

Mr. KENNEDY. Well, Madam President, I have nothing but the highest regard and respect for those who are involved in the conflict and fighting for the United States. I regret sometimes that we have not provided them with the military equipment that we should have. But I have the highest regard and respect for the Armed Forces of the United States, and I have supported, and will continue to support, to make sure they have the equipment they need to carry on their mission. They are all heroes.

The question is the policy. At some time, I will respond, whenever—Madam President, what is the time allocation now?

The PRESIDING OFFICER. The Senator from Virginia has 3 minutes, the Senator from Massachusetts has 5 minutes.

Mr. KENNEDY. Fine. Well, that will be the answer. When the Senator is finished, I will be glad to respond generally to his theme.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I am perfectly willing to, at this point in time, conclude this colloquy. I certainly feel I have had adequate opportunity to make my point. So unless the Senator so desires, we will proceed on with the bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Well, I will make a brief comment in response to the general statement that the Senator made and use my own time. And then the Senator can use whatever time.

Madam President, we were attacked on 9/11. We were attacked by Osama bin Laden. Where is Osama bin Laden today? Since 9/11 we have not captured him. The focus and attention was in Afghanistan. Nonetheless, this administration took us to war in Iraq. At that time, we had al-Qaida effectively by the throat and instead we lost that opportunity and now have ourselves bogged down in Iraq. That happens to be the fact. We have not enhanced the war against terror by being in Iraq. I think we made Iraq a training ground for terrorists.

So I differ with my friend and colleague. I think the job should have been finished in Afghanistan. That is where Osama bin Laden has been. But the idea that the President of the United States—as I illustrated in 15 minutes of direct quotes; and I will not repeat them—brought the United States to war on the basis of the dangers that Saddam Hussein had a nuclear weapon and there was a tie between Saddam Hussein and al-Qaida is basically wrong. That is not the Senator from Massachusetts saying that. That is the 9/11 Commission saying that.

Now, what is so wrong about trying to get the facts on this? The reason to get the facts and the reason it is so important—with the Rockefeller effort and the efforts by my friends, the Sen-

ators from Michigan and California, to get the facts—is because we do not want to repeat that. We have a dangerous situation in Iran. We have a dangerous situation in North Korea. We do not want to duplicate the mistakes that this country took with its leaders. We do not want to duplicate that. That is why this report is so important.

Madam President, I stand by my statement that I think that the war in Iraq was a grave mistake, that the American people were misled, and that there is ultimately not going to be a military solution. There is the quagmire: a military solution to solve the problem in Vietnam, a military solution to try and solve the problem in Iraq. It is not going to work.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I will simply state to my colleague and fellow member of the Senate Armed Services Committee that it is well recognized that certain intelligence that was used by not only our President but the Prime Minister of Great Britain, the President of France—we could go on and on—was universally accepted at that point in time. History has shown that a good deal of that intelligence turned out to be inaccurate.

But there were many reasons for going to war in Iraq, not the least of which our forces were trying to enforce the United Nations resolution prohibiting Iraq from taking certain actions to the north and to the south.

They were actually firing on our aircraft that were trying to patrol and enforce U.N. resolutions. Saddam Hussein ignored consecutive resolutions of the United Nations. That whole structure was before the world, and he was flaunting it.

Most recently, I note that the United Nations Security Council has extended the basis on which operations are now being conducted by the coalition of forces in Iraq today.

With regard to the administration, I commend the administration for putting out, for example, this report called “The Special Inspector General for Iraq and Reconstruction.” It is very truthful with the American people and, indeed, the world on the successes and the lack of success in certain areas. This administration is being accountable for its participation as one of the several nations in the coalition in putting the facts down. But when the Senator says it is all for naught, I say to myself, Iraq is in a struggle to establish its own government. We have just seen the referendum on the constitution. They have adopted the constitution. The constitution is subject to further rework as the next government stands up in the aftermath of the December 15 elections—free elections, free elections that have not taken place in Iraq in several decades. Much has been accomplished to try to stabilize that nation to enable it to select, by the freedom to vote, its own govern-

ment and the degree to which it wishes to join the rest of the nations in exploring the challenges of democracy, particularly in that area of the world.

I salute the men and women of the Armed Forces who have made this possible. Yes, we always hope that diplomacy can solve the disputes between nations. Diplomacy can be no stronger than the will to back it up and enforce the decisions of the diplomats. That has been done bravely by the men and women of the Armed Forces of the United States and other coalition forces.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, the definition of a quagmire is a complex or precarious position where disengagement is difficult. That says it, in regard to Iraq. This body understood the reason we went to war with Iraq was because this administration represented that Saddam Hussein had a nuclear weapon or was on the brink of getting nuclear weapons and, secondly, had ties with al-Qaida. Others may draw from another part of history, but I stand by that. Both of those facts are not so. It is important that we understand how we came about using those facts, which we see are not so, to make sure we are not going to make those mistakes in the future.

I yield back the remainder of my time.

Mr. WARNER. Madam President, parliamentary inquiry as to the status of the Senate at this time.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 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:

Dorgan amendment No. 2476, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Lautenberg amendment No. 2478, to prohibit individuals who knowingly engage in certain violations relating to the handling of classified information from holding a security clearance.

Talent amendment No. 2477, to modify the multiyear procurement authority for C-17 aircraft.

Mr. WARNER. Madam President, there is a further order for two votes to

occur beginning at the hour of 11:30. I think it would be helpful to all Members if the Chair would restate the timing and status of those votes.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 shall be equally divided in the usual form, followed by a vote on the Dorgan amendment at 11:30, which will be followed by the Talent amendment.

Mr. WARNER. I thank the Chair.

Under the time I control, I yield such time as my colleague from Alabama may desire to speak. He will speak as in morning business, to reserve the time on the bill, on such aspects of the amendments that he so desires.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 2476

Mr. SESSIONS. Madam President, I rise to speak on the Dorgan amendment and share some thoughts about that. I think there has been a lot of misinformation, and the Senator has been misled in some of the allegations he is making and is certainly inaccurate in picturing our handling of the reconstruction effort in Iraq as being a wasteful enterprise. So much good has gone on. We need to talk about that. Where there are errors, as I will note, we are taking vigorous steps to correct them.

With regard to Senator KENNEDY's remarks, he said it is not the soldiers, it is the policy. We decided the policy. This Senate voted 78 to 22 to establish a policy with regard to regime change in Iraq. We authorized the President to execute military action if Saddam Hussein failed to comply, as Senator WARNER said, with the U.N. resolutions. We have a policy. He may not like it. He was 1 of the 22 who voted against it. But he ought not to be doing things that undermine the established policy of the United States, a policy that was bipartisan. A majority of the Democratic Senators supported it. The former Presidential candidate for the Democratic Party, its former Vice Presidential candidate, and another former Vice Presidential candidate all supported it. It is our policy. We established it, and we sent our men and women into harm's way to execute it. We don't need Senators undermining their ability to do their job and placing them at greater risk. It is wrong. Some people need to examine their conscience as we come up to November 11 tomorrow, Veterans Day.

I rise to speak on the reconstruction effort. Commander Paquette, who works with me, served in Iraq. He was there when the statue of Saddam fell. He had the responsibility for reconstruction in the northern third of Iraq. He is a good man. He put his life on the line for this country. He did what he believed was right. He didn't waste a dime of the American people's money. He had to pass out cash. That is the way you do business there—not to say there is something wrong with that. They don't have checks and banks. That is how you have to do business if

somebody does work for you, you pay them in cash.

I am not by any means claiming that there have not been abuses, that contractors and others may have taken advantage of the difficult circumstances to exploit their profits. That is, unfortunately, the history of the world. We need to watch it constantly. I am a strong supporter of that and don't doubt that. But enough is enough. The reckless commentary we have been hearing has created in the media and with the American people a distorted view of the reality of what is happening on the ground in Iraq for reconstruction. It is the same thing that is occurring with regard to the detainee abuse scandal—greatly exaggerated, without any recognition of the efforts that have been taken to make sure abuses don't occur.

My colleagues on the other side of the aisle are requesting yet another investigation. They wish to create a special committee on war and reconstruction in the middle of this war. This special committee will look into matters that are already being investigated by the Government Accountability Office, an independent agency—not a Department of Defense agency—which we call on in a bipartisan way to investigate complicated matters. The Department of Defense inspector general is investigating all allegations. The Defense Contract Audit Agency, the State Department inspector general, the Army's inspector general, and other organizations are watching what goes on there and conducting investigations into any allegation of fraud or abuse that may be presented. And a special inspector general's office was created already to increase accountability. This is important. It is the Special Inspector General for Iraq Reconstruction, commonly called SIGIR in the theater.

The Senator from North Dakota offers examples of abuse that he claims need another investigation. I honestly believe these charges are exaggerated distortions of reality and overlook the great work that is being done there toward reconstruction. I could stand here and address many of these complaints, but I will take issue with three he has continually raised in recent months as evidence of the fraud and waste he suggests is occurring. We can consider the overall picture of how things are being done.

Point No. 1, the allegation that \$85,000 brand new trucks were left on the side of the road to be torched and looted because they had a clogged fuel pump or because they had a flat tire—we have heard that, haven't we?

The decision to leave a vehicle behind in a combat zone resides with the convoy commander and his or her best judgment, not the Senate. There are cities in America where people would be hesitant to stay with a car at night. They would not want to stay there. They may have to leave that car if it broke down. Should the convoy com-

mander call AAA? How about that—we are going to call AAA to come fix it. Waiting for a repair crew out there by yourself or a tow truck to arrive or leaving the whole convoy sitting in a hostile area is not a realistic scenario from a force protection standpoint. Speed and mobility are keys to life in the combat zone. Disabled vehicles are always planned to be recovered; however, on occasion, they may be destroyed by insurgents or criminal elements in Iraq if they break down. The life of each military member—what if it was your son or daughter, would you like for them to stay with a disabled vehicle—is worth more than any vehicle. I fully support the decision of our convoy commanders to abandon disabled vehicles to ensure the safety of the personnel under their command.

Point No. 2, contractors in Iraq are paid in large amounts of bundled cash.

These are Iraqi contractors who do work for us, and we want to use them wherever possible so that they can create jobs. They are paid in large amounts of bundled cash, as we heard the charges made. This is the quote:

When it was time to get paid, just bring a big bag because we are going to give you cash.

The statement suggests the money is being given away, come and get it. That is simply not true. Payments for services in Iraq have to be made in cash. There is no central banking system in Iraq where checks could be processed or allowed for on some electronic fund transfer. A modern bank and currency system is being developed there now, but as of today, cash is the only way to effectively pay local Iraqis for their labor and materials. The average Iraqi worker performing under a Government contract is paid in U.S. dollars because that currency is accepted throughout that nation. The large bricks of money are needed because in many small towns and villages, paying workers in one hundred dollar bills is not practical. No one in these towns could break a one hundred dollar bill, so there was a need for payment in twenties, tens, and fives. Paying large contracts in small bills does create a large amount of dollars and necessitates bundling and transporting of money in bags and lockers. How else are you going to do that?

When I was in Iraq right after the war and was in the area in Mosul where Commander Paquette was working, I met personally with General Petraeus, commander of the 101st Airborne. He said the best thing he could do was to go out and see a problem in a neighborhood that could be fixed and to have his own discretion to engage a contractor and get that thing fixed. Maybe it is a bridge, a roof at the hospital, a door on the school.

Get it done right then and pay the person who did the work. He said that is the best way we can help create and reestablish this country. And he asked for more power.

Do you think General Petraeus is stealing the money? He was No. 1 in his

class at West Point. No, sir, this is a true patriot trying to serve our country to help Iraq and fix it up.

Point No. 3, they charge this. This is the quote and the charge

There is massive waste, fraud and abuse going on with respect to contracting in Iraq . . . who is watching over this massive amount of fraud, waste and abuse? Nobody seems to care.

Nobody seems to care? That is not true. This statement is most misleading of all. It implies that U.S. tax dollars are just being wasted with no care or concern. However, 100 audits and management reviews have been performed to date by the GAO, the Defense Contract Audit Agency, the DOD inspector general, the Army Criminal Investigative Service, and so on. I met with the chief inspector general in Iraq, and he is a firecracker. I mean he is a totally focused man, dedicated to his job of establishing accountability and eliminating fraud.

Have there been instances of fraud? Sadly, yes. Those found guilty are being punished. Companies defrauding the Government have had payments withheld. They have been removed. Investigations and audits continue and those who violate criminal laws will be prosecuted. The Department of Defense and other Government agencies in charge of reconstruction in Iraq are reacting swiftly to the comments of the auditors and incorporating all of the recommended corrective actions.

There is even a special investigative body in Iraq, SIGIR, that issued the report I believe that Chairman WARNER quoted from with respect to the Special Inspector General for Iraq Reconstruction, a special inspector general for just Iraq.

Yet claims persist that no one cares, there is no oversight and no accountability. It is not true. It is a slander on our people whose lives are at risk serving our country in Iraq. As with detainee abuse allegations, time and again an objective review of the facts is slowly rolling back outlandish accusations that we have heard. Iraq is a war zone. It is a dangerous place in many areas. For too many in Congress and across the Nation we seem to overlook this fact, even while the media gives us all a daily count of fatalities.

As any soldier can tell you, paperwork is not always the first priority when someone is in combat. However, we place special trust and confidence in military officers and senior Government officials overseeing the expenditures of taxpayer funds. Continuing to claim fraud and abuse is rampant and that no one is accountable is directly questioning the competency and dedication of these professionals who are doing their best job possible in very difficult and many times dangerous circumstances.

There are areas in Iraq that are dangerous. And even the contractors' lives are in danger, as we well know. Their actions are making a difference. The most recent report to Congress from

the SIGIR states—this is the Special Inspector General for Iraq Reconstruction. Listen to this:

The positive results achieved in the reconstruction program are impressive . . .

The United States has made steady progress in its part of Iraq's construction, despite the hazardous security environment, the fluid political situation, and the harsh realities of working in a war zone.

The media and the other side of the aisle spend too much time telling the negative side of what is going on in Iraq, I believe. To far too many Americans, the image of the conflict in Iraq is a burning humvee or the scene of a car bomb. I would like to show you a few before and after photos of how the reconstruction funds have benefitted the people of Iraq.

This first slide portrays reconstruction of the Ministry of the Environment Building. Here is the way it looked after the war. And here we see how it has been reconstructed. Somebody was paid for that. I hope it was an Iraqi contractor who had a family to feed. Commander Paquette says it was. This is a matter he has personal knowledge of, I believe. So somebody went out there and did a job similar to in the United States, did a great job of reconstructing this building that was utterly gutted.

Here is another one, the Az Zubayr Courthouse. Look at this courthouse here. Now, we have to have the rule of law. General Petraeus told me when he was in Mosul how he worked on that, had the Iraqis out here doing the work. Are they going to be paid or not? They don't want a check, I can tell you that. And here we have a new courthouse where we hope justice can be done.

Mr. WARNER. Madam President, will the Senator yield?

Mr. SESSIONS. I would be pleased to yield.

Mr. WARNER. Has the Senator put into the RECORD the name of the assistant he has worked with in developing this and explained about his background as having been there and participated? Because this is an extremely important segment of our debate that the Senator is filling in this morning. You are receiving a lot of this information from your very able assistant who is an on-the-scene individual responsible for some of this.

Mr. SESSIONS. I thank the chairman. I did not do enough. Commander Paquette was in Iraq shortly after Saddam Hussein's government fell, when the statue fell and he was given the charge of handling the northern third of the reconstruction effort for the military. He was a Naval lieutenant commander then and that was his responsibility in our joint effort. We have Navy people, Air Force people there, Army and Marines, of course, and he worked on the reconstruction effort. Much of what I am saying, many of these photos he has had personal involvement with.

Here is a hospital operating facility. You can see what a pathetic, sad thing

it was—one little chair. Now, after we have come in with reconstruction efforts, you have a fully functional hospital.

Here is a bridge replacement with a new structure. This bridge was totally destroyed, broken here, and you can see the old bridge here, but a new bridge has been constructed. Somebody had to be paid to do that work. You can't rebuild a bridge for \$500. If you pay people in cash, you have to have a bundle of cash to pay the expense of building a bridge.

How about this one. This is one Commander Paquette mentioned to me. This is a street in a town he personally has visited, with sewage running down the main street there, kids wading in it, he said. And here, after our work to create a sewage system, we have a safe street for this lady to walk on. And of course, you have heard about the sabotage of electric powers. This one was sabotaged and here you have Iraqis climbing up there fixing it. Are you going to climb up to the top of a tower like that and fix it and not be paid? Somebody has to pay you. They are not going to take a check. We have to pay them in cash, and that is what is being done, in an effective way, I believe.

I could go on. There are hundreds of examples such as this from all around Iraq, thousands of them. Let's not politicize this conflict. It is important. We are a nation at war, and the mission in Iraq is vital to ensuring democracy, that democracy takes hold in a region of the world that has known far too many tyrants and despots.

I am proud of the accomplishments of our military, our civilian and contractor personnel in Iraq. Many of them were former military people who retired, who brought their skills and who had the courage to go into dangerous areas. They are dedicated to improving the quality of life for millions of Iraqis and Afghans and are doing so under very difficult circumstances.

As we approach Veterans Day, the Senate should spend a little less time advertising allegations of wrongdoing, allegations that we are already taking vigorous actions to deal with, and spend more time talking about what is going right. We owe it to the men and women we voted to send into harm's way. We owe it to their families and to the families of the fallen to tell them that their mission is important, that their sacrifice is making a difference for nearly 50 million people in a region that has known so much suffering and violence.

I thank the Chair. I also want to express my personal appreciation to Commander Paquette for his service. He will soon be leaving us, going back on active duty. He has been a tremendous asset to my office and helped me craft the legislation I am most proud of to double the death benefits for soldiers who lose their life in defense of our country. We appreciate it, and I thank him also for helping us bring a personal touch directly from the frontline in our efforts in Iraq.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The Senator from Virginia.

Mr. WARNER. Madam President, I want to say again how important is the debate our distinguished colleague from Alabama has provided the Senate this morning on these key subjects. It is reassuring. The Senator made, as did I, reference to this report, which I think is an accurate compilation of what has been achieved and what remains to be achieved and the struggle they are having with regrettably this cultural thing called graft, which is all pervasive throughout much of the Middle East, but nevertheless somehow we are overcoming that.

Mr. SESSIONS. I thank the chairman. I note I did meet that special inspector general. He impressed me. I know Senator COLLINS has met with him and is thoroughly impressed with him. He is very present throughout Iraq to make sure our dollars are being spent wisely.

Mr. WARNER. I thank the Senator.

Madam President, it is my understanding that the time under the control of the Senator from Virginia has now expired.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. And there remains what period of time?

The PRESIDING OFFICER. There is 20 minutes 15 seconds.

Mr. WARNER. Madam President, the Senate has already defeated this amendment twice—first on September 14, 2005, on the Commerce, State, Justice, Appropriations bill by a vote of 53-44 and then on October 19, 2005 on the Transportation, Treasury, Housing and Urban Development Appropriations bill by a vote of 54-44.

This amendment is unnecessary and duplicative of the current contracting oversight mechanisms created to meet the challenges that then Senator Truman identified. The Truman Committee was needed at the outbreak of World War II. There were no GAO or IG investigations, no Defense Contract Audit Agency or Defense Contract Management Agency. There were no conflict of interest laws to reign in the dollar-a-day men and no Truth in Negotiations Act, Whistle blower Protections, or Competition in Contracting Act.

The Armed Services Committee is currently performing its oversight tasks and I see no need for a Special Senate Committee to look at contracting practices in Iraq and Afghanistan.

The potential for fraud, waste and abuse is not limited to just Iraq and Afghanistan. The Air Force has just been through the worst contracting scandal in the last 20 years and the Armed Services Committee was at the forefront of uncovering this scandal by using normal committee legislative oversight tools. We conducted hearings, tasked the GAO and the Inspector

General to review specific issues, and requested and reviewed thousands of documents.

The Armed Services Committee has conducted numerous hearings and briefings on acquisition oversight and reform, including oversight of contracting in Iraq, and initiated numerous investigations by the GAO and the Inspector General on DOD acquisition practices and programs.

Senator ENSIGN plans to conduct several more Iraq contracting hearings in the near future in the Readiness Subcommittee and Senator MCCAIN is conducting a series of hearings on the overall procurement process.

The Office of the Special Inspector General of Iraq Reconstruction was established to look at Iraqi contracting. This new IG has routinely briefed this Committee and others on its findings.

Section 823 of this bill establishes a contract fraud task force at DOD to identify potential areas where DOD is susceptible to fraud, waste and abuse. This group will inform Congress on how to modify our contracting laws wherever we need to get tougher on contract fraud.

This is how best to conduct our oversight—through the established committee process and established oversight mechanisms. I am sure that the Chairman of the Senate Foreign Relations Committee who shares responsibility for the oversight and jurisdiction of contracts in Iraq, as well as the Chairman of the Homeland Security Committee who has jurisdiction of Federal contracting would agree.

I appreciate the concerns of the sponsors of this legislation. However, I do not support the establishment of a new special committee which would duplicate the work of this committee and others and only look at a narrow amount of Federal expenditure.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Madam President, is the time between now and 11:30 allocated?

The PRESIDING OFFICER. All time remaining until the vote is controlled by the Senator from Michigan.

Mr. LEVIN. I thank the Presiding Officer. I know that Senator DORGAN wanted some of this time. I would have a couple comments relative to the Dorgan amendment, first of all. I happen to agree with what has been recently said about the Special Inspector General for Iraq Reconstruction. He, indeed, would be a useful witness for the Senate to call, and I hope that either the Armed Services Committee or the Homeland Security and Governmental Affairs Committee would call that Special Inspector General for Iraq Reconstruction so that he could come and testify before us. That has not been done.

The Department of Defense IG has withdrawn his people. These are the people who look at the contracts with the contractors that are supporting our troops. The DOD IG withdrew his peo-

ple so that there are no longer those folks on the ground who can tell us about those contractors. I do not believe that the Government Accountability Office people have been called to testify before the Senate.

There are a lot of issues. There are a lot of issues about the initial contract, why it was awarded on a sole-source basis, whether the CPA, the provisional authority, was overcharged by Halliburton for oil which was purchased. There are serious questions about meals which were served or not served. There are questions about whether Halliburton had the estimating, subcontracting, and financial management systems they needed to run two multi-billion dollar contracts. There are a lot of questions which need to be reviewed. They ought to be reviewed. And we ought to have Senate committees that are calling these people to testify in front of us. It seems to me that in the absence of that, what Senator DORGAN is doing is saying: Let's have a Truman-type committee, a special inspector general to look at the contracting issues. Not only do I see nothing wrong with it, it has tremendously powerful precedent.

It is named the Truman committee because Harry Truman, in the middle of a war—I emphasize in the middle of a war, World War II—Harry Truman, a Democrat, with a Democratic President, was willing to undertake an investigation of contracting practices and procurement practices because he felt the war was being exploited for profit by certain persons who were trying to profiteer off the bravery of others.

There is no disagreement among any Member of this body that I know of about the bravery, the professionalism, the courage of our troops. They deserve everything we can give them, and I believe we are giving them everything they need. There is no disagreement about that here. When Members of this body get up and are critical about the way in which this war has been won, it seems to me that is what we owe our troops. We not only owe them the material and the training and we owe their families everything, but we also owe them our best thinking. And our best thinking is not unanimous. There is not a consensus. There are not 100 people here who are cloned to think the same way. There are different thoughts.

We owe our troops our best, honest, conscientious thinking, and when people get up on this floor and provide that thinking, particularly where it is critical, it should not just be characterized as somehow or another undermining our troops.

Our troops depend upon us for the equipment, the training, the materiel, morale, for the support of their families. They depend on us for that. They are entitled to that. People who stand up and give their best thinking are supporting our troops in the best sense of

the word; they are giving them their best, honest, conscientious thoughts as to how we can succeed in Iraq and make the best of a situation that is not going well, not just stay the course, stay the course, which is a bumper sticker, not a strategy, but how can we modify this course to increase our chances for success.

I want to yield the floor. I see Senator DORGAN is in the Chamber. I know he wants to speak on his amendment. I yield to him such time as he needs to speak relative to his amendment.

The PRESIDING OFFICER (Mr. THUNE). The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague from Michigan has said it pretty well. This is not an unusual time. The money we have spent with respect to the war in Iraq and the reconstruction of Iraq are not usual expenditures. We have been asked, and the Congress has complied, with support for legislation that moves \$50 billion, \$60 billion, \$20 billion—huge chunks of money—to pursue, first of all, the war in Iraq to support our troops and also to pursue what is called the reconstruction of Iraq.

Almost all of that—I think perhaps all of it—was done without any requirement to pay for it. It was all designed as an emergency, just to add it to the debt of this country.

My colleague, Senator LEVIN, said we have not in any way, nor would we refuse any request that would be helpful to our troops. When we ask men and women in uniform to risk their lives, we have a responsibility to them, and that is to give them everything they need to carry out the mission they have been asked to carry out. That is not what is at issue with this amendment.

This amendment is designed to respond to what we already know, and everyone in this Chamber knows, is a massive amount of waste, fraud, and abuse of the taxpayers' money. I spoke yesterday about this, but can anyone here justify having the American taxpayers purchase \$85,000 trucks to be used on the roads of Iraq by contractors, and when the trucks get a flat tire, what do they do with them? They leave them beside the road and let them be torched. An \$85,000 truck with a plugged fuel pump, what do they do? Abandon it. It is a plus-cost, sole-source contract. The American taxpayer will pay for that; don't worry about it. The list is almost endless.

A company—Halliburton in this case—charged the taxpayers for 42,000 meals served to American troops. It turns out they were only serving 14,000 meals. They have overcharged us by 28,000 meals. The people who last were responsible in the Pentagon, now retired, for managing all the fuel contracts to move fuel to the battlefield, after they retired they came back and testified and said: What has happened since is just unbelievable. The massive overcharges to move fuel to the battlefield by these contractors is almost unthinkable.

The stories go on and on. Renting a car for \$7,500 a month, buying towels for the troops, double the price so you can put the company logo on it because the company tells their buyers that is what they are required to do: Double the cost of the towels so we can put our company logo on it.

How many of these stories do we need? Do we need 100 more stories like it? There is rampant waste, fraud, and abuse.

Why is that the case? Because massive quantities of money are being shipped over there in pursuit of reconstruction. Massive quantities of money are going, in many cases, to no-bid, sole-source contracts under the buddy system, and the taxpayers, I think in many of these cases, are being robbed blind. Will someone do something about it?

This amendment I have offered would establish what I call a Truman-type committee. Harry Truman stood on this floor in the 1940s in the middle of a war with a President of his own political party in the White House, and said: I think there is substantial waste, fraud, and abuse in military contracting and in military spending. They formed a special Truman committee, and he went after and uncovered tens of billions of dollars, in today's dollars, of waste, fraud, and abuse.

Normally, we would do this through oversight hearings, but we have not had many oversight hearings. In some cases, in other venues, none at all; in other venues, a few but really no aggressive oversight hearings designed to track this massive amount of money.

Yesterday, I showed a picture of a fellow who testified at a hearing I chaired that we have been doing in the Policy Committee. Why? Because the regular committees don't want to have oversight hearings. Why don't they want to do that? I guess they don't want to embarrass anybody. It would be embarrassing to the White House, I guess, if we had hearings about no-bid, sole-source contracts under the buddy system to big companies that then waste a lot of money. It would be embarrassing to display that in public.

The fact is, we owe it to the taxpayers to get rid of the waste, fraud, and abuse. Yesterday, I showed a photograph of money that was in the downstairs vault of a building that was occupied by the Coalition Provisional Authority in Iraq, which was us, by the way. CPA is us, not anything else. It is a fancy name for us. They were dealing in cash. I showed a photograph of one hundred dollar bills wrapped in Saran Wrap in bundles. The guy who testified at my committee and who was pictured in that photograph said: We told all the contractors, show up with a bag because we pay in cash. He said this was like the Old West. Bring a bag, we pay in cash. He said: We actually threw around like a football those bundles of one hundred dollar bills wrapped in Saran Wrap. You would be able to play catch with them. It was the Old West.

After all, when we provide funding for these contracts, it doesn't come out of the pockets of the 100 Members of the Senate. It is taxpayers' money, and we have a responsibility to the taxpayers to make sure it is spent appropriately.

If all of the 100 Senators would sit and listen to the stories I have listened to in many hearings now from contractor employees who were sickened and disgusted by the waste, fraud, and abuse they saw, if all of the Members of this Senate could hear that and then vote against an amendment that asks for this kind of long-term investigation, I don't know how they can sleep at night.

We have had this vote previously, and sufficient Members of the Senate have said it does not matter what the evidence is; I don't intend to support a special type committee to investigate this waste, fraud, and abuse. And they have prevailed. So we will have another vote today.

I say to those Senators who have voted against this amendment previously, if they still believe this waste, fraud, and abuse doesn't matter very much, then vote against it. If they still believe it is OK for the regular committees of the Senate not to hold any significant oversight hearings, not to do their due diligence, not to meet their accountability responsibility, and they don't care about that, then vote against this. Just vote against it, it doesn't matter. But then they should not stand up at home and say to their constituents that they care about how this money is spent when there is such dramatic evidence of waste, fraud, and abuse.

I used some newspaper headlines yesterday to describe the charges: \$18.6 million worth of Government equipment missing at the moment that a contracting company was given to manage. One-third of the equipment that company was entrusted with at this point cannot be accounted for. Does it matter? Is somebody looking into this? It doesn't look like it to me. It is really pretty unbelievable. I have spoken before. I am guessing nobody in this Chamber—at least only a few in this Chamber—care.

My colleague from Michigan was at a hearing we held with Bunnatine Greenhouse who rose to become the top civilian contracting official in the Corps of Engineers. She was the top civilian contracting official in the Corps of Engineers. She had outstanding recommendations every single year. She was an outstanding Federal employee, and she was in charge as the highest civilian in the Corps of Engineers for making sure contracting was done properly.

As the war in Iraq ramped up and some companies began to get substantial no-bid contracts under the old buddy system, she said this doesn't meet the test of the law; you are violating the procedures of the Corps of Engineers. You are not doing things

the right way; there is a right way and wrong way to do things. You do it this way. We are going to see substantial waste, abuse, and fraud. When she started raising those questions, something important happened to her. She was told one of two things will happen: You will either be fired or you will be demoted.

This public servant had the courage to speak up and speak out against practices she thought were horribly unfair and were going to hurt this country, and she paid for it with her career.

What a message to send to those who have the courage to blow the whistle and speak up. Does anybody care about that? It doesn't appear so. It really doesn't appear that way. We have asked Secretary Rumsfeld. We sent many letters to Secretary Rumsfeld. It is like sending those letters into a deep abyss someplace. You get a little one-paragraph reply saying: Got your letter, get back to you later. And there will never be a later. That is the way it works. Zip it up, cover it up, sew it up, it doesn't matter and, oh, by the way, ask Congress for more money; they will certainly appropriate it. Don't worry where it is going. If it is waste, nobody cares very much and, by the way, if somebody does care and raises the issue, we will have sufficient votes on it to say we won't do anything about it. And those sufficient votes will go home and talk about the fact, boy, they are tigers watching out for the American taxpayers. Hardly. Hardly.

We will see, once again, in a few minutes whether people really do care about this and whether they are willing to own up to the oversight responsibility Congress has, to care about how the taxpayers' money is spent.

This case is made. This is not an open case, it is not an argument that has to be made. This case is made. The evidence is all around us. The question is whether enough Senators will care.

Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that I speak on the bill for just a minute or two.

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

Mr. WARNER. Mr. President, I say to my good friend and colleague, if there is an award to be made for determination, he has it on this particular issue. It is interesting that the Senator from North Dakota invoked a good deal of history as to the Truman committee. I think colleagues should know, however, that the Senate has already addressed this amendment on two previous occasions: first on September 14, 2005, on the Commerce-State-Justice appropriations bill. The vote was 53 to 44, defeated, and then again on October 19, 2005, on the DOD appropriations bill. Again, the Senate rejected it 54 to 44. Those matters should be before Senators.

Mr. LEVIN. Mr. President, if the Senator will yield, since Senator DORGAN

does have another minute left, I believe, and I want to give him an opportunity to respond, I will use 30 seconds of that time simply to say that Senator DORGAN has, indeed, been tenacious. There has been an absence of oversight in this area which has been glaring. He has almost by himself filled in some of those gaps as he described it. He should not need to do that. We should either have the committees doing that or else we need this special Truman-type committee.

I commend him for his tenacity. I am glad he is bringing this to a vote, and maybe one of these days—hopefully today—he will prevail.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. At this point in time, a vote is imminent.

#### EXECUTIVE SESSION

#### NOMINATION OF DONALD C. WINTER, TO BE SECRETARY OF THE NAVY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the Executive Calendar.

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

Mr. WARNER. I ask unanimous consent that the Senate immediately proceed to executive session to consider Calendar No. 410. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and finally that the Senate then return to legislative session. This has been cleared on both sides.

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

The nomination considered and confirmed is as follows:

#### DEPARTMENT OF DEFENSE

Donald C. Winter, of Virginia, to be Secretary of the Navy.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe now the confirmation has taken place?

Mr. WARNER. That is correct.

Mr. LEVIN. I wish to have a very brief colloquy with my dear friend from Virginia on this matter, which I think he would want to comment briefly on, and that is I understand that once Secretary Winter is confirmed, which he now is, the Department of Defense will adopt an approach under which Secretary England will continue to act as Deputy Secretary of Defense on an interim basis. This approach is lawful, but it is temporary only and it is not intended to establish a pattern for future appointments. Would the Senator agree with that statement?

Mr. WARNER. Yes, Mr. President. This is a subject I have discussed with the administration and most specifically with the Secretary of Defense. I assure my colleague that it will not establish a pattern because to me the ad-

vice and consent process is a very precise obligation of the Senate. This type of action is taken in this case because it is my understanding that the President will make a recess appointment within 120 days, and I assure the Senator this matter will not go beyond the 120 days.

I thank the Senator for bringing it up, and I thank him for his cooperation and the cooperation of other Senators on this matter.

Mr. LEVIN. I do welcome that assurance. It is important for this institution. Whether the President is a Democrat or a Republican makes no difference on this issue. This is a matter of this institution asserting its constitutional responsibility, and I thank my friend from Virginia.

Mr. WARNER. Mr. President, I spoke with Secretary of Defense Rumsfeld very early this morning on this issue.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—Continued

Mr. WARNER. Mr. President, under the order, the Senate is about to address the amendment by the distinguished Senator from North Dakota.

#### AMENDMENT NO. 2476

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. All time for debate has expired.

Mr. DORGAN. I ask unanimous consent for 30 seconds.

Mr. WARNER. Yes.

Mr. DORGAN. The Senator from Virginia is quite right that we have twice before voted on this amendment and I believe ignored the value of the amendment. In almost all cases, there is virtue in being consistent, but being consistently wrong is hardly virtuous. My hope is the Senate will understand the value of this amendment this morning as we vote on it for the third time.

Mr. SESSIONS. Mr. President, I ask unanimous consent to have 30 seconds to respond?

Mr. WARNER. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, respond on this amendment?

Mr. SESSIONS. I ask unanimous consent to make one point on this amendment.

Mr. WARNER. With time being given to the Senator from North Dakota if he wishes to rebut.

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

Mr. SESSIONS. Mr. President, he asked for 30 seconds, and I thought I would get 30 seconds after all time had expired.