRD. Yes. I would like a rollcall. It shows that it is a serious amendment.

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 the order for the quorum call be rescinded.

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

Mr. STEVENS. Mr. President, if the Senator wants a vote on this amendment, he is entitled to a vote. I shall not object to that. But I want the Senate to know we have a Boxer amendment to require a report on replacing troops with Iraqi forces or other non-U.S. forces to secure areas in Iraq. We have an amendment by Mr. FEINGOLD to provide transparency and accountability with respect to the Coalition Provisional Authority. He wishes to have an office of inspector general in the Coalition Provisional Authority. As I understand it, he will offer that amendment. We have an amendment offered by Senator MCCAIN and Senator BIDEN. They wish to have a GAO review on the effectiveness of the Coalition Provisional Authority relief and reconstruction activities, and a report quarterly to the congressional committees on a similar matter to that suggested by Senator BYRD's amendment.

So if the Senator wishes a vote on his amendment, I am prepared to agree to that; that will be the case. It would be my intention to accept all of these amendments and take them to conference and see what we can do to come out with a concept of a process of having adequate information and transparency in the Coalition without burdening the Coalition with a series of different types of reports and different types of officers who will be looking over their shoulders and demanding access to their offices and interviews of their personnel when we are trying to get the business done over there.

I do not think a provisional authority, within an area with the kind of suicide bombers we are seeing there on a daily basis, is something we have to burden with a series of duplicating types of reports and inspectors general and the comptroller general and his people there at the same time.

So again I state to my friend I will not oppose the amendment. I will vote for it. I assume it will get 100 votes. But in conference I intend to see it to these reports are consolidated, and we have a concise—concise—concept of the type of reports Congress needs to oversee the activities of the Provisional Authority.

Does the Senator wish to renew his request for the yeas and nays?

Mr. BYRD. Yes. May I say, prior to doing that, this is not just one more report. It is like the making of our laws, Mr. President. We have the books full of laws, but we always see the need for enacting more and more laws.

There are Ten Commandments. If we listen to the argument of the distinguished Senator from Alaska—and he is a very distinguished Senator—then one Commandment should have been enough; the others would have been repetitive. That is not the case.

This is an important reporting requirement. I hope the Senate will approve it. We are talking about $20 billion here. So I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I state again, I have serious question of whether the Comptroller General of the United States is a replacement for the Inspector General. That, in effect, is what the Senator's amendment does. It creates the comptroller general as a constant inspector general of everything that is going on under the Coalition Provisional Authority.

I am going to reserve my opportunity to consolidate all of these reports in conference. But I do agree we have the yeas and nays.

Mr. BYRD. Mr. President, the Comptroller General, General Accounting Office is an arm of the Congress. Let the Congress carry out its proper role of oversight under the Constitution. That is all I am asking for here.

I thank the Senator.

Mr. STEVENS. Mr. President, I do not want to belabor the point. It is an arm of the Congress, but this is an executive function concerning an audit. We have created offices of the inspector general. Two Senators have suggested inspectors general. I do not think this is the place for a continuing presence of an arm of the Congress. But I will vote for the Senator's amendment to take it to conference. As the Chair said, there is a sufficient second.

The PRESIDING OFFICER. There is a sufficient second.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 383 Leg.]

YEAS—97

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

NOT VOTING—3

Edwards	Kerry	Lieberman

The amendment (No. 1846) was agreed to.

Mr. STEVENS. Mr. President, in view of the vote on the Byrd amendment, I announce that we have a Durbin amendment, a Corzine amendment, a Boxer amendment, and a Feingold amendment that pertain to reporting. If those Senators are willing to offer

them now, I am prepared to accept them, and we will put them all together when we get to conference. They have not been filed.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the two lists of amendments I now send to the desk be the only remaining first-degree amendments in order to the bill other than those pending at the present time.

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

Mr. STEVENS. And provided that second-degree amendments be in order and they be relevant to the amendment to which they are offered.

Mr. REID. Reserving the right to object, I thought we had on this list—and I may have a different list—Senator LEAHY has an amendment.

Mr. STEVENS. There are two Leahy amendments here.

Mr. REID. We have no objection.

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

Mr. STEVENS. In just a moment we will ask for a rollcall vote on Senator GRAHAM's amendment, but I would like to yield to my friend, Senator FEINGOLD, to introduce an amendment, then to approve a series of reporting amendments.

Mr. REID. Mr. President, through the Chair, to my friend from Wisconsin, it is my understanding the Senator has two amendments.

Mr. FEINGOLD. That is right.

Mr. REID. One is a reporting amendment and one is on another subject. I ask, since he has been waiting for such a long time, that he send his reporting amendment to the desk. Then it is my understanding there are a number of matters you wish to dispose of dealing with reporting amendments. Then he would like to offer his amendment. If there is a vote, we would vote on that and the Graham amendment at the same time.

Mr. STEVENS. I am not sure about voting on his amendment until we know what it is. Is it on the list?

Mr. REID. Yes. At least he could offer it and we could vote later. He has been waiting a long time.

Mr. STEVENS. I have a series of issues I wish to handle before we get to any votes.

Mr. REID. That is fine.

Mr. STEVENS. Let me yield for the Senator to introduce his amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 1847

Mr. FEINGOLD. Mr. President, I offer an amendment to the bill concerning the inspector general for authority for Iraq. My understanding is it is going to be accepted.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1847.

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

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

The amendment is as follows:

(Purpose: To provide transparency and accountability with respect to the Coalition Provisional Authority)

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a) Of the amounts appropriated by chapter 1 of this title under the heading ''OPERATION AND MAINTENANCE, ARMY'' and available for the operating expenses of the Coalition Provisional Authority (CPA), $10,000,000 shall be available for the establishment of the Office of the Inspector General of the Coalition Provisional Authority and for related operating expenses of the Office.

(b) The Office of the Inspector General of the Coalition Provisional Authority shall be established not later than 30 days after the date of the enactment of this Act.

(c)(1) The head of the Office of the Inspector General of the Coalition Provisional Authority shall be the Inspector General of the Coalition Provisional Authority.

(2) The Inspector General shall be appointed by the President in accordance with, and shall otherwise be subject to the provisions of, section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), except that the person nominated for appointment as Inspector General may assume the duties of the office on an acting basis pending the advice and consent of the Senate.

(3) The Inspector General shall have the duties, responsibilities, and authorities of inspectors general under the Inspector General Act of 1978. In carrying out such duties, responsibilities, and authorities, the Inspector General shall coordinate with, and receive the cooperation of, the Inspector General of the Department of Defense.

(d)(1) Except as provided in paragraph (2), not later than 75 days after the date of the enactment of this Act, and every 10 days thereafter, the Inspector General of the Coalition Provisional Authority shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report that sets forth—

(A) an assessment of the financial controls of the Coalition Provisional Authority;

(B) a description of any financial irregularities that may have occurred in the activities of the Authority;

(C) a description of—

(i) any irregularities relating to the administration of laws providing for full and open competition in contracting (as defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))); and

(ii) any other irregularities related to procurement;

(D) a description of any actions taken by the Inspector General to improve such financial controls or address such financial irregularities;

(E) a description of the programmatic goals of the Coalition Provisional Authority; and

(F) an assessment of the performance of the Coalition Provisional Authority, including progress made by the Coalition Provisional Authority in facilitating a transition to levels of security, stability, and self-government in Iraq sufficient to make the presence of the Coalition Provisional Authority no longer necessary.

(2) The Inspector General of the Department of Defense shall prepare and submit the reports otherwise required to be submitted by the Inspector General of the Coalition Provisional Authority under paragraph (1) until the earlier of—

(A) the date that is 150 days after the date of the enactment of this Act; or

(B) the date on which a determination is made by the Inspector General of the Coalition Provisional Authority that the Office of the Inspector General of the Coalition Provisional Authority is capable of preparing timely, accurate, and complete reports in compliance with the requirements under paragraph (1).

(3) The reports under this subsection are in addition to the semiannual reports required of the Inspector General by section 5 of the Inspector General Act of 1978 and any other reports required of the Inspector General by law.

(4) The Inspector General of the Coalition Provisional Authority (or the Inspector General of the Department of Defense, as applicable) shall publish each report under this subsection on the Internet website of the Coalition Provisional Authority.

(e) The Office of the Inspector General of the Coalition Provisional Authority shall terminate on the first day that both of the following conditions have been met:

(1) the Coalition Provisional Authority has transferred responsibility for governing Iraq to an indigenous Iraqi government; and

(2) a United States mission to Iraq, under the direction and guidance of the Secretary of State, has undertaken to perform the responsibility for administering United States assistance efforts in Iraq.

Mr. FEINGOLD. My understanding is the chairman intends to accept this amendment.

Mr. STEVENS. I yield to the Senator from Nevada to put in an amendment for Senator CORZINE to include in these amendments.

AMENDMENT NO. 1851

Mr. REID. I send an amendment to the desk on behalf of Senator CORZINE.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. CORZINE, proposes an amendment numbered 1851.

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

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

The amendment is as follows:

(Purpose: To require the President to submit periodic reports to Congress on the total projected costs of United States operations in Iraq, including military operations and reconstruction efforts, through fiscal year 2008)

On page 38, between lines 21 and 22, insert the following new section:

SEC. 3001. Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter until December 31, 2007, the President shall submit to each Member

of Congress a report on the projected total costs of United States operations in Iraq, including military operations and reconstruction efforts, through fiscal year 2008. The President shall include in each report after the initial report an explanation of any change in the total projected costs since the previous report.

AMENDMENTS NOS. 1844, 1847, AND 1851

Mr. STEVENS. I now call up amendments Nos. 1844, 1847, and 1851: Senator FEINGOLD's amendment, the Boxer amendment, and Senator CORZINE's amendment. They are all reporting amendments, requiring reporting. I ask unanimous consent that they be considered en bloc and agreed to en bloc.

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

The amendments were agreed to en bloc.

Amendment No. 1844 is as follows:

(Purpose: To require a report on replacing U.S. troops with Iraqi forces or other non-U.S. forces in secure areas of Iraq)

At the appropriate place, insert the following:

SEC . REPORT ON REPLACEMENT OF U.S. TROOPS.

(a) FINDINGS.—The Senate finds that—

(1) The Coalition Provisional Authority states that 80 percent of Iraq is a permissive environment with people returning to a normal pace of life, while 20 percent is less permissive with entrenched Saddam loyalists, international terrorists and general lawlessness hindering recovery efforts.

(2) On September 9, Deputy Secretary of Defense John Wolfowitz testified, ''. . . the predominantly Shia south [or Iraq] has been stable and I would say far more stable than most pre-war predications would have given you. And the mixed Arab, Turkish, Kurdish north has also been remarkably stable, again, contrary to fears than many of us had that we might face large-scale ethnic conflict.''

(3) On September 14, Secretary of State Colin Powell stated, ''We see attacks against our coalition on a daily basis . . . but in many parts of the country things are quite secure and stable.''

(4) The Coalition Provisional Authority states that a major focus of its security efforts has been to increase Iraqi participation in and responsibility for a safe and secure Iraq.

(5) On September 14, Secretary of Defense Donald Rumsfeld stated, ''90 percent of the people in Iraq are now living in an area that's governed by a city council, or a village council.''

(6) The Coalition Provisional Authority reports that 60,000 Iraqis are now assisting in security, including 46,000 Iraqi police nationwide.

(7) Of the 160,000 coalition military personnel serving in Iraq, 20,000 are comprised of non-U.S. forces.

(b) REPORT.—Beginning 30 days after the enactment of this Act, the President or his designee shall submit a monthly report to Congress detailing—

(1) the areas of Iraq determined to be largely secure and stable; and

(2) the extent to which U.S. troops have been replaced by non-U.S. coalition forces, U.N. forces, or Iraqi forces in the areas determined to be largely secure and stable under this subsection.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1805, AS MODIFIED

Mr. STEVENS. I call up an amendment numbered 1805 introduced by Senator GRAHAM and send a modification of that amendment to the desk.

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

The amendment (No. 1805), as modified, is as follows:

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

SEC. 2313. (a) Congress finds that—

(1) in a speech delivered to the United Nations on September 23, 2003, President George W. Bush appealed to the international community to take action to make the world a safer and better place;

(2) in that speech, President Bush emphasized the responsibility of the international community to help the people of Iraq rebuild their country into a free and democratic state;

(3) for a plan for Iraq's future to be appropriate, the provisions of that plan must be consistent with the best interests of the Iraqi people;

(4) premature self-government could make the Iraqi state inherently weak and could serve as an invitation for terrorists to sabotage the development of a democratic, economically prosperous Iraq.

(b) It is the sense of Congress that—

(1) arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority or the transfer of its authority to an Iraqi governing authority; and

(2) no such dissolution or transfer of authority should occur until the ratification of an Iraqi constitution and the establishment of an elected government in Iraq.

Mr. STEVENS. I ask for adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1805), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1836

Mr. STEVENS. I ask that Senator REID's amendment No. 1836 be laid before the Senate.

The PRESIDING OFFICER. The amendment is now pending.

Mr. STEVENS. Mr. President, I ask for the adoption of that amendment. It is a sense-of-the-Senate amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1836.

The amendment (No. 1836) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1842, AS MODIFIED

Mr. STEVENS. I ask that the Senate consider amendment No. 1842 from Senator BINGAMAN, as modified.

The PRESIDING OFFICER. The amendment is pending.

Mr. STEVENS. I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1842), as modified, is as follows:

At the end of title I, insert the following:

SEC. 316. (a) FINDINGS.—Congress makes the following findings:

(1) The National Guard and Reserves have served the Nation in times of national crises for more than 200 years. The National Guard and Reserves are a critical component of homeland security and national defense.

(2) The current deployments of many members of the National Guard and Reserve have made them absent from their communities for an abnormally long time. This has diminished the ability of the National Guard to conduct its State missions.

(3) Many members of the National Guard and Reserves have been on active duty for more than a year, and many more have had their tours of active duty involuntarily extended while overseas.

(b) REPORT ON UTILIZATION OF NATIONAL GUARD AND RESERVES.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the utilization of the National Guard and Reserves in support of contingency operations during fiscal year 2004.

(2) The report under this subsection shall include the following:

(A) Information on each National Guard and Reserve unit currently deployed, including—

(i) the unit name or designation;

(ii) the number of personnel deployed;

(iii) the projected return date to home station; and

(iv) the schedule, if any, for the replacement of the unit with a Regular or multinational unit.

(B) Information on current operations tempo, including—

(i) the length of deployment of each National Guard and Reserve unit currently deployed, organized by unit and by State;

(ii) in the case of each National Guard and Reserve unit on active duty during the two-year period ending on the date of the report, the aggregate amount of time on active duty during such two-year period; and

(iii) the percentage of National Guard and Reserve forces in the total deployed force in each current domestic and overseas contingency operation.

(C) Information on current recruitment and retention of National Guard and Reserve personnel, including—

(i) any shortfalls in recruitment and retention;

(ii) any plans to address such shortfalls or otherwise to improve recruitment or retention; and

(iii) the effects on recruitment and retention over the long term of extended periods of activation of National Guard or Reserve personnel.

(3) The report under this subsection shall be organized in a format that permits a ready assessment of the deployment of the National Guard and Reserves by State, by various geographic regions of the United States, and by Armed Force.

(c) REPORT ON EFFECTS OF UTILIZATION OF NATIONAL GUARD AND RESERVES ON LAW ENFORCEMENT AND HOMELAND SECURITY.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation

with the chief executive officers of the States, submit to Congress a report on the effects of the deployment of the National Guard and Reserves on law enforcement and homeland security in the United States.

(2) The report under this subsection shall include the following:

(A) The number of civilian first responders on active duty with the National Guard or Reserves who are currently deployed overseas.

(B) The number of first responder personnel of the National Guard or Reserves who are currently deployed overseas.

(C) An assessment by State of the ability of the States to respond to emergencies without currently deployed National Guard personnel.

Mr. STEVENS. I ask for consideration of the amendment.

Mr. REID. I ask unanimous consent that Senator BYRD be added as a cosponsor of the Bingaman amendment.

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

If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 1842), as modified, was agreed to.

AMENDMENT NO. 1838

Mr. STEVENS. I ask that the Senate consider Senator REID's amendment numbered 1838.

The PRESIDING OFFICER. The amendment is now pending.

Mr. STEVENS. Mr. President, this amendment offered by my friend from Nevada increases spending by $3.4 billion that causes the underlying bill to exceed the subcommittee allocation under section 302(b). Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

Mr. REID. Mr. President, before the Chair rules, I would simply say I am willing to let this go without a recorded vote. The reason for that is I have spoken to the chairman of the Armed Services Committee, Senator WARNER, and I have spoken to the ranking member, Senator LEVIN, and Senator WARNER has told me he has had a number of high-level meetings with leadership in the House and people from the Pentagon, and that there is every intention of being able to help American veterans.

There has been in existence now for more than 100 years a law that someone who is disabled as a result of military service and also draws retirement pay from the military cannot draw both. This is unfair.

I have worked on this issue now for several years, and we now have it so people who are Purple Heart veterans are able to draw both their disability and their retirement. What is contemplated by Senator WARNER, Senator LEVIN, and others is that that will be increased to up to 50 percent—those who would be able to draw both their disability and their retirement.

I hope that comes to be, as it is so important to the American veterans. This is something that is bipartisan in nature. This amendment before the Senate is sponsored by the Senator from Nevada, the senior Senator from Arizona, Mr. MCCAIN, and the senior Senator from Arkansas, Mrs. LINCOLN, and it is an issue that has bipartisan support.

If we had a vote on it here, as we have had on a number of occasions, regardless of the cost, as indicated on a number of other occasions, it would pass. I think the incremental steps are something I do not relish, but I am willing to accept that. And I do hope those who have promised us action will be taken in the immediate future will do so. Otherwise, I will be back with Senator MCCAIN and Senator LINCOLN at a subsequent time and cause a vote to occur on this Senate floor.

Mr. STEVENS. Mr. President, the Senator is correct. In the authorization conference, this matter is being considered. That is one reason I said it is with reluctance I make a point of order. But I ask the Presiding Officer to rule on my point of order.

The PRESIDING OFFICER. The point of order has been made, and the point of order is sustained. The amendment falls.

Mr. STEVENS. Mr. President, I will consult with the distinguished acting leader on the other side. Senator GRAHAM does wish a rollcall vote on his amendment No. 1806.

Mr. REID. I say to my friend, the distinguished Senator from Alaska, I would ask that during the time we review that—it will take just a few minutes—the Senator from Wisconsin be allowed to offer his amendment. He has literally been here for hours.

If I could ask what the subject matter is of the amendment, through the Chair to my friend from Wisconsin.

Mr. FEINGOLD. Absolutely. Extending FMLA benefits to families of National Guard members.

Mr. STEVENS. There are people leaving, and I do wish we would get an agreement on when we could call for a rollcall vote on——

Mr. REID. The Senator from Wisconsin told me earlier today he would take no more than 15 minutes to discuss his amendment.

Mr. STEVENS. Can we establish a vote on the Graham amendment at 6 o'clock?

Mr. REID. The only reason I am stalling a little bit here is I do not know the subject matter of the Graham amendment.

Mr. STEVENS. The amendment was cleared, but because of a change he wishes a rollcall vote.

Mr. REID. Mr. President, we would agree when the Senator from Wisconsin completes his statement, which would be 15 minutes from the time I give the floor to him, that there be a vote in relation to the amendment of the Senator from Wisconsin, with no second-degree amendments in order.

Mr. STEVENS. Senator GRAHAM had a chance to explain the amendment to us, but he has not explained it on the floor yet. He would like 5 minutes before the vote, and I would ask that the Senator be allowed 5 minutes after the Senator has completed his speech, and then following that, we vote, as indicated by the Senator from Nevada, with no further amendments in order.

Mr. REID. I would ask through the Chair to my friend, the distinguished Senator from Alaska, are we going to vote only on Graham, not on Feingold? Are we going to have two votes now?

Mr. STEVENS. We do not know anything about Senator FEINGOLD's amendment.

Mr. REID. So I would ask that my unanimous consent request apply only to the amendment of the Senator from South Carolina.

Mr. STEVENS. Subject to the 5 minutes.

Mr. REID. We do not want time.

Mr. STEVENS. We join in that request, Mr. President.

The PRESIDING OFFICER. Will the Senator from Alaska state his unanimous consent request?

Mr. STEVENS. Mr. President, I ask unanimous consent that when Senator FEINGOLD has completed his remarks, the Senator from South Carolina be recognized to speak for not more than 5 minutes on his amendment No. 1806, and following that time, there be no further amendments in order, and we have a rollcall vote on amendment No. 1806.

Mr. REID. And I would ask for the modification, the amendment of the Senator from South Carolina, as modified.

AMENDMENT NO. 1806, AS MODIFIED

Mr. STEVENS. Mr. President, I send the modification to the desk so there will be no misunderstanding about that.

The PRESIDING OFFICER. Is there objection to the request?

Hearing none, it is so ordered. The amendment is modified.

The amendment (No. 1806), as modified, is as follows:

(Purpose: To express the sense of Congress that the removal of the Government of Saddam Hussein has enhanced the security of Israel and other United States allies)

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

SEC. 3002. (a) Congress finds that—

(1) Israel is a strategic ally of the United States in the Middle East;

(2) Israel recognizes the benefits of a democratic form of government;

(3) the policies and activities of the Government of Iraq under the Saddam Hussein regime contributed to security concerns in the Middle East, especially for Israel;

(4) the Arab Liberation Front was established by Iraqi Baathists, and supported by Saddam Hussein;

(5) the Government of Iraq under the Saddam Hussein regime assisted the Arab Liberation Front in distributing grants to the families of suicide bombers;

(6) the Government of Iraq under the Saddam Hussein regime aided Abu Abass, leader of the Palestinian Liberation Front, who was a mastermind of the hijacking of the Achille Lauro, an Italian cruise ship, and is responsible for the death of an American tourist aboard that ship; and

(7) Saddam Hussein attacked Israel during the 1990-1991 Persian Gulf War by launching

39 Scud missiles into that country and thereby causing multiple casualties.

(b) It is the sense of Congress that the removal of the Government of Iraq under Saddam Hussein enhanced the security of Israel and other United States allies.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 1852

Mr. FEINGOLD. Mr. President, I send an amendment to the desk on behalf of myself, Senator WYDEN, and Senator DAYTON, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. WYDEN, and Mr. DAYTON, proposes an amendment numbered 1852.

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

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

The amendment is as follows:

(Purpose: To enable military family members to take leave to attend to deployment-related business and tasks)

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

TITLE III—LEAVE FOR MILITARY FAMILIES

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Military Families Leave Act of 2003''.

SEC. 3002. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(3) ENTITLEMENT TO LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—

''(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

''(i) on active duty in support of a contingency operation; or

''(ii) notified of an impending call or order to active duty in support of a contingency operation.

''(B) CONDITIONS AND TIME FOR TAKING LEAVE.—An eligible employee shall be entitled to take leave under subparagraph (A)—

''(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

''(ii) only for issues relating to or resulting from such family member's—

''(I) service on active duty in support of a contingency operation; and

''(II) if a member of a reserve component of the Armed Forces—

''(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

''(bb) service on active duty in support of such operation.

''(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.''.

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: ''Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting ''or subsection (a)(3)'' after ''subsection (a)(1)''.

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

''(3) NOTICE FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable.''.

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

SEC. 3003. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

''(3)(A) Subject to section 6383(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

''(i) on active duty in support of a contingency operation; or

''(ii) notified of an impending call or order to active duty in support of a contingency operation.

''(B) An eligible employee shall be entitled to take leave under subparagraph (A)—

''(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

''(ii) only for issues relating to or resulting from such family member's—

''(I) service on active duty in support of a contingency operation; and

''(II) if a member of a reserve component of the Armed Forces—

''(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

''(bb) service on active duty in support of such operation.

''(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.''.

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: ''Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting ''or subsection (a)(3)'' after ''subsection (a)(1)''.

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

''(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable.''.

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

Mr. FEINGOLD. Mr. President, my amendment would bring a small measure of relief to the families of our brave military personnel who are being deployed for the ongoing fight against terrorism, the war in Iraq, and other missions in this country and around the world.

The men and women of our Armed Forces undertake enormous sacrifices in their service to our country. They spend time away from home and from their families in different parts of the country and different parts of the world and are placed into harm's way in order to protect the American people and our way of life. And, of course, we owe them a huge debt of gratitude for their dedicated service.

The ongoing deployments for the fight against terrorism and for the campaign in Iraq are turning upside down the lives of thousands of active duty, National Guard, and Reserve personnel and their families as they seek to do their duty to their country and honor their commitments to their families, and, in the case of the Reserve components, to their employers as well. Today, there are more than 164,000 National Guard and Reserve personnel on active duty.

Some of my constituents are facing the latest in a series of activations and deployments for family members who serve our country in the military. Others are seeing their loved ones off on their first deployment. All of these families share in the worry and concern about what awaits their relatives and hope, as we do, for their swift and safe return.

Recently, many of those deployed in Iraq have had their tours extended beyond the time they had expected to stay. This extension has sometimes played havoc with the lives of those deployed and their families. Worried mothers, fathers, spouses, and children expecting their loved ones home before Thanksgiving must now wait until months after Christmas before their loved ones' much-anticipated homecoming. The emotional toll is huge. So is the impact on a family's daily functioning as bills still need to be paid, children need to get to school events, and sick family members must still be cared for.

Our men and women in uniform face these challenges without complaint. But we should do more to help them and their families with the many things that preparing to be deployed requires.

Often, military personnel and their families are given only a couple of days' notice that their units will be deployed. These dedicated men and women then have only a very limited amount of time to get their lives in order. For members of the National

Guard and Reserves, this includes telling their employers that they will be deployed for, in many cases, up to a year and a half. I commend the many employers around the country for their understanding and support when an employee or a family member of an employee is called to active duty.

In preparation for a deployment, military families often have to scramble to arrange for child care, to pay bills, to contact their landlords or mortgage companies, and take care of other things that many of us, of course, deal with on a daily basis.

The amendment I offer today would allow eligible employees whose spouses, parents, sons, or daughters are military personnel who are serving on or called to active duty in support of a contingency operation to use their Family and Medical Leave benefits for issues relating to or resulting from that deployment.

These instances could include preparation for deployment or additional responsibilities that family members take on as a result of a loved one's deployment, such as child care.

Let me make sure there is no confusion about what this amendment does and does not do. This amendment does not expand eligibility for FMLA to employees not already covered by FMLA. It does not expand FMLA eligibility to active duty military personnel. It simply allows those already covered by FMLA to use those benefits in one additional set of circumstances—to deal with issues directly related to or resulting from the deployment of a family member.

I was proud to cosponsor and vote for the legislation that created the landmark Family and Medical Leave Act during the early days of my service to the people of Wisconsin as a Member of this body. This important legislation allows eligible workers to take up to 12 weeks of unpaid leave per year for the birth or adoption of child, the placement of a foster child, to care for a newborn or newly adopted child or newly placed foster child, or to care for their own serious health condition or that of a spouse, a parent, or a child. Some employers offer a portion of this time as paid leave in addition to other accrued leave, while others allow workers to use accrued vacation or sick leave for this purpose prior to going on unpaid leave.

Since its enactment in 1993, the FMLA has helped more than 35 million American workers to balance responsibilities to their families and their careers. According to the Congressional Research Service, between 2.2 million and 6.1 million people took advantage of these benefits in the year 1999–2000.

Our military families sacrifice a great deal. Active duty families often move every couple of years due to transfers and new assignments. The 10 years since FMLA's enactment have also been a time where we as a country have relied more heavily on National Guard and Reserve personnel for more and more deployments of longer and longer duration. The growing burden on these service members' families must be addressed, and this amendment is one way to do so.

This amendment has the support of a number of organizations, including the Wisconsin National Guard, the Military Officers Association of America, the Enlisted Association of the National Guard of the United States, and the National Partnership for Women and Families.

We owe it to our military personnel and their families to do all we can to support them in this difficult time. I hope that this amendment will bring a small measure of relief to our military families.

I urge my colleagues to support my amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

Mr. STEVENS. I need time, I say to my friend, to review this with the Armed Services Committee and the Government Affairs Committee before we can consent to that. I am sure there will be a recorded vote at some time, but I hope the Senator will accept a delay in that request.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, the Senator from South Carolina is recognized for 5 minutes.

AMENDMENT NO. 1806, AS MODIFIED

Mr. GRAHAM of South Carolina. Mr. President, I hope this sense-of-the-Senate resolution will pass unanimously.

The purpose of this resolution is to try to put in perspective what has been achieved by Operation Iraqi Freedom. We have suffered greatly in this country. The Iraqi people have suffered. We have lost soldiers, sailors, airmen, and marines. We have spent a lot of money, but I argue that we are much more secure as a nation; that there is one less dictator in the world to help terrorists; and that dispensing with Saddam Hussein's regime has been of particular benefit to our Nation, the region, and the world.

But there is one nation where this has made a dramatic difference. That is the State of Israel. This resolution says in very simple and strong terms that disposing of the Saddam Hussein government has made the State of Israel a more secure place. Why do we say that? During Saddam Hussein's period of ruling, he paid suicide bombers, homicide bombers, in Palestine money, and families of suicide and homicide bombers, to go in and kill innocent Israeli citizens. So when he left, there is one less person to fund people who are trying to destroy peace.

Israel and the Palestinian people deserve to live side by side in peace with two independent states. Saddam Hussein was providing money to people, the Arab Liberation Front, whose goal was to put Israel in the sea.

There is an element of people in that region who don't want to make peace with Israel. They want to destroy the State of Israel. Saddam Hussein made that possibility more likely by providing aid and comfort and money. So when we took Saddam Hussein out, we made Israel more secure. That is a good thing. I hope the Senate will join in unanimous support of that concept.

The government under Saddam Hussein gave money to the master mind of the hijacking of the *Achille Lauro*. The government of Saddam Hussein launched 39 Scud missile attacks against the State of Israel. People debate, should we have done it? Was it worth it? I argue strongly that it was worth it, not only for us but for the State of Israel. The men and women who have died to replace Saddam Hussein have died to make the world more secure. It is heartbreaking to lose soldiers, sailors, airmen, and marines, but one of the reasons we have a military is to protect ourselves and our allies.

Every now and then in history people such as Saddam Hussein crop up. If they are left alone, innocent people die unnecessarily. If they are left alone, the forces of evil become stronger.

I admire our President who chose to stand up to Saddam Hussein. For over 12 years he has violated every effort to rein him in. Force was necessary. Force was costly. But the benefits of that force have made the region safer, made the Iraqi people free for the first time in decades, and made the State of Israel a more secure place to live. Israel has been a good ally. I would ask all of my colleagues, if at all possible, to legitimize Operation Iraqi Freedom in terms of making Israel more secure because to say otherwise would be an untruth. Let it be said that the men and women who sacrificed to make the Iraqi people free have sacrificed in a way to make people in Israel and our own country safer, more secure, and their hopes and dreams maybe will be realized.

I ask for the yeas and nays. Senator MCCONNELL would like to speak on the measure, and I ask unanimous consent to make him a cosponsor of the amendment.

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

Does the Senator seek the yeas and nays?

The Senator from Alaska.

Mr. STEVENS. Mr. President, I was not informed about the request for time. The agreement we have pending would say we have a vote following the Senator's remarks. If there are Senators who wish to speak, I would like to know who they are and how much time they want to speak so we could change the agreement, at least have a vote. Members are coming back, thinking they are going to vote in a few minutes.

Mr. REID. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. REID. The unanimous consent agreement said that following the statement of the Senator from Wisconsin, the Senator from South Carolina would be recognized for 5 minutes,

and then we would vote. So we have people coming from all over the city here to vote.

Mr. GRAHAM of South Carolina. If I may, Senator MCCONNELL would like to speak. He is here. You are right. I am sorry about the scheduling problem. I ask the body to let Senator MCCONNELL speak for whatever time he needs on the amendment.

Mr. REID. Is that in the form of a unanimous consent request?

The PRESIDING OFFICER. Five minutes have been consumed. Does the Senator from South Carolina seek consent for additional time?

Mr. GRAHAM of South Carolina. Yes, I ask unanimous consent for an additional 3 minutes for the Senator from Kentucky so he may speak on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, I have no objection to that request if Senator MCCONNELL can speak and then we can vote.

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

The Senator from Kentucky is recognized for 3 minutes.

Mr. MCCONNELL. Mr. President, I thank the Senator from South Carolina for an excellent amendment. There is no ally of the U.S. and the world that benefits more, as the Senator from South Carolina pointed out, from the fall of Saddam Hussein than our good friends, the Israelis. They have watched over the years during the Saddam Hussein regime when he paid people to go into Israel and engage in suicide bombings. They are extremely grateful that there is one less terrorist state in the region to threaten Israel and the United States. In fact, you could argue that Israel benefits every bit as much, if not more so, from the change of regime in Iraq than we do in the United States.

I think this amendment is extremely important. Remember, Saddam Hussein was launching Scud missiles into Israel during the Persian Gulf war. So by changing the regime in Iraq, we have made the situation in Israel dramatically safer than it would have been on top of all of the other reasons why the change in regime in Iraq was in our own best interests. So I thank the Senator from South Carolina for a very important amendment that illustrates the significance of the fall of Saddam Hussein and peace in the Middle East and a chance down the road for there to be a final settlement between Israel and the Palestinians.

Mr. President, I am happy to yield the floor at this point.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. GRAHAM of South Carolina. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 384 Leg.]

YEAS—95

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

NAYS—2

Bingaman	Chafee

NOT VOTING—3

Edwards	Kerry	Lieberman

The amendment (No. 1806), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, we are seeking to urge Members to raise some of the amendments that they have indicated they want to have considered so we might have some discussion of those amendments and schedule them for a vote early tomorrow morning. I know Senator BYRD is prepared to offer an amendment. But I yield to the leader.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. At this juncture, we have a lot of amendments on both sides of the aisle. We made progress today, although I think we are going to be able to narrow down the number of amendments that people have come forward with and given to the managers. Last night we made real progress by taking amendments to the floor, debating the amendments, and then voting this morning.

After talking to the Democratic leader and managers, it is very clear that we should be able to do that tonight, if people will come forward with those amendments and then stack those amendments tomorrow morning.

Right now, we cannot say with certainty what time that would be. The goal would be to debate amendments tonight and stack those for an appropriate time tomorrow morning.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I want to agree with the majority leader. I think we did make progress last night. We had good cooperation. A number of amendments were offered. We had votes on them this morning. We want to replicate that tonight. I will be offering an amendment shortly. I know a number of other Senators are planning to offer amendments on our side.

Our expectation is we will have those votes, plus I think there are five amendments pending that we would like to be able to dispose of, either with a voice vote or a rollcall vote, tomorrow morning as well. The majority leader noted we made a lot of progress today. We have a finite list. I think it is important for Senators to come and limit the amount of time that some of these votes may otherwise take. We can have a good debate, but I think we have to get through a lot of work tomorrow. The only way we can do it is if Senators will come to the floor tonight.

As I say, I will offer an amendment now. Senator FEINSTEIN is ready to go with an amendment after I am finished. I don't know if there are others on the Republican side, but we need to bring up four or five amendments tonight. I think we can give the assurance to the majority leader that we will be prepared to do that.

Mr. REID. Will the distinguished Democratic leader yield?

Mr. DASCHLE. I am happy to yield.

Mr. REID. Did you ask consent that following the offering of your amendment the Senator from California, Mrs. FEINSTEIN, be recognized to offer her amendment?

Mr. DASCHLE. Madam President, I referenced the fact that she was prepared to offer it. I ask consent she be recognized after my amendment has been offered.

Mr. STEVENS. Reserving the right to object, Madam President, we are being asked to consent to an order. We have not even seen these amendments. We don't even know the names on the amendments.

I remember, when the tables were turned, vehement objections to such

procedure. I object until I see the amendment to see whether we want to stack them automatically for a vote tomorrow.

Mr. DASCHLE. Madam President, if I could just clarify, we are not asking for consent that they be voted on tomorrow. I said it would be helpful if they could be voted on tomorrow morning. I was just indicating the sequence tonight and hoping to expedite the consideration of these amendments—that after I lay my amendment down and make comments relating thereto, that Senator FEINSTEIN be recognized so she could do the same. If the Senator from Alaska chooses not to do that, we can accommodate him with whatever suggestions he may have for how we do this.

Mr. STEVENS. Is this the loan amendment of the Senator from California?

Mrs. FEINSTEIN. It is my only amendment.

Mr. STEVENS. Is it on the list?

Mrs. FEINSTEIN. It is the one I had with Senator DOMENICI and which Senator DOMENICI is no longer on.

Mr. STEVENS. It would be nice to see it.

Mrs. FEINSTEIN. It is at the desk.

Mr. STEVENS. I thank the Senator.

Mrs. FEINSTEIN. I would be happy to bring one over.

Mr. STEVENS. I withdraw my objection.

Mr. DASCHLE. Madam President, I renew the request.

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

AMENDMENT NO. 1854

Mr. DASCHLE. Madam President, if there are no other Senators seeking recognition, I ask unanimous consent to lay aside the pending amendment, and I send an amendment to the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DASCHLE] proposes an amendment numbered 1854.

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

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

The amendment is as follows:

(Purpose: To achieve the most effective means of reconstructing Iraq and to reduce the future costs to the American taxpayer of such reconstruction by ensuring broad-based international cooperation for this effort)

At the end of title II, add the following:

SEC. 2313. (a) LIMITATION ON AMOUNT OF FUTURE FUNDS AVAILABLE FOR IRAQ RECONSTRUCTION PROGRAMS.—Notwithstanding any other provision of this Act or any other provision of law, the amount of appropriated funds that may be obligated and expended for Iraq reconstruction programs may not exceed the current appropriated amount for Iraq reconstruction programs unless—

(1) the President certifies to Congress that the amount of appropriated funds to be so obligated and expended for Iraq reconstruction programs is equal to or exceeded by an amount of contributions from the international community for Iraq reconstruction programs; or

(2) the President—

(A) determines that, notwithstanding the lack of contributions by the international community for Iraq reconstruction programs in an amount described in paragraph (1), the obligation and expenditure of appropriated funds for Iraq reconstruction programs in excess of the current appropriated amount for Iraq reconstruction programs is in the national security interests of the United States; and

(B) submits to Congress a written notification on that determination, including a detailed justification for the determination.

(b) CONSTRUCTION WITH LATER ENACTED PROVISIONS OF LAW.—This section may not be superseded, modified, or repealed except pursuant to a provision of law that makes specific reference to this section.

(c) DEFINITIONS.—In this section:

(1) The term ''current appropriated amount for Iraq reconstruction programs'' means the aggregate amount appropriated or otherwise made available by this Act, and by any Act enacted before the date of the enactment of this Act, for Iraq reconstruction programs.

(2)(A) the term ''Iraq reconstruction programs'' means programs to address the infrastructure needs of Iraq, including infrastructure relating to electricity, oil production, public works, water resources, transportation and telecommunications, housing and construction, health care, and private sector development.

(B) The term does not include programs to fund military activities, (including the establishment of national security forces), public safety (including border enforcement, police, fire, and customs), and justice and civil society development.

Mr. DASCHLE. Madam President, we have been debating this critical piece of legislation now for over a week. Most of the debate has properly centered on the immediate issues presented by the bill before us: How much of the $20 billion the President is seeking for reconstruction of Iraq should American taxpayers provide, and under what terms and conditions should they provide it?

We will have an opportunity tomorrow to talk about a number of specific amendments dealing with loan relationships with Iraq and the probability that the debate centering on whether or not Iraq should be required to take some of the assistance in the form of a loan will be resolved before the end of the week.

There are widely divergent and strongly held views within this Chamber about how we should answer the questions involving loans and grants, and what responsibilities Iraq should have.

While Senate passage of $87 billion to secure and rebuild Iraq seems certain, each of us knows the amount contained in this bill is not sufficient to complete the task. The administration itself has argued that we may need another $55 billion beyond the request made in this appropriations bill today. We don't know how we will do in the donors' conference. But I am told the best we can expect at this point is about $3 billion from the international community. If it is still accurate that $55 billion may be required, and that $3 billion of that may be provided today at least—and that is over a period of time, and in some cases we are told that it could be 4 or 5 years before some of that $3 billion is actually committed—then obviously rebuilding Iraq would take many more years and many tens of billions of dollars in addition to what is now being considered within this legislation.

The amendment I am offering tonight simply requires that the President do what he said he will do—work with the international community to ensure that the American taxpayer does not continue to act alone or largely alone in picking up future reconstruction costs. The amendment simply seeks to ensure that the international community is an equal partner in any future reconstruction costs beyond those contained in the bill before us.

Basically, what we are saying is we will make our decision about the $87 billion, but we recognize this may not be the last request; that there will be additional needs. This amendment simply says that as we consider those additional needs, we ask the President to certify that other nations are paying their fair share of any future costs beyond the $87 billion for the occupation and rebuilding of Iraq before he uses additional American taxpayer dollars to finance these efforts.

I want to emphasize that it doesn't touch one dime of the $87 billion request. Other amendments will seek to address those concerns, and obviously I intend to support them. This pending amendment simply says to the President: You must provide some assurance that the international community will support our efforts to expend additional funds beyond the $87 billion for Iraq's reconstruction.

This amendment will not affect security-related expenditures. No limitations are placed on the President's ability to expend funds for our troops, Iraqi troops, or for Iraqi public safety programs such as border enforcement, police, fire and customs. And no limitations are placed on the President's ability to commit funds to develop Iraq's justice system.

If the President is unable to get the international community to pay its fair share of future Iraqi construction costs, the amendment permits the President to expend still more taxpayer dollars on Iraq's reconstruction with one provision. That provision is that he certify to Congress that additional U.S. expenditures on Iraq's reconstruction are in our national security interests. We don't tie the President's hands. We permit him to get everything he is asking for today—enough to stabilize and rebuild Iraq for a year according to the administration's estimates. It gives him time to round up additional support for our efforts in Iraq should he deem it necessary to ask America's taxpayers to provide additional funds. And we give

him a waiver if he fails to secure the additional international support.

More than 6 months after the end of the Hussein regime, the cost of rebuilding and securing Iraq, both in the lives lost and in money now expended, appear without end. Now more than ever, we need to engage the support of the international community prior to the donors' conference, and this amendment would allow us to do that. The entire world will benefit from a democratic and prosperous Iraq. The entire world has an obligation to help us build a better future for the Iraqi people.

As the President noted just last month in his address about his administration's efforts in Iraq, ''we are committed to expanding international cooperation in the reconstruction and security of Iraq.'' This amendment provides the President the leverage to make that promise a reality.

I hope our colleagues will endorse this amendment on a bipartisan basis. This is simply an opportunity for us to say from here on out, regardless of what you may think of the $87 billion, the time has come for the international community to participate, and it is critically important that we send that message to the donors' conference when we have that occasion to do so later on this month.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mrs. FEINSTEIN. Thank you very much, Madam President.

AMENDMENT NO. 1848

Mrs. FEINSTEIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mrs. BOXER, Mrs. CLINTON, Mr. DURBIN, Mr. JOHNSON, and Mrs. MURRAY, proposes an amendment numbered 1848.

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

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

The amendment is as follows:

(Purpose: To require reports on the United States strategy for relief and reconstruction efforts in Iraq, and to limit the availability of certain funds for those efforts pending determinations by the President that the objectives and deadlines for those efforts will be substantially achieved)

Strike section 2309 and insert the following:

SEC. 2309. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR RELIEF AND RECONSTRUCTION IN IRAQ PENDING DETERMINATIONS BY THE PRESIDENT.—Notwithstanding any other provision of this Act, of the amount appropriated by this title under the heading ''IRAQ RELIEF AND RECONSTRUCTION FUND''—

(1) $6,770,000,000 shall be available 120 days after the date of the enactment of this Act, but only if the President determines under subsection (b)(1) that the objectives and associated deadlines referred to in that subsection have been substantially met; and

(2) $6,770,000,000 shall be available 240 days after the date of the enactment of this Act, but only if the President determines under subsection (b)(2) that the objectives and associated deadlines referred to in that subsection have been substantially met.

(b) DETERMINATIONS.—(1) Not later than 120 days after the date of the enactment of this Act, the President shall determine whether or not the objectives, and associated deadlines, for relief and reconstruction efforts in Iraq, as specified in the report under subsection (c), have been substantially met.

(2) Not later than 240 days after the date of the enactment of this Act, the President shall determine whether or not the objectives, and associated deadlines, for relief and reconstruction efforts in Iraq, as specified in the most current report under subsection (d), have been substantially met.

(c) INITIAL REPORT ON RELIEF AND RECONSTRUCTION.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the United States strategy for activities related to post-conflict security, humanitarian assistance, governance, and reconstruction to be undertaken as a result of Operation Iraqi Freedom. The report shall include information on the following:

(1) The distribution of duties and responsibilities regarding such activities among the agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense.

(2) A plan describing the roles and responsibilities of foreign governments and international organizations, including the United Nations, in carrying out such activities.

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

(4) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States Government, foreign governments, and international organizations, including the United Nations, and for actions to be taken by the President to secure increased international participation in peacekeeping and security efforts in Iraq.

(5) A comprehensive strategy for completing the reconstruction of Iraq, estimated timelines for the completion of significant reconstruction milestones, and estimates for Iraqi oil production.

(d) SUBSEQUENT REPORTS ON RELIEF AND RECONSTRUCTION.—(1) Not later than 60 days after the submittal of the report required by subsection (c), and every 60 days thereafter until all funds provided by this title are expended, the President shall submit to Congress a report that includes information as follows:

(A) A list of all activities undertaken related to reconstruction in Iraq, and a corresponding list of the funds obligated in connection with such activities, during the preceding 60 days.

(B) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the ensuing 60-day period, including—

(i) the estimated cost of carrying out the proposed activities; and

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

(C) Updated strategies, objectives, and timelines if significant changes are proposed regarding matters included in the report required under subsection (c), or in any previous report under this subsection.

(2) Each report under this subsection shall include information on the following:

(A) The expenditures for, and progress made toward, the restoration of basic services in Iraq such as water, electricity, sewer, oil infrastructure, a national police force, an Iraqi army, and judicial systems.

(B) The significant goals intended to be achieved by such expenditures.

(C) The progress made toward securing increased international participation in peacekeeping efforts and in the economic and political reconstruction of Iraq.

(D) The progress made toward securing Iraqi borders.

(E) The progress made toward securing self-government for the Iraqi people and the establishment of a democratically elected government.

(F) The progress made in securing and eliminating munitions caches, unexploded ordinance, and excess military equipment in Iraq.

(G) The measures taken to protect United States troops serving in Iraq, and an estimated schedule of United States troop strengths in Iraq for each ensuing 120-day period.

Mrs. FEINSTEIN. Madam President, I believe this amendment to this supplemental would provide some additional transparency and oversight as to how the $20.3 billion in reconstruction funding is spent. The amendment essentially releases the appropriation of the $20.3 billion in three tranches. These tranches are not fenced, but they are conditioned on the President presenting a reconstruction plan to Congress with specific goals and timetables, and reporting to Congress on how that plan is being implemented.

The amendment began as a bipartisan amendment. Unfortunately, at this stage it is not, but it is cosponsored by Senators MURRAY, DURBIN, JOHNSON, CLINTON, and BOXER.

Specifically, the amendment would provide for the immediate release of one-third of the $20.3 billion for reconstruction in Iraq—that is $6.77 billion—with the President required to provide Congress with a comprehensive plan for Iraqi reconstruction. The plan would include goals and timetables for specific reconstruction activities.

Second, it would provide for the release of the remaining $13.54 billion requested in two equal disbursements of $6.77 billion, the second tranche after 120 days—or 4 months—and the final after 240 days. Both disbursements would be subject to a Presidential determination that the goals and timetables spelled out in these detailed reports are being met.

Third, this would require that the President submit reports to Congress every 60 days about how the money is spent.

What is the purpose of this? This is a lot of money. The American public are divided on whether we should spend $20 billion reconstructing Iraq or we should give it for deficit reduction or to priorities in this country. There is no plan. We do not know exactly how this money is going to be spent.

What this amendment aims to do is provide a mechanism for both a certification process by the President that the goals and timetables are being met and for regular reports to this Congress about how that is taking place. That does not seem to me to be too much to ask.

In doing so, it also gives us the ability to review how the money is being spent, what costs are being incurred, who else is contributing, and what progress is being made in meeting important security, political, and economic reconstruction milestones. These are significant improvements.

It is hard for me to understand why the administration does not want this to be done, why the administration expects to be given a blank check, and this body that is charged with the purse strings is not able to carry out diligent oversight.

There may be a significant disagreement among Members of the Senate about the wisdom of a course of action which has led us to this point in Iraq. But now that the United States is in Iraq, it is clear to me we must stay the course. We must rebuild the infrastructure. We must prevent civil war. We must see to it that Iraq does not become a base for terror and instability throughout the region.

Indeed, from a national security perspective, I strongly believe the United States cannot turn tail and run. Instead, we must see to it that a stable governmental structure and a viable economy, apart from Saddam's tyrannical dictatorship, can in fact be put in place. If the United States were to pull out without completing the job—which rejection of the supplemental would mean—I believe Iraq would inevitably see civil war and a return to the Baathist regime, perhaps headed by someone as bad as or worse than Saddam Hussein. If the United States were to cut and run, as we did in Lebanon, or more recently in Somalia, we would send precisely the wrong message to both our friends and our foes around the world.

For many, the challenges we now face in Iraq illustrate the shortcomings of a doctrine of unilateral preemption and preventive war to deal with an asymmetrical threat. When we use force against a state to seek regime change, we are left with the inescapable reality and role that we have today, and that is nation building. There is no other way to put it. But once there, we must complete the task.

As much as I may wish we could structure this package as loans, that there be greater international contributions to the reconstruction effort, that Iraqi oil could be quickly brought on line to underwrite costs, that some of the funds earmarked to be spent in Iraq could be spent on domestic priorities instead, or that we pay for this supplemental by deferring a large tax cut for Americans earning more than $340,000 a year, thus far, all those options have been debated and voted down in this body. I voted for all these amendments, both in committee and on the floor.

But today the United States has an inescapable responsibility in Iraq. It is clear to me that now we are there, we must win the peace. However, we, as a Senate, also have a responsibility, to know what the plan is, to be able to buy into that plan, to understand the goals and the timetables of this reconstruction effort, to know when a constitution will be written, to know when a government can be turned over, and to understand what specific projects are going to be undertaken.

This amendment asks for nothing more than that. It is justified, I believe, because it does just that. I had five Republican sponsors. Apparently they were weaned off by the White House. But this resolution was carefully crafted not to create a problem for the administration but to say, as a Senate, we have an absolute right to know the details, to know the timelines, to know the plans, and you, Mr. President, have an obligation to report to us on what they are and to certify that what you say is actually happening. That is all this amendment does. It does not fence funds. It does not require another vote by this body. But it does say, if we support you, you have an obligation to let us know what you are doing, how you are doing it, and the timelines of completing the mission. I don't think that is too much to ask.

Along with my prior cosponsors, before they dropped off, we worked hard on this. This was negotiated not to present an encumbrance but to present a justifiable reporting requirement with certification by the President. The only thing was that the money would be released in three equal tranches 4 months apart.

I have a very hard time, unless people do not want to say what they are doing, as to why this amendment would not be acceptable to the other side of this aisle as well as to this side of this aisle. It is my sincere hope that by some miracle we could get that concurrence.

The work we have yet to do in Iraq is consequential. How do we stabilize Iraq? It is a nation with a long and bloody history of tribal rivalries. It has known only despotism and tyranny. How do we plant the seeds of democracy? What is the timeline for that? This country has never known democracy. How do we rebuild an economy shattered by years of neglect, repression, and war? I believe we can accomplish this job. Iraq could well become a beacon of stability in this volatile area. But it is a tall order.

In conclusion, I believe the amendment is a well-thought-out approach that gives Congress and the American people a more meaningful and substantive oversight role in the reconstruction of Iraq and it says to this administration, we will work with you, we will stay the course, but the American people must know where that course will lead us and how we are going to get there. This amendment asks for no more and no less.

I yield the floor.

Mr. STEVENS. Will the Senator respond to a question?

Mrs. FEINSTEIN. I would be happy to.

Mr. STEVENS. Is it the Senator's intention that the money, one-third, be available at the end of 120 days?

Mrs. FEINSTEIN. No; the first one-third right away; the second third 4 months later; the third third in another 4 months. At 120, 240 days.

Mr. STEVENS. I thank the Senator.

Mrs. FEINSTEIN. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I state for the information of Senators, we will make some agreements concerning time for the vote to take place tomorrow on the Senator's amendment.

I will oppose the amendment. It is an amendment that would limit the discretion and use of these funds. These funds are designed to as quickly as possible bring about the reconstruction of Iraq and the training of Iraqis to take over their own affairs, to defend themselves, to provide their own security, provide their own water, provide their own electricity, run their own schools—a whole series of things to have this money available, as the Senator says, in the tranches. We can do so much for 120 days. You have to wait for another 120 days before you can have the next money, and another 120 days for the next money.

Now, when you look at that, what it really means is you are going to have to decide we are going to be there for at least a year just doing what is designed in this process to be an upfront program to move quickly as possible to turn this government back to them.

I think that is a restriction on the use of these funds that would hamper the ability of Ambassador Bremer and General Abizaid to carry out their instructions they have already received from the Congress and the instructions that are generally contained in this bill.

It is my intention to speak further on the amendment tomorrow, but just so there would be no question about it, I will oppose the Senator's amendment and urge that it be defeated. It remains to be seen whether I will ask to table the amendment or to just have a vote on it. We will determine that tomorrow.

But I do thank the Senator for her response to my question, and I yield the floor on this matter.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I believe the yeas and nays were granted, so there will be a vote; is that not correct?

Mr. STEVENS. There will be a vote, but we will confer with the Senator when that vote will occur sometime tomorrow. Last-vote notices have gone out for tonight.

Mrs. FEINSTEIN. I thank the Senator.

Mr. President, I would like to make one further point, just to debate this.

There are many of us who believe the very size of the supplemental means we are going to be in Iraq for a substantial period of time, and, most probably, the supplemental is meant to run through the election. That is the inescapable real life that we live.

So we look at this effort as one that is a joint effort between the White House and this Senate and this House in the sense that we are prepared to stay the course provided you share with us what the plan is, what the goals are, what the timetables for achieving the mission, in effect, are.

It is hard for me to understand how more than $6 billion could be used in a 4-month period. So nothing is held up. It is three equal tranches. I have a hard time, with what I do know about it, envisioning more than $6 billion being spent in a 4-month period.

So I do not believe this amendment is any kind of an encumbrance on the administration at all. It is simply a request for oversight, which I believe is our constitutional duty.

Mr. STEVENS. 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. NELSON of Florida. 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. NELSON of Florida. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 1858

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 1858.

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

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

The amendment is as follows:

(Purpose: To set aside from certain amounts available for the Iraq Relief and Reconstruction Fund, $10,000,000 for the Family Readiness Program of the National Guard)

At the end of title II, add the following:

SEC. 2313. Of the amounts appropriated by chapter 2 of this title under the heading ''OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT'' under the heading ''IRAQ RELIEF AND RECONSTRUCTION FUND'', other than amounts available under such heading for security (including public safety requirements, national security, and justice), $10,000,000 shall be available only for the Family Readiness Program of the National Guard.

Mr. NELSON of Florida. Mr. President, as many of our colleagues are aware, the National Guard has undergone a difficult year with their rapid mobilization and deployment to Iraq and a redeployment date that continues to slip. This has happened to the National Guard in State after State. It has particularly happened with regard to Florida. Florida was actually mobilized the day after Christmas. They went into the armories and started packing their gear. Many, of course, thought it was going to be a very short war, as it was. The military conflict was successfully prosecuted by General Tommy Franks. But all of them were clearly understanding there was the likely possibility they were going to be gone for a year. What they did not expect, with the occupation having been as difficult as it has, was that they were going to be extended, in some cases, up to 16, 17, and perhaps even 18 months from when they first came in to start packing up at the armory of their National Guard unit.

In State after State, these National Guard units have been so effectively trained and, given the adequate and up-to-date equipment in the field, they have performed so admirably. That is clearly the case with the 124th Infantry, which consists of three battalions from Florida. They are so good, they want to continue to keep them. That is like a double-edged sword. Our Guard is so good, and yet they have families, they have employers, and they are making a financial sacrifice. They are prepared to do that. Now that we are offering these supplemental appropriations for Iraq, there is something we can do.

It is my hope we are going to get to the point that the managers will accept this amendment. I have offered this amendment. I may not have to call for a vote because I think it might be accepted.

This amendment provides $10 million for the Family Readiness Program. Right now that program does not have any funding. This program for the National Guard has 396 family assistance centers around the United States. These assistance centers are the primary point of assistance to the families on items such as unit information—this is the National Guard; this is not the regular Army—on referral to medical, financial, social services, and counseling for the families.

Why do families need this assistance? Because often those families are suffering financial hardship. Their loved one as a civilian was earning a certain salary, and when they go on active duty, they are earning, in many cases, a much lower salary. Or, goodness gracious, let's not hope they are self-employed and that business is not being tended to while they are being extended. They all understood the sacrifice they were going to make, and they were willing to make that sacrifice because they are loyal citizens ready to fight for the interests of their country.

The simple fact is, they need some assistance through these family assistance centers, and there is no funding set aside for this critical task.

Out of the $15 billion—not the $20 billion because $5 billion of that is going to assist in building up an Iraqi security and police force—but out of the remaining $15 billion of the $87 billion supplemental appropriations, that is going to reconstruction, the infrastructure needs in Iraq, I respectfully suggest to our colleagues that we need to put some money into these family assistance centers through the Family Readiness Program of the National Guard.

In August and just recently during the last recess when I was home, I ended up having 25 town hall meetings. I met with innumerable families. I am telling you, the support from these family assistance centers is often their Rock of Gibraltar, where they get information, where they share with each other, where, if they are in financial distress, they can get counseling, and if the financial distress leads to medical problems, they can get the right medical referrals. This is the least we can do for our people whose loved ones back home are often taking the brunt.

Today I seek support for those soldiers in the National Guard who have supported our mission in Iraq so bravely and are serving far from home and their loved ones.

I will stop my comments right there. I could go on. Does the manager of the bill have any questions for me? I will be happy to respond. I yield to the manager, the Senator from Montana.

Mr. BURNS. The Senator from Florida has explained his amendment very well. I have no questions.

Mr. NELSON of Florida. Then, Mr. President, I yield the floor and, at the appropriate time, I will call for the vote, unless it is the pleasure of the managers of the bill that they want to accept the amendment as part of a package.

Mr. BURNS. 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. REID. 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. REID. Mr. President, I ask that the pending amendment be set aside.

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

AMENDMENT NO. 1859

Mr. REID. I send an amendment to the desk on behalf of Senator LANDRIEU.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. LANDRIEU, proposes an amendment numbered 1859.

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

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

The amendment is as follows:

(Purpose: To promote the establishment of an Iraq Reconstruction Finance Authority and the use of Iraqi oil revenues to pay for reconstruction in Iraq)

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

SEC. 2313. (a) The President shall direct the head of the Coalition Provisional Authority in Iraq, in coordination with the Governing Council of Iraq or a successor governing authority in Iraq, to establish an Iraq Reconstruction Finance Authority. The purpose of the Iraq Reconstruction Finance Authority shall be to obtain financing for the reconstruction of the infrastructure in Iraq by collateralizing the revenue from future sales of oil extracted in Iraq. The Iraq Reconstruction Finance Authority shall obtain financing for the reconstruction of the infrastructure in Iraq through—

(1)(A) issuing securities or other financial instruments; or

(B) obtaining loans on the open market from private banks or international financial institutions; and

(2) to the maximum extent possible, securitizing or collateralizing such securities, instruments, or loans with the revenue from the future sales of oil extracted in Iraq.

(b) It is the policy of the United States that payment of the cost of reconstruction in Iraq, other than payment made with funds made available in this title under the subheading ''IRAQ RELIEF AND RECONSTRUCTION FUND'' under the heading ''OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT'' or made available by a foreign country or an appropriate international organization, should be the responsibility of the Iraq Reconstruction Finance Authority.

Ms. LANDRIEU. Mr. President, the amendment establishes the Iraq Reconstruction Finance Authority. The amendment states the United States will not commit further grants toward Iraq's reconstruction beyond the $20.3 billion requested by the President. Any further monetary commitments by the United States should be secured through the Iraq Reconstruction Finance Authority using Iraq's revenues from oil production. This amendment does not cut the $20.3 billion requested by President Bush.

There can be no doubt that America must participate in Iraq's reconstruction. However, direct grants are not the only means of providing reconstruction dollars.

RAND reports that U.S. post-war reconstruction efforts in seven conflicts since World War II have averaged 7 years in duration. We must develop a sustainable means of financing Iraq's reconstruction. The American people will not support giving money to Iraq for 7 years when Iraq possesses well over 112 billion barrels of oil, valued at least $2.5 trillion at $22 a barrel, that could be used to finance Iraq's reconstruction. RAND and the World Bank report Iraq's reconstruction will cost at least another $36 billion. The Institute of International Finance says the price tag will hit $75 billion. Ambassador Bremer testified before the Appropriations Committee that the administration will ask for little or no money next year for Iraq's reconstruction, yet non-partisan studies indicate more funding will be necessary.

Conservative estimates say Iraq has 112 billion barrels of oil in its reserve, with possibly the same amount undiscovered. Conservative estimates say Iraq will generate $28 billion in oil revenues in 2004, 3.5 million barrels at $22 a barrel. Oil closed at $32 a barrel last night. Iraq is capable of generating billions in revenue each year so that Iraq can be a partner with the United States and the international community in its own reconstruction.

What worked in the Marshall plan should work in Iraq's reconstruction. Germany's vast coal resources were pledged to secure the matching requirements of the U.S. Government contained in the Marshall plan.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

NOTICE OF PROPOSED RULEMAKING—OFFICE OF COMPLIANCE

Mr. STEVENS. Mr. President, I ask unanimous consent the attached statement I send to the desk from the Office of Compliance be printed in the RECORD today pursuant to section 303(b) of the Congressional Accountability Act of 1995, 2 U.S.C. 1383(b).

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

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, October 15, 2003.

Hon. TED STEVENS,
President pro tempore, U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: A Notice of Proposed Rulemaking (NPR) for proposed amendments to the Procedural Rules of the Office of Compliance was published in The Congressional Record dated September 4, 2003. The period for submission of comments announced in that NPR ended on October 6, 2003.

A Notice of Proposed Rulemaking—Extension of Period for Comment was published in The Congressional Record dated October 2, 2003. That Notice extended the period for submission of comments announced in the NPR to and including October 20, 2003.

The Board of Directors of the Office of Compliance will hold a hearing regarding the comments which have been submitted during the comment period. The hearing will be open to the public. The hearing will take place on Tuesday, December 2, 2003, at 10 a.m. in room SD–342 of the Dirksen Office Building. Individuals or organizations who have submitted written comments during the comment period may supplement those comments by an oral presentation at the hearing. Individuals or organizations who have timely submitted comments during the comment period which ends on October 20, 2003, and who wish to make an oral presentation at the hearing, must submit a written request to William W. Thompson II, Executive Director, Office of Compliance, 110 2nd Street, SE., Washington, DC on or before Friday, November 14, 2003. Oral presentations are limited to 20 minutes per commenter, unless extended by the Board.

We request that this Notice of Hearing be published in the Congressional Record. Any inquiries regarding this Notice should be addressed to the Office of Compliance at the above address, or by telephone: 202–724–9250, TTY 202–426–1665.

Sincerely,

SUSAN S. ROBFOGEL,
Chair.

REMEMBERING KENTUCKY GOVERNOR NED BREATHITT

Mr. BUNNING. Mr. President, the Commonwealth of Kentucky lost one of its greatest statesman on October 14, 2003. Former Gov. Ned Breathitt left us last night and is on his way to a better place.

Governor Breathitt left a great imprint on Kentucky's history and his bloodline ran deep in Kentucky's heritage. There is even a Breathitt County which is named after his distant uncle who was also a Governor of Kentucky.

Kentuckians elected Ned Breathitt as their Governor in 1963. He served until 1967 with great leadership and accomplishment. The 1960s were somewhat and sometimes tumultuous for the South. Governor Breathitt's progressive politics and compassion for all enabled him to be one of the true civil rights leaders in Kentucky. With conviction and purpose, he fought racial discrimination and ushered in a lasting equality for Kentuckians.

Governor Breathitt also worked tirelessly to help improve our schools and education system in Kentucky. He truly believed that Kentucky's pride and best assets were its citizens. This led him to create and implement the community college system under the University of Kentucky, and to this day it is one of the best systems around. Besides wanting to ensure Kentuckians a strong education, he also was deeply concerned about their health and environment. This led him to help strengthen our conversation and environmental laws, and ensuring that our pristine treasures and waters were protected and preserved for generations to come.

But aside from him being my Governor, he was also my friend. Whan I first arrived in Congress in 1987, Ned and his wife Lucy were living in Washington, DC. They welcomed my wife Mary and me with open arms. We were newcomers to the area and Ned and Lucy had moved out a few years before we did. We became good friends. We played bridge together, dined out and socialized together. We all laughed a lot. Mary and I enjoyed their company so much.

Our prayers and thoughts go out to Lucy and her family. We all know it is