

fraud, and abuse—numerous reports. There are reports that Halliburton charged for meals never served, that Halliburton overcharged for oil and oil delivery, that Halliburton overcharged and double-charged for shipments of soda pop, that Halliburton overcharged on transportation contracts. I could go on and on.

But for reasons that I cannot fathom, the Department of Justice has not told Congress or the American taxpayer what it is doing to bring these cases to justice. And it seems as though nothing is being done.

I believe we have an obligation to the American taxpayer to be protected against theft or misuse of tax dollars by corrupt contractors. Yet there is no evidence the Justice Department is doing anything about it. So absent this information, I can only conclude that nothing is being done about this corruption. If this is the case, then the recovery of perhaps billions of dollars in taxpayer money is being blocked.

While Congress and the American taxpayer remain in the dark about what the Justice Department is doing to combat contract corruption, False Claims Act cases continue to languish. The way it works is that the False Claims Act cases are automatically sealed. They cannot go to trial; they cannot be publicly disclosed until the Department of Justice makes a decision of whether to join them. Under the statute, these decisions are supposed to be made within 60 days. However, the Department of Justice is allowed to seek additional time where needed. This is appropriate because a lot of times these cases are very complex and require extensive investigation. However, these extensions cannot be allowed to become a form of indefinite delay, stretching out year after year after year. And I fear that is exactly what is happening. As I said, with just one exception, the Department of Justice has refused to take a position on any of the lawsuits related to Iraq and Afghanistan, some of which were filed over 3 years ago. Instead, the Department files for and receives indefinite extensions.

As a result, as I said, with one exception, every single whistleblower lawsuit has been effectively blocked by the Department of Justice. Fraud has gone unpunished, billions of taxpayer dollars continue to be squandered, and courageous whistleblowers who have come forward, often at great personal risk, have been left in a sort of legal limbo. As one attorney representing a whistleblower put it:

The Bush administration has made a conscious decision to sweep the cases under the rug for as long as possible. And the more bad news that comes out of Iraq, the more motivation they have to do so.

This situation is unacceptable. So my amendment would therefore require the Justice Department to report to Congress on a semiannual basis the efforts it is undertaking to ensure that it is investigating in a timely and appro-

priate manner all claims of contractor waste, fraud, and abuse related to the U.S. Government's activities in Iraq and Afghanistan. It would require the Department of Justice to report on similar executive branch interagency efforts. My amendment would prevent the Department of Justice from imposing undue secrecy on false claims civil actions related to Government spending in Iraq and Afghanistan by simply requiring the Department of Justice to tell Congress what it is doing to combat this corruption. Sharing this information with Congress is nothing out of the ordinary, but it is long past due. As a matter of good faith to our troops and to the American taxpayer, we need to move aggressively against corruption and war profiteering in Iraq, Afghanistan, and elsewhere. These cases have gone on too long.

In closing, I quote the British philosopher John Stuart Mill who said: "The proper office of a representative assembly is to watch and control the government."

Mr. President, hopefully this is a nonpartisan amendment. It is all about enabling Congress to provide meaningful oversight of executive branch activity consistent with our duty to do so under the Constitution and the law. It will enable Congress to know the administration's plans for rooting out contractor corruption in Iraq, Afghanistan, and elsewhere, and I urge my colleagues to support the amendment.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Whereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORNYN).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007—Continued

The PRESIDING OFFICER. The distinguished Senator from Virginia is recognized.

Mr. WARNER. Mr. President, the pending business is the DOD authorization bill and most specifically the amendments by Senator McCONNELL and Senator BILL NELSON of Florida. The McConnell amendment is to be voted on first, followed by a vote on the second amendment. Am I correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 4272, AS MODIFIED

Mr. WARNER. I shall address the McConnell amendment.

First, the amendments have a great likeness. But I felt, in working with the distinguished Senator from Kentucky, that his amendment—I ask unanimous consent that I be a cosponsor of that amendment.

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

Mr. WARNER. I believe very strongly that a second amendment was needed because of what we have been working toward—the United States and its coalition partners—from the very beginning, and that is to provide the Iraqi people with a sovereign nation in which they can exercise the full range of authorities and responsibilities of a sovereign nation. Therefore, they went about a series of elections. Every Member of this Chamber recognizes the courage of the Iraqi people in three elections. Then there was the formation of a permanent government, a unity government. Having achieved that, they are now beginning to exercise the full responsibilities of a sovereign nation. I was concerned that we, as a legislative body of our Nation, not indicate that we are infringing on their rights of sovereignty.

This whole issue of amnesty is an important one. I do not, in any measure, suggest it is not important. But I think we have to observe that they are a sovereign nation. How they go about it should largely be within the confines of their own wisdom and goals because our whole future is dependent on this Government and the people of Iraq taking back their country such that our forces can come back home. Whatever that Government does that is constructive toward reaching that goal I want to support. So in working on this amendment, I, working with the distinguished Senator from Kentucky, drafted one or two provisions with him which state as follows:

It is the sense of Congress that the goal of the United States and our Coalition partners has been to empower the Iraqi Nation with full sovereignty thereby recognizing their freedom to exercise that sovereignty. Through successive elections and difficult political agreements the unity government is now in place exercising that sovereignty. We must respect that exercise of that sovereignty in accordance with their own wisdom;

History records that governments derived of free elections should not grant amnesty to those who have committed war crimes or terrorist acts, and; [further]

The United States should continue with the historic tradition of diplomatically, economically, and in a humanitarian manner assisting nations and the people whom have fought once a conflict is concluded.

Mr. McCONNELL. Will the Senator from Virginia yield for a question?

Mr. WARNER. I am happy to yield the floor, if the Senator so desires.

Mr. McCONNELL. If the Senator will yield for a question, I say to my friend from Virginia: Is the Senator from Kentucky correct that the genesis of the Nelson amendment is a newspaper story quoting a lower level Government official, since dismissed by the Iraqi Government for suggesting that forces who may have killed American or Iraqi troops would be given amnesty? Is it not correct, I ask my friend from Virginia, chairman of the Armed Services Committee, that that lower level official has since been dismissed from the Iraqi Government?

Mr. WARNER. Mr. President, he was fired.