

of the Baathist Party and the common criminals who control the streets and highways. We must end the looting and restore the property rights of the Iraqi people. We simply cannot construct the foundation of a peaceful and just society when there is still no security in Iraq.

Dr. Karim Hassan, director general of Iraq's electricity commission put it this way: "Give me security, and I will give you electricity."

The brave men and women of our Armed Forces have done heroic work in Iraq. I know I speak for the people of my State of Texas, for all Americans, and indeed for all freedom-loving people when I give thanks that the operation in Iraq was concluded swiftly with a minimum loss of coalition lives. But it would be a grave mistake to burden our military alone with the job of ensuring security for the Iraqi people. Indeed, that is not their principal mission.

After security is restored, a functioning legal system must be established. There is the immediate problem of establishing a police force. Under Saddam's regime, the police were nothing more than shock troops bent on fulfilling the dictator's tyrannical bidding. Now they must act to protect and defend the people they formerly dominated and abused. The police in Iraq are no longer the law, violently expressed; they must now enforce and be held accountable to the law.

No system of justice can survive long in the absence of law and order, and there can be no democratic Iraqi state as long as lawlessness reigns.

Secondly, we must help the Iraqi people forge a nation governed by laws, not men. There are multiple proposals being considered for the Iraqi Constitution. While Iraq is clearly in a state of transition, it has a rich and ancient legal history. These traditions should be the foundation for the laws of this reborn nation, the constitution for a reborn Iraq.

We should not kid ourselves that we will see a mirror image of Jeffersonian America circa 1787. The Iraqis will build on their own historical traditions, a history that stretches all the way back to the Code of Hammurabi.

Despite our relatively short history, America has one of the longest uninterrupted political traditions of any nation in the world. The late Allan Bloom once pointed out that what sets America apart is the unambiguous nature of that tradition: "[I]t's meaning is articulated in simple, rational speech, that is immediately comprehensible and powerfully persuasive to all normal human beings. America tells one story: the unbroken, ineluctable progress of freedom and equality."

There are clear differences between America, where government from its inception existed to preserve and protect freedom, and Iraq, where government, until recently, existed to limit freedom and serve as the instrument of oppression.

Iraq's government must undergo a fundamental change, and a constitution that guarantees basic human rights will go a long way towards changing it. The constitution of Iraq must, like the constitution of America, tell one story.

The Japanese constitution of 1947 is one example that can show the way. Following World War II, Japan's new constitution placed sovereign authority with the people and their representatives, in place of the longstanding authoritarian system under rule of the emperor. It renounced war as a sovereign right, and required that the country maintain armed forces for purposes of defense and police functions alone, not for purposes of aggression.

If there is to be a reasonable chance of success for this national democratic experiment, similar measures must be included in the new Iraqi constitution.

At the inception of this country, George Washington, instead of seeking to rule as an emperor, a king, a president for life, returned to his Virginia farm, handing over the reins of the fledgling American nation at the end of two terms in office. The act was astounding at the time, a political humility unknown since the era of Cincinnatus. It prompted his old foe, King George the Third, to call Washington "the greatest character of the age."

But Washington's actions were no accident. Washington recognized that for America to truly be a nation where the people were sovereign, it must first be a nation of laws.

We do not yet know which leader Iraqis will choose. But the identity of the democratic leader is far less important in the long term than the establishment of the rule of law, and not men. While leaders come and go, it is the law that makes a nation.

Third, the Iraqis need a strong and independent judicial system. This process will be difficult and slow going, but we ignore its importance at our peril.

Chief Justice Rehnquist has called an independent judiciary "one of the crown jewels of our system of government." With tireless effort by freedom-loving Iraqis and their friends dedicated to the cause, I believe that the same can be true for the new Iraq.

The central authority in Baghdad currently exists in a vague and indeterminate form, and it is likely that the political climate there will fluctuate frequently over the next few years. The judiciary must exist as an independent actor in this process, to enforce basic human rights, protect private property, and ensure stable conditions that will lay the foundation for the prosperity and happiness of the Iraqi people.

To understand the full measure of Iraq's cruel and inhumane regime, you need look no further than Iraq's mass graves and the packed prisons of Baghdad, where the children of Saddam's political opponents were imprisoned and viciously abused. Under Saddam

Hussein, prisoners were routinely starved, tortured, and murdered. The new government of Iraq must be just and humane, carrying out the duly rendered penalties of a civilized society based on the rule of law.

The rule of law will foster and facilitate prosperity that will improve the quality of life for all Iraqis. There is great promise in a nation where 60% of the population is under the age of 25, and more than 40 per cent under the age of 14. All that most have known is brutal dictatorship, fear and poverty. Soon, they will know freedom, security, and a better life.

With the foundation of legally enforced rights in place, Iraq will no longer be a place of fear for travelers or economic investors. As a nation, they will once again fulfill the true calling of the Qur'an, where it is written: "Be kind . . . unto the neighbor who is of kin, and to the neighbor who is a stranger, and to the companion at your side, and to the traveler."

The Iraqi people will be free to start businesses and open shops, to speak and to assemble, to experiment and study—all in pursuit of better lives, rather than the interest of Saddam Hussein or any other despot. Iraq will flourish as a nation of law and order, where the invisible hand of the free market will benefit both the society of Iraq and the entire region of the Middle East.

The world is watching Iraq closely. And in order for Iraq to grow and blossom, in order to ensure the freedom of the Iraqi people, the new Iraq must be founded on security and the rule of law.

I am thankful—as I know my colleagues are—that the armed conflict in Iraq reached such a swift end, with so few coalition lives lost. The tasks that lie before us in Iraq are in many ways more complex and intricate, and their end is not yet in sight.

For the sake of those who risked and lost their lives so that the Iraqi people might know the blessings of liberty—for the sake of the promise of peace in the Middle East—and for the sake of the children of Iraq—we must not fail.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

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

MEASURE PLACED ON CALENDAR—S. 1079

Mr. WARNER. Mr. President, I understand that S. 1079 is at the desk and is due for a second reading.

The PRESIDING OFFICER. The clerk will state the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1079) to extend the Temporary Extended Unemployment Compensation Act of 2002.

Mr. WARNER. I ask that the Senate proceed to the measure and I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. Under the rule, the bill will be placed on the calendar.

Mr. REID. What is the business before the Senate?

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1050, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1050) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Daschle amendment No. 689, to ensure that members of the Ready Reserve of the Armed Forces are treated equitably in the provision of health care benefits under TRICARE and otherwise under the Defense Health Program.

Graham (SC) amendment No. 696 (to amendment No. 689), in the nature of a substitute.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Virginia is recognized.

Mr. WARNER. Madam President, the ranking member of the committee and myself are prepared this morning to entertain any amendments that colleagues wish to bring to the floor. I will be on the floor, and I am sure my colleague will outline a timetable for the amendments he knows of thus far on his side. On my side, there are no amendments that I know of right now. I do urge our colleagues to come forward.

The distinguished majority leader and the Democratic leader have made possible these 2 days for us to work on this bill. I know my colleague from Michigan, the ranking member, and I are ready to move right along on it. At this time, I yield the floor, hopefully for the purpose of my colleague speaking to the amendments he knows of.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I thank my good friend from Virginia. I think the business before us is to dispose of the Graham of South Carolina second-degree amendment and then the underlying Daschle amendment. I do not know if any of the opponents of the two amendments are on the floor to speak, but I think we should dispose of those. It is my understanding that after those amendments are disposed of, Senator JACK REED will be ready to proceed with an amendment.

Mr. REID. Will the Senator from Michigan yield?

Mr. LEVIN. I am happy to yield.

Mr. REID. On this side, we are ready for a vote on the Graham of South Carolina amendment. We ask that vote occur around 11:30 today, if at all possible.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I will consult with the majority leader. I will note a willingness on this side to voice-vote the Graham of South Carolina amendment.

Mr. REID. We would not be willing to do that. We want a rollcall vote on that amendment.

Mr. WARNER. The time the Senator is recommending would be?

Mr. REID. The time would be 11:30 to have a vote.

Mr. WARNER. Fine.

Mr. REID. I think we will probably only need one vote. We would accept Daschle by voice if, in fact, the Graham of South Carolina amendment passes, which I have an indication that it will. In the meantime, staff will work toward that goal with the two leaders and other people can come to the floor and offer amendments, which are certainly waiting to be offered.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. If the chairman will yield for an inquiry, if we could put in a very brief quorum call, I think I would be able to straighten out which of the other amendments might be offered while we are awaiting a vote on the Graham of South Carolina amendment. I need to make two quick calls and could then give a report.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I understand we are now on the Defense authorization bill. I will speak about a number of matters in the legislation. I also will talk about a couple of amendments I am hoping to offer. I deeply appreciate the leadership of Senator WARNER and Senator LEVIN. There are few in the Senate for whom I have higher regard. I think both of them do an extraordinary job for this country. Our country is blessed to have their leadership during these difficult times.

Much of what is in the Defense authorization bill I support. I think they have done quite a remarkable job in bringing that bill to the Senate floor. I do, however, want to talk about a couple of areas that concern me and a couple of amendments I wish to offer.

Obviously, our first responsibility in this legislation is to support a strong military for this country. This is a dangerous world. All of us understand the uncertainties in the world. We understand especially that our sons and daughters were called upon to go halfway around the world and fight in the country of Iraq. They did so with great skill and our thoughts and prayers go with them as well. We understand from that experience what these investments mean for our country, the investments in military preparedness.

Being prepared, making the investments, being able to defend our coun-

try's liberty against terrorists, aggressors, and others, is very important. The single most important threat that faces our children and our grandchildren is the threat of nuclear weapons. If there is a leader in this world that has a responsibility to stop the spread of nuclear weapons, it surely must be us. It must be the United States of America.

Some many months ago there was a story, not widely told, about a rumor. The rumor was a nuclear weapon had been stolen from the Russian arsenal and that one nuclear weapon stolen by terrorists from the Russian arsenal was to be detonated in an American city. It caused an epileptic seizure in the intelligence community: Terrorists stealing a nuclear weapon, detonating it in an American city; talk about 3,000 people dying at the World Trade Center; then talk about one nuclear weapon killing half a million people in a major American city. That is the specter of what will happen with the threat of nuclear weapons in the wrong hands.

It was discovered some time after that rumor was moving around the intelligence community that, in fact, they believed it was not credible; a terrorist had not stolen a nuclear weapon from the Russian arsenal. Interestingly enough, it was not beyond belief of most intelligence analysts that it could have happened.

We know there are thousands of nuclear weapons in the hands of the Russians. We know the command and control of those weapons is not what we would like. We hear rumors and stories about the recordkeeping for nuclear weapons in Russia being in a three-ring binder. So we worry about the command and control of nuclear weapons. We think somewhere in this world, between us and the Russians and a few others, there are nearly 25,000 to 30,000 nuclear weapons. I will say that again. Although there is not an exact known number, we expect between 25,000 and 30,000 nuclear weapons exist, both theater and strategic nuclear weapons.

The rumor that one had been stolen by a terrorist and might be detonated in an American city caused great concern. Again, the intelligence people apparently felt it was entirely possible that could have happened and, having happened, it was entirely plausible they could have detonated a nuclear weapon in an American city.

So with this arsenal of 25,000 or 30,000 nuclear weapons, both theater and strategic nuclear weapons, the question for us, our children, and their children is: Will someone someday get hold of a nuclear weapon, build one, create one, steal one, perhaps? Will those terrorists someday have access to one nuclear weapon? Will it be detonated in a city of millions of people? Will it kill hundreds of thousands of people? Or before then, will we be a world leader in trying to stop the spread of nuclear weapons, prevent the theft of nuclear weapons, improve the command and control of nuclear weapons, especially