

our entire military. The cost will be borne largely by the American taxpayer unlike the first gulf war which saw Saudi Arabia and Germany contribute 44 percent of the operation.

Some suggest that Iraqi oil exports will pay for the occupation force and reconstruction efforts. But a recent study by the Council of Foreign Relations warns not to expect such a "bonanza." The Iraqi oil industry is estimated to need \$5 billion in investment and 3 years just to return to pre-1990 production levels, and Iraq is already carrying an external debt burden of \$300 billion.

If, as some experts predict, our forces confront ethnic, tribal, and religious in-fighting and are besieged by terrorist attacks emboldened by pan-Islamic hostility to the American occupation, we may need a much larger force than the current 45,000 to 75,000 under review by the Pentagon. No doubt, as in the first gulf war, there will be score settling among Iraqis with vigilante justice and possibly open warfare. Many are predicting that Kurdish refugees expelled in 1968 from their homes in Kirkuk will pour back into this center of Iraqi oil wealth, bringing with them the possibility of war with Turkey seeking to protect Turkmen minority interests.

The Pentagon is reported to be planning on a 2-year military occupation of Iraq under a military governor that may be expanded to 5 years. Ironically, one of the first things this governor general will have to do is to rebuild the Iraqi military with professional training and new weapons. Time magazine reports that the Pentagon has "only a rudimentary plan for rehabilitating the bulk of the [Iraqi] Army." But it is clear that we cannot demobilize over 400,000 Iraqi troops without adding to the problems in the civilian sector.

We are just beginning to plan for all these postwar problems. On February 11, 2003, Undersecretary of Defense for Policy Douglas Feith announced that the President "has directed his administration to begin planning now" for reconstruction and testified that the administration was still "conceptualizing" peace. Now is too late for a war that may start this month. The Defense Department's Office of Reconstruction was opened only on January 20, 2003. Time magazine reported on March 2 that "at this late hour, the Administration is not very ready for the peace."

As Middle East expert Anthony Cordesman warned in testimony before the Foreign Relations Committee on February 7, 2003, "we are rushing planning efforts without making adequate efforts to make up for our lack of knowledge. As a result, planners both outside and inside the U.S. government may end in doing more harm than good. . . ."

President Bush has stated that "we will remain in Iraq as long as necessary and not a day more." I appreciate his candor, but I am deeply disturbed by

such an open-ended commitment to deploying American troops. We may wear out our welcome long before we have accomplished the democratic transformation of the Middle East envisioned by the President.

I am also concerned over the lack of preparation at home for the possibility of terrorist attacks. Even the President is dissatisfied with the counterterrorism budget passed for this fiscal year. I am dissatisfied that we have not done more during the past 2 years. As chairman of the Governmental Affairs International Security Subcommittee, I began holding hearings on our preparedness against terrorist attacks in July 2001. I have continued to press for reform of our national and local preparedness. I agree with the President that the budget for this fiscal year was too small. We have done too little to defend ourselves against attack.

I am disturbed by the letter from FBI Special Agent Colleen Rowley to FBI Director Robert Mueller indicating that the FBI would not be able to "stem the flood of terrorism that will likely head our way in the wake of an attack on Iraq." Last month the FBI issued a warning that "lone extremists represent an ongoing terrorist threat in the United States." Certainly, steps have been taken to improve our law enforcement capability, but I believe much more needs to be done before we are as prepared as we should be. The President acknowledged as much when he announced in his State of the Union Address his intent to create by May 1 a new Terrorist Threat Integration Center. This Center is at least 3 years away from being fully staffed according to administration plans.

In other areas we are also behind. The Transportation Security Administration has just begun to assess the vulnerabilities of American airports to terrorist attack, especially from shoulder-launched missiles—that task force was set up after the deadly November 28 attack against an Israeli airline in Kenya. The President's plan to immunize 500,000 health care workers against smallpox in 30 days has only inoculated 4,200 and is draining money and personnel from other programs in State and local public health departments.

Many State and local law enforcement officials have yet to receive federal security clearances so that they can receive information about potential terrorist attacks. Our emergency health care system is already stressed to the breaking point as hundreds of emergency departments have been closed due to budgetary constraints even as the number of patient visits has increased. Few of the respirators operated by local firefighters and other first responder rescue teams were found to be effective against poison gas. Many reservists in our first responder units have been called to active military duty, depleting critical services at home.

The list of problems is endless. The ability to solve these problems is lim-

ited by time and by money. The bottom line is that we have a lot to do and a long way to go before we are as ready at home for war as we are for waging war far away.

If war does come, both in Iraq and here at home, we will all support our troops and do the best we can to confront the problems here. I believe that the security of all Americans would be better served by taking the time to be better prepared. Allowing United Nations inspectors to do their work in Iraq will deplete the number of weapons Saddam Hussein might aim at our troops—already 46 Al Samoud missiles have been destroyed—and build international support for resolving the Iraq crisis. We will have not only a coalition of the willing but a coalition of the strong.

If we pursue our current path, we will have a war lacking in many things essential to achieving complete success. It will be a war without broad international support, without sufficient planning for postconflict reconstruction and stability, without a definite exit time and strategy, and without a firm pricetag. Moreover, it will be a war with serious ramifications for our long-term readiness capabilities for homeland security and for managing other crises.

#### NOMINATION OF THOMAS A. VARLAN

Mr. ALEXANDER. Mr. President, last week the Senate confirmed the Presidential nomination of Thomas A. Varlan to be a United States District Judge for the Eastern District of Tennessee. While I did not have an opportunity that day to make a floor statement in support of Mr. Varlan, I did want to come to the floor to express my support for him and to express my gratitude to my colleagues for the expeditious confirmation of this superb nominee.

Mr. Varlan was recommended last year by the current Senate majority leader, my colleague, Senator FRIST, and former Senator Thompson. As someone who, as Governor of Tennessee appointed some 50 judges, I am confident that Mr. Varlan will be an able Federal judge.

Mr. Varlan was born and raised in Oak Ridge, TN. He received a Bachelor of Arts degree from the University of Tennessee in 1978, graduating with the highest honors. He received his Juris Doctorate from Vanderbilt University School of Law in 1981, where he served as an editor of the law review and was selected for membership in the Order of the Coif, the national law school honor society.

After receiving his law degree, Mr. Varlan worked for 6 years as an associate with the law firm of Sutherland, Asbill & Brennan in Atlanta, Georgia. In 1988, he returned home to Tennessee and from 1988 through 1998 he served as Law Director for the city of Knoxville, managing all the legal affairs for Tennessee's third largest city. Mr. Varlan

has been a partner at the Knoxville law firm of Bass, Berry & Sims, PLC since 1998.

Mr. Varlan has practiced law in the areas of employment, school, commercial, patent and trade secrets, antitrust, contracts, product liability, civil rights, tort, annexation, tax, zoning, condemnation, workers' compensation, constitutional, telecommunications, real property, governmental relations, and labor law. Mr. Varlan has practiced in federal, state, and administrative law courts throughout his career and has conducted a number of jury and bench trials.

Mr. Varlan has also been active in his community, providing legal services to disadvantaged persons and for organizations such as Volunteer Legal Arts Services in Atlanta, GA, and the Knoxville Bar Association's Mentor for the Moment Program.

I am confident that Mr. Varlan will be a fine addition to the Federal bench in Knoxville, and I thank all of my colleagues for their overwhelming support for him.

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NOMINATION OF JOSEPH  
KELLIHER TO THE FEDERAL EN-  
ERGY REGULATORY COMMISSION

Mr. WYDEN. Mr. President, I cannot allow the Senate to proceed with Mr. Kelliher's nomination to the Federal Energy Regulatory Commission today or anytime soon.

This is a position of enormous importance to my constituents in Oregon who have had their energy prices soar through the roof during the past few years while the Commission has failed to serve as an effective watchdog over energy markets.

In the limited time I was able to question Mr. Kelliher at his confirmation hearing, he demonstrated little understanding of the impact on the Northwest of the manipulation of west coast spot markets by Enron using the various strategies described in the Enron memos. These strategies have had a devastating impact on Northwest energy consumers and on long-term contracts that the Bonneville Power Administration (BPA) and many other Northwest utilities subsequently were induced to sign in order to protect themselves from the volatility of the manipulated spot markets. In response to my question about whether the Enron memos provided grounds to get out from overpriced contracts, Mr. Kelliher states: "As a legal matter, I do not know sir. I thought those memos were designed to manipulate spot markets."

To date, there has been a total failure on the part of the Commission to make any kind of connection between the manipulation of spot markets and the impact on long-term contracts that have raised rates for Northwest ratepayers. In fact, the Commission currently appears to be pursuing two completely different standards for when ratepayers may be entitled to refunds

for manipulation of spot markets as compared to when overpriced, long-term contracts that were a direct result of that manipulation can be voided or reformed. The net effect could be that Northwest ratepayers could be struck in long-term, overpriced contracts even if the rates in those contracts are not considered just and reasonable according to FERC's own standards.

What is also of concern to me is that there are a number of critical issues to Northwest energy consumers that will be coming before the Commission in the next several weeks. These include Commission decisions on filings by the Bonneville Power Administration and other Northwest utilities for relief from contracts with Enron and other energy traders, enforcement cases against the marketers accused of manipulating west coast energy markets and the Commission's proposal to create a one-size-fits-all standard market design for transmission systems that would be ill-suited to our region's transmission system and could create new opportunities for manipulation of Northwest energy markets. With these critical issues coming before the Commission, the Northwest needs to be assured our region's interests will be fully and carefully considered.

Mr. Kelliher has not convinced me he fully understands the impact of manipulation of west coast energy markets on Northwest ratepayers or the problems the Commission's standard market design proposal could create for the Northwest electric power grid. For these reasons, I would object to a unanimous consent request for the Senate to take up Mr. Kelliher's nomination until my concerns can be addressed.

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LOCAL LAW ENFORCEMENT ACT  
OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred April 15, 2001. Two men taunted and attacked four lesbian students outside a cafe near Louisiana State University. The attackers approached the women and asked them if they were "boys or girls." The victims said that one of the attackers threw a drink at them and another attacker punched the victims repeatedly.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SIERRA LEONE SPECIAL COURT  
INDICTMENTS

Mr. FEINGOLD. Mr. President, I rise to call my colleagues' attention to the historic developments that have unfolded in Sierra Leone in recent days.

On Monday, the Special Court for Sierra Leone, a body charged with bringing to justice those most responsible for the horrific war crimes that occurred in that country, issued its first indictments. Seven people were indicted for war crimes, crimes against humanity, and violations of international humanitarian law: Foday Sankoh, Johnny Paul Koroma, Sam Bockarie, Issa Hassan Sesay, Alex Tamba Brima, Morris Kallon, and Sam Hinga Normam. The subjects of these initial indictments—ranging from infamous RUF leader Sankoh to former junta leader Koroma to Cabinet Minister Norman—clearly illustrate the commitment of the Court and of Sierra Leone to genuinely break with the past, and to firmly assert the illegitimacy of all of the abuse and atrocities of the past, not just that portion committed by one faction or another. Five of the indicted individuals are under arrest today; two remain at large. I urge the international community to ensure that they are found, arrested, and turned over to the court.

This development is an important step toward breaking the cycle of violence and impunity in West Africa—a cycle that plunged the people of Sierra Leone into a long national nightmare from which they have only begun to recover. That same cycle is responsible for the ongoing suffering of the people of Liberia, and now threatens the once-stable country of Cote d'Ivoire. It is true that fear of accountability may provoke some actors to try to disrupt the progress made in Sierra Leone thus far, but the history of that beautiful country has shown that turning a blind eye to the abuses of the past only ensures more in the future. The people of Sierra Leone are bravely pursuing justice. They deserve international support.

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LLOYD J. OGILVIE

Mr. ENZI. Mr. President, ever since I first arrived in the Senate, I have always looked forward to starting each new day with a prayer. Whether that prayer came from one of his excellent books, like *One Quiet Moment*, or on the Senate Floor, we have all received a great deal of inspiration and encouragement from our Chaplain, Dr. Ogilvie. Each day, as we prayed together on the floor or in our offices, Dr. Ogilvie has helped us to focus on the tasks of the day and the importance of working together as one family to solve the problems we face as a nation. His words have also reminded us of the beliefs of our Founding Fathers and their inherent trust in God for all things.

Looking back over the years he has served in the Senate, Dr. Ogilvie has