paid $35 for his first ride in a prop jet plane. C.W. realized his dream after graduating from Eastern Kentucky University with an aviation degree.

A kind man, during his and Sarah's courtship, C.W. helped care for her father with terminal cancer. As a pilot, he received commendations from Federal Aviation Administration officials who flew on his plane. A few days before the crash, he and Sarah celebrated their 8-year wedding anniversary.

This past Sunday, at C.W.'s funeral, 300 mourners pinned on pairs of pilot's wings. Mourners also got to see Mr. Lamb, a tiny stuffed lamb that C.W. bought for his wife on a whim about 3-years ago at an airport gift shop. Now, their toddler son Calvin James takes Mr. Lamb everywhere.

Sarah has said that as she raises Calvin James, she will be sure to teach him the words his father took as his motto: ''In dreams and in love, there are no impossibilities.'' We hope it is not impossible that one day, Calvin James will soar as high as his father did.

Last week's crash also robbed the world of Patrick Smith, 58, of Lexington. Pat's ultimate destination that morning was Gulfport, MS. That was only a short distance for him. Because of his volunteer work with Habitat for Humanity, Pat had traveled to Ghana, Sri Lanka, Northern Ireland, South Africa, Mexico, and India to build houses for those less fortunate than he.

Pat was a member of Habitat for Humanity International's Board of Directors, as well as the board of his local Lexington chapter, and had served with the organization for more than 15 years. He excelled at organizing fellow volunteers from Kentucky and leading them in their humanitarian efforts.

Under his direction, 80 Kentucky volunteers constructed 26 houses in small fishing villages in southern India for people who had lost everything in the tsunami of 2004.

He also helped those closer to home. Pat's final trip to Gulfport was to follow up on the work he had already done in 7 trips to Mississippi before, for a project to build 13 houses on South Carolina Avenue to replace the ones that were washed away by Hurricane Katrina.

Pat's wife Jean often accompanied him on his projects, although last Sunday on Flight 5191 Pat traveled alone. Pat had done so much good work for the organization that he was named Habitat's volunteer of the year in 2003.

Several of Pat's volunteer projects were sponsored by his church, Cathedral of Christ the King. He worked as a partner at a Lexington industrial automation company, Versa Tech Automation.

Pat once stated very simply the reason he had dedicated so much of his time and efforts to volunteer work: ''We have an obligation to help.'' Now his wife, Jean, and their children and grandchildren will rely on the help of others as grief sets in.

I am glad that newspapers all across Kentucky have printed details like these about the victims of the terrible crash of Comair Flight 5191. This way we can know not just how these people died, but also how they lived.

I am also grateful that even in such dark times, the generosity and kindness of Kentucky continues to shine through. Local volunteers have been invaluable to the relief and recovery effort, and to the families that have been left behind to grieve.

Volunteers from local chapters of the Salvation Army served as chaplains and grief counselors. They also served more than 1,000 meals and over 6,000 snacks and drinks to relief workers at the crash site.

The Bluegrass Chapter of the American Red Cross fielded dozens of volunteers, who helped arrange memorial services for the victims' families. They also worked as grief counselors and provided meals. Both groups say they will stay as long as there are workers at the crash site.

Local businesses pitched in as well with food, and toys for kids like Calvin James Fortney and others who lost a parent.

The National Transportation Safety Board is currently conducting an investigation into the cause of this crash. I intend to do everything I can to ensure that investigation proceeds smoothly, and that all of the questions we have can be answered as thoroughly as possible.

Mr. President, I have only been able to talk about a few of the 49 souls that were lost on a Sunday morning. If there is no objection, I ask unanimous consent that the names of every person who died on Comair Flight 5191 be printed in the RECORD.

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

COMAIR FLIGHT 5191

Rebecca Adams,47, Harrodsburg, Ky.
Lyle Anderson, 55, Ottawa, Ont.
Christina Anderson, 38, Inglewood, Ont.
Arnold Andrews, 64, Tampa, Fla.
Anne Marie Bailey, 49, Vancouver, B.C.
Bobbie Benton, 50, Stanford, Ky.
Jesse Clark Benton, 48, Stanford, Ky.
Carole Bizzack, 64, Lexington, Ky.
George Brunacini, 60, Georgetown, Ky.
Brian Byrd, Richmond, Ky.
Jeffrey Clay, 35, Burlington, Ky.
Diane Combs, Lexington, Ky.
Homer Combs, Lexington, Ky.
Fenton Dawson, Lexington, Ky.
Thomas Fahey, 26, Leawood, Kan.
Mike Finley, 52, London, Ky.
Clarence Wayne Fortney II, 34, Lexington, Ky.
Wade Bartley Frederick, 44, Danville, Ky.
Hollie Gilbert, Somerset, Ky.
Erik Harris, 28, Lexington, Ky.
Kelly Heyer, 27, Cincinnati area
Jonathan Hooker, 27, London, Ky.
Scarlett Parsley Hooker, 24, London, Ky.
Priscilla Johnson, 44, Lexington, Ky.
Nahoko Kono, 31, Lexington, Ky.
Tetsuya Kono, 34, Lexington, Ky.
Charles Lykins, 46, Naples, Fla.
Dan Mallory, 55, Bourbon County, Ky.
Steve McElravy, 57, Hagerstown, Md.
Lynda McKee, Richmond, Ky.
Bobby Meaux, Harrodsburg, Ky.
Kaye Craig Morris, Lexington, Ky.
Leslie Morris, Lexington, Ky.
Cecile Moscoe, 29, London, Ky.
Judy Ann Rains, Richmond, Ky.
Michael Ryan, Lexington, Ky.
Mary Jane Silas, 58, Columbus, Miss.
Pat Smith, 58, Lexington, Ky.
Tim Snoddy, 51, Lexington, Ky.
Marcie Thomason, 25, Washington, D.C.
Greg Threet, 35, Lexington, Ky.
Randy Towles, 47, Watertown, N.Y.
Larry Turner, 51, Lexington, Ky.
Victoria Washington, 54, Richmond, Ky.
Jeff Williams, 49, Centerville, Ohio
Paige Winters, 16, Leawood, Kan.
Bryan Woodward, Lafayette, La.
JoAnn Wright, 56, Cincinnati, Ohio
Betty Young, 74, Lexington, Ky.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. STEVENS. Will the Senator yield for a moment?

Mr. ALLEN. I yield.

Mr. STEVENS. Is there not an order to lay down the Defense bill now?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007—Continued

Mr. STEVENS. What is the pending business?

The PRESIDING OFFICER. The Defense appropriations bill is pending.

Mr. STEVENS. May I ask what the Senator from Virginia intended to do?

Mr. ALLEN. Mr. President, I wanted to call up amendment No. 4883. I was waiting for our chairman to be here, and ask I be recognized to offer this amendment. It will take approximately 5 or 6 minutes to offer the amendment.

Mr. STEVENS. I might say to my friend from Virginia, when we left this bill, the understanding was Senator KENNEDY's amendment would come first. We will be happy to have the Senator offer his amendment with the understanding it will come up after the amendment of Senator KENNEDY, if that will be agreeable to Senator KENNEDY?

Mr. KENNEDY. That is fine.

Mr. STEVENS. Is Senator KENNEDY's amendment the pending amendment?

The PRESIDING OFFICER. There is no amendment pending.

Mr. KENNEDY. I have it ready to send to the desk.

Mr. STEVENS. I yield the floor to have the Senator propose his amendment and then Senator ALLEN propose his amendment and we will come back to his amendment.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 4885

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself and our Democratic leader, Senator REID.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. REID, proposes an amendment numbered 4885.

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

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

The amendment is as follows:

(Purpose: To include information on civil war in Iraq in the quarterly reports on progress toward military and political stability in Iraq)

On page 235, between lines 2 and 3, insert the following:

(E) A determination by the Secretary of Defense, in consultation with the Secretary of State, as to whether there is a civil war in Iraq.

(F) A description of the criteria underlying the determination in subparagraph (E) of the Secretary of Defense, in consultation with the Secretary of State, as to whether there is a civil war in Iraq, including—

(i) an assessment of levels of sectarian violence and an estimate of civilian casualties as a result of sectarian violence;

(ii) the numbers of civilians displaced;

(iii) the degree to which government security forces (including the army, police, and special forces) exercise effective control over major urban areas;

(iv) the extent to which militias are providing security;

(v) the extent to which militias have organized or conducted hostile actions against the United States Armed Forces and Iraqi security forces;

(vi) the extent to which the Government of Iraq has developed and is implementing a credible plan to disarm, demobilize, and reintegrate militias into government security forces; and

(vii) the extent to which the Government of Iraq has obtained a credible commitment from the political parties to disarm and disband the militias.

(G) If the Secretary of Defense, in consultation with the Secretary of State, determines pursuant to subparagraph (E) that there is not a civil war in Iraq, the following information (in unclassified format):

(i) A description of the efforts by the United States Government to help avoid civil war in Iraq.

(ii) The strategy of the United States Government to protect the United States Armed Forces in the event of civil war in Iraq.

(iii) The strategy of the United States Government to ensure that the United States Armed Forces will not take sides in the event of civil war in Iraq.

(iv) The progress being made by the Government of Iraq in disarming or demobilizing militias or reintegrating militias into government security forces.

(H) If the Secretary of Defense, in consultation with the Secretary of State, determines pursuant to subparagraph (E) that there is a civil war in Iraq, the following information (in unclassified format):

(i) A statement of the mission and duration of United States Armed Forces in Iraq.

(ii) The strategy of the United States Government to protect the United States Armed Forces while they remain in Iraq.

(iii) The strategy of the United States Government to ensure that the United States Armed Forces will not take sides in the civil war.

Mr. KENNEDY. Mr. President, as suggested by the Senator from Alaska, I am glad to yield without losing my rights. I yield to the Senator from Virginia so he may offer his amendment. As I understand it, there is an agreement to dispose of it.

Is it the understanding of the Senator from Virginia that they are going to accept the amendment of the Senator from Virginia?

Mr. ALLEN. I say to the Senator from Massachusetts, I hope that Senator STEVENS and the committee will accept my amendment. I would not want to speak for them. But I surely so urge them. I think our body would support it. It is a very good amendment to help out in the funding for our soldiers, the men and women who come back with head injuries.

Mr. KENNEDY. Mr. President, I have no objection, obviously, to—

Mr. STEVENS. If the Senator will yield without losing his right to the floor?

Mr. KENNEDY. Yes.

Mr. STEVENS. It is our intention to suggest to the Senator from Hawaii, when he arrives, that we accept this amendment of the Senator from Virginia, but we don't accept amendments without bipartisan approval so I would appreciate it if the Senator will discuss his amendment after Senator KENNEDY has discussed his and we will await an opportunity to discuss it with the Senator from Hawaii.

Mr. KENNEDY. Mr. President, I have not had a chance to see the amendment of the Senator from Virginia that deals with head injuries. There is also an amendment, I believe, from the Senator from Illinois, Mr. DURBIN, on this subject as well. It is a matter of enormous importance and consequence. Hopefully, our committees will take action to deal with it at an appropriate time.

Mr. President, next week marks the fifth anniversary of the vicious attack on America by al-Qaida terrorists.

Despite the passage of time, Americans still vividly recall with enormous pain and sorrow that dark and somber day. We recall the nearly 3,000 Americans who were killed by al-Qaida terrorists. We recall the brave firefighters and first responders who sacrificed their lives so that others could live. We recall the twin towers crumbling before our eyes, and the Pentagon ablaze beneath a plume of smoke. And we recall the pledge by the administration and all Americans that this type of attack will never, ever occur again.

As we approach this anniversary, there is little doubt that the President will, once again, resort to the politics of fear in an effort to convince the American people that the Iraq war is central to the Global War on Terror.

Nothing is further from the truth. Scare tactics may have worked in the elections of 2002 and 2004, but this time, the American people know better.

The American people know that the war in Iraq was a distraction from the real Global War on Terror and that Iraq had nothing to do with al-Qaida.

The American people know that America should have kept its eye on the ball and captured Osama bin Laden—rather than rushing headlong into a war that we did not need to fight.

The American people know that the administration should have implemented fully the recommendations of the 9/11 Commission to protect our ports and support our first responders—rather than spending more than $200 million each day on a failed policy in Iraq.

The American people know that the war in Iraq has made Americans more hated in the world, created more terrorists, and made it harder to win the real Global War on Terror.

The American people know that while we have been bogged down in Iraq, North Korea's nuclear stockpile has quadrupled and Iran has continued its pursuit of nuclear weapons.

The American people know that we never should have gone to war in Iraq when we did, and for the false reasons we were given.

Most importantly, the American people know that the President's stubborn insistence that we ''stay the course'' does not make victory any more likely and that we need to change our policy in Iraq.

At almost every stage of the Bush administration's conduct of the war in Iraq, we have seen major miscalculations and serious mistakes that place our troops at greater risk and jeopardize America's standing in the world.

Military leaders and retired generals know it. Middle East experts know it. Our allies know it. Both Democrats and Republicans in Congress know it. And most important, the American people know it.

They saw it when the Bush team disbanded the Iraqi Army after the fall of Saddam but allowed thousands to walk away with their weapons.

They saw it when the Bush administration waited a full year to begin training the new Iraqi security forces.

They saw it when the White House failed to see the insurgency spreading like a cancer through Iraq.

They saw it when the Bush team failed to see the danger of roadside bombs and improvised explosive devices yet sent our troops on patrol day after day, month after month, year after year.

They saw it when the White House failed to provide proper armor for our troops, until Congress finally demanded it.

Unfortunately, the administration's repeated failure to see each new threat in Iraq has put our troops and our security in greater peril.

Today, once again, the administration refuses to recognize another seismic shift in Iraq—the dangerous prospect that we are drawn into a deadly and divisive civil war.

While the President and DICK CHENEY and Donald Rumsfeld are on the campaign trail claiming progress in Iraq, military leaders and experts are urging the White House to heed the disturbing warning signs in Iraq.

The President and his cabinet may not believe the fears of civil war are justified, but some of our military leaders do. General Rick Sanchez, former commander of the multi-national forces in Iraq, said as long ago as January 7, ''The country's on the verge of a civil war.'' General Peter Pace, Chairman of the Joint Chiefs of Staff, said on March 13 that, ''Everything is in place if they want to have a civil war.''

Our Ambassador to Iraq, Zalmay Khalilzad, is concerned about the threat as well. On March 7, he said, ''The potential is there'' for sectarian violence to become civil war. ''We have opened the Pandora's box and the question is, what is the way forward?''

General Abizaid acknowledged the clear danger when he told the Senate Armed Services Committee on August 3, ''I believe that the sectarian violence is probably as bad as I've seen it, in Baghdad in particular, and that if not stopped, it is possible that Iraq could move towards civil war.''

General Pace, at the same hearing, agreed about the threat of civil war. He said, ''I believe that we do have the possibility of devolving to a civil war, but that does not have to be a fact.''

Others think that a civil war may have already begun. Former Iraqi Prime Minister Allawi said in March that Iraq is probably in ''an early stage of civil war.''

The British Ambassador to Iraq wrote in August, ''The prospect of a low intensity civil war and a de facto division of Iraq is probably more likely at this stage than a successful and substantial transition to a stable democracy.

Our colleague from Nebraska, Senator CHUCK HAGEL, concurred, saying, in August that ''We, in fact, are in probably a low grade, maybe a very defined, civil war.''

General William Nash, who commanded our troops in Bosnia after that country's civil war ended, stated on March 5, ''We're in a civil war now; it's just that not everybody's joined in.'' He said, ''The failure to understand that the civil war is already taking place, just not necessarily at the maximum level, means that our counter measures are inadequate and therefore dangerous to our long-term interest.''

These leaders see what's really happening in Iraq—not just the White House spin.

They know that the polarization of communities along sectarian lines is increasing. In fact, 80 percent of the Iraqi people voted along sectarian lines in the recent elections.

Civilian casualties as a result of sectarian violence have skyrocketed. According to the United Nations, 5,800 civilians were killed during May and June of this year and another 5,800 were wounded. An estimated 100 people a day were killed in Baghdad in July. Militia attacks continue unabated. The Shiite militia forces are growing in strength. The widespread infiltration of government security forces by those whose principal loyalty is to their sectarian militias, not the government, is well documented. Interior ministry detention centers have been used to torture inmates just because they are Sunnis. Too often we hear that men wearing Interior ministry uniforms have abducted Sunni men and boys, who later turn up dead.

The numbers of civilians displaced or fleeing the violence is increasing as Shiites are forced from Sunni areas and Sunnis from Shiite areas. According to the United Nations, approximately 150,000 Iraqis had been displaced as of June.

Despite these trends and the warnings of the experts, President Bush stubbornly continues to deny that civil war is even a real possibility in Iraq.

Last December, he said, ''I know some fear the possibility that Iraq could break apart and fall into a civil war. I don't believe these fears are justified.''

The President reiterated the same view on February 28 when he said, ''I don't buy your premise that there's going to be a civil war.''

Again in March, President Bush dismissed the notion, saying, ''They know that they lack the military strength to challenge Iraqi and coalition forces directly—so their only hope is to try and provoke a civil war . . . By their response over the past two weeks, Iraqis have shown the world they want a future of freedom and peace—and they will oppose a violent minority that seeks to take that future away from them by tearing their country apart.''

In August, President Bush still denied that there was a civil war. He said, ''You know, I hear people say, well, civil war this, civil war that The Iraqi people decided against civil war when they went to the ballot box.'' Again, on August 21, he said, ''You know, I hear a lot of talk about civil war. I'm concerned about that, of course. And I've talked to a lot of people about it. And what I've found from my talks are that the Iraqis want a unified country and that the Iraqi leadership is determined to thwart the efforts of the extremists and the radicals and al Qaida and that the security forces remain united behind the government.''

For a third time, on August 31, the President denied the possibility of civil war. He said, ''This cruelty and carnage has led some to question whether Iraq has descended into civil war. Our commanders and our diplomats on the ground in Iraq believe that's not the case. They report that only a small number of Iraqis are engaged in sectarian violence, while the overwhelming majority want peace and a normal life in a unified country.''

I just wish the President would take a little time to read this report that was put out by the Department of Defense, on Stability and Security in Iraq.

I come back to that in a few moments.

Vice President CHENEY, too, has long denied the possibility of civil war. On March 19, he stated, ''What we've seen is a serious effort by them to foment civil war, but I don't think they've been successful.''

Secretary Rumsfeld dismisses it as well. In March he said, ''I do not believe they are in a civil war.''

That same month, Secretary Rumsfeld said, ''The terrorists are determined to stoke sectarian tension and are attempting to spark a civil war. But despite the many acts of violence and provocation, the vast majority of Iraqis have shown that they want their country to remain whole and free of ethnic conflict.''

In April, he said, ''I don't think a full-fledged civil war will take hold of the country.''

In May, in an eerie echo of the past, when asked what political and military contingences would be in place if a civil war occurred, Secretary Rumsfeld responded, ''I don't think the scenario that you have described is going to happen, but life's filled with things you don't think are going to happen.''

That's vintage Rumsfeld. ''Stuff happens,'' he said, in response to the chaos that erupted in Baghdad after the first days of the invasion, as though no one could have anticipated such a possibility and it made no sense to waste time planning for such possibilities. That attitude has plagued our forces and our country throughout this misguided war, and it must stop.

This, July, as the situation took another turn for the worse, he said, ''There certainly has been an upsurge in sectarian violence; there's no question but that they're trying to incite a civil war. And they have been for a long time, and they have failed so far.''

Secretary Rice also refuses to see the possibility of civil war in Iraq. In February, she said, ''I don't think there is a brewing civil war in Iraq.'' Despite the escalating casualties and increasing sectarian violence, on August 4 she said, ''I don't think Iraq is going to slide into civil war.'' Two days later she repeated the claim and said, ''But the important point here is that Iraqis haven't made a choice for civil war. Iraqis have made a choice for a unified government that can deliver for all Iraqis. And when I say Iraqis, I mean not just their leadership, which clearly has not made a choice for civil war, but their population.''

On the same day she again denied the possibility of civil war, stating, ''It would be really erroneous to say that the Iraqis are somehow making a choice for civil war, or I think even sliding into civil war.''

That's what the Bush team is claiming. They are so focused on the spin war on the campaign trail that they fail to see the real war in Iraq. They are so focused on using the war to win elections here at home that they fail to see the real needs of our troops in Iraq.

But this time, the American people aren't buying it. They've heard it all

before and are demanding honest assessments and realistic strategies. They know that the President and DICK CHENEY and Donald Rumsfeld can say it's not a civil war, but that doesn't make it so. They know that our brave men and women in uniform are doing everything they can to bring peace and stability in Iraq. They continue to fight insurgents and terrorists, but are at grave risk of being trapped in the middle of an unwinnable civil war.

That is why I am offering this amendment today with the Democratic leader. It requires the administration through the Secretary of Defense and the Secretary of State to provide an honest and candid assessment of the extent to which Iraq is now in a state of civil war. And even more important, the amendment requires them to say what we are going to do about it. How are we going to advance America's interests in Iraq in a time of civil war? How are we going to protect our troops from getting drawn ever deeper into an endless sectarian conflict?

An article in Newsweek magazine on August 14 indicates that although the Bush administration insists that Iraq is a long way from civil war, some inside the White House and the Pentagon have begun some contingency planning.

The administration should level with the American people about the real conditions and their planning.

And that's the purpose of our amendment today.

The amendment requires the Secretary of Defense, in consultation with the Secretary of State, to determine every 3 months whether a civil war is taking place and to inform Congress of the plan for our troops in the event of such a war.

For each determination, the Secretary of Defense and the Secretary of State will provide their assessment of the levels of sectarian violence such as the level of polarization of communities along sectarian lines and an estimate of civilian casualties as a result of the violence; the number of civilians displaced by the violence; the degree to which Iraqi government forces exercise effective control over major urban areas; the extent to which militias have been mobilized, are providing security, and attacking other Iraqis; and the extent to which the Government of Iraq has obtained a credible commitment from the political parties to disarm and disband the militias and are implementing a credible plan to disarm, demobilize and reintegrate militias into government security forces.

If the administration determines that Iraq is not in a civil war, the amendment requires a description of the efforts by our government to avoid civil war in Iraq, a plan to protect our troops in the event of a civil war, and a strategy to ensure that our troops don't take sides.

If the determination is that Iraq is in a civil war, the amendment requires the Secretary of Defense to explain the mission of our troops and its duration, his plan to protect our troops, and a strategy to ensure that they don't take sides in a civil war.

The amendment is needed to ensure proper planning in the event of civil war.

The trends in Iraq are discouraging and certainly point toward civil war.

Indeed, the September 1 report prepared by the Department of Defense on Stability and Security in Iraq reaffirms what the American people already understand: the conditions of civil war exist, violence in Iraq is spiraling out of control and staying the course is not a viable option.

The Department of Defense report says that concern about civil war within the Iraqi civilian population and among some defense analysts has increased in recent months. Conditions that could lead to civil war exist in Iraq;

Rising sectarian strife defines the emerging nature of violence in mid-2006;

Sustained ethnic and sectarian violence is the greatest threat to security and stability in Iraq;

Sectarian tensions increased over the last three months, demonstrated by the increasing number of executions, kidnappings, attacks on civilians, and internally displaced persons;

Civilian casualties increased by approximately 1000 per month since the previous quarter. Assassinations in particular reached new highs in the month of July. The Baghdad Coroner's Office reported 1600 bodies arrived in June and more than 1800 bodies in July, 90 percent of which were assessed to be the result of executions;

Sectarian violence is gradually spreading north into Diyala Province and Kirkuk as Sunni, Shiite, and Kurdish groups compete for provincial influencey;

Both Shia and Sunni death squads are active in Iraq, and are responsible for the most significant increases in sectarian violence;

Militias and small, illegally armed groups operate openly and often with popular support. The threat posed by Shiite illegal armed groups, filling perceived and actual security vacuums, is growing;

The security situation is currently at its most complex state since the initiation of Operation Iraqi Freedom. Overall attack levels are higher than the last three months. The average number of weekly attacks increased 15 percent and Iraqi casualties increased by 51 percent compared.

These facts are at odds with the administration's statements about civil war. Sectarian divisions are increasing. Mlilitia violence and death squad activity are increasing. The number of Iraqis fleeing the violence is increasing. Yet, the President continues to deny the possibility of civil war. The Vice President, Secretary of Defense and Secretary of State continue to deny it. As long as the administration continues to deny the plain truth, America will be behind the curve and unable to adjust to the current realities on the ground and protect our troops.

Instead of attacking those who want to change our course, President Bush ought to deal with the hard cold facts. This Defense Department report underscores the fundamental truth that our brave troops are being let down by an administration more interested in political spin than in finding a way to succeed.

The administration needs to look at all the facts and honestly address the question of civil war for the sake of our military and the American people.

This legislation creates a continuing obligation to ensure that analysis on civil war is done regularly. Unfortunately, this is necessary, because the Congress has forced the administration to step up to the plate on Iraq time and again.

The facts in the report say one thing about civil war, but the conclusion about civil war says another. We need an honest assessment from the Secretaries of Defense and State about the conditions on the ground, and that is what the Kennedy-Reid amendment would require. We also need some hard thinking within the administration and a clear plan to protect our troops in a civil war.

At every step of the way, this administration has missed the threat to our troops, and Democrats in Congress have had to force the issue.

The Democrats in Congress have had to force the issue:

We had to require accounting of progress being made to train Iraqi troops so our soldiers can begin to come home.

We provided over $1 billion in additional funding for vehicle armor to upgrade the armor on Humvees.

We are demanding an updated National Intelligence Estimate on Iraq because the administration has failed to provide one in more than 2 years.

We provided more than $175 million for democracy programs in Iraq when the Bush administration's budget did not provide it.

We need an honest accounting of the situation so we can adjust accordingly and protect our troops. And we need a plan to protect our troops. The President's stubborn insistence on staying the course impedes success.

Our soldiers and the American people deserve more from the administration. Together, the Secretary of Defense and Secretary of State need to set the White House's political agenda aside and directly and thoughtfully address this ominous threat.

The administration acts as if the mere discussion of civil war is defeatist. They have it exactly backwards. This amendment is an effort to make sure that the administration confronts and deals with the facts on the ground in Iraq and recognizes the emerging threat before it consumes our troops.

This is the only way to achieve any measure of success. For too long, the Bush administration has pursued policies that have failed utterly to carry the day in Iraq and have made America less safe.

Unfortunately, this administration has decided that domestic politics require that it stay this failed course through November, and so they have refused to confront the facts in Iraq. Instead, they have chosen political spin, false claims of progress, and baseless attacks on those who focus on the reality of the situation.

We must do better. This administration owes it to the American people. Even more importantly, dealing with reality is essential and necessary to protect the lives of our brave soldiers.

Iraq's future and the lives of our troops are close to the precipice of a new disaster. The time bomb of civil war is ticking, and our most urgent priority is to defuse it.

Our Government should work to reverse the downward spiral. And Iraqi leaders must make essential compromises to strengthen their government, prevent civil war, undermine the insurgency, and deal with the festering problem of militias.

For the sake of our men and women in uniform and the stability of Iraq, all Americans are anxious for success, but we need to be realistic enough and smart enough and humble enough to understand that even our best efforts may not prevent a civil war from overtaking events in Iraq.

We need to begin planning now for this possibility. That's what this amendment requires.

Such planning is not an admission of defeat. It is essential and necessary for protecting the lives of our service men and women in Iraq, who are performing so admirably today under such enormously difficult circumstances.

Mr. President, I will not include this whole report in the RECORD—it is 63 pages—but I will reference it.

Mr. STEVENS. I made arrangements to put a copy of the report on every Senator's desk by tomorrow morning.

Mr. KENNEDY. I appreciate that. During the course of the week, individuals may quote from it, as I did earlier today and may again. I will not ask that it be printed in the RECORD, but it should be available for anyone concerned about the debate on Iraq. It is an enormously important document and is a ''must read'' for every Member of Congress—certainly for the American people—to have a real understanding of what we are facing in that country.

I yield the floor.

Mr. STEVENS. Mr. President, the Senator from Virginia will offer his amendment, so I will not take much time now. I will respond to the Senator from Massachusetts.

I have just returned from being present when the President of the United States made a tremendous statement about the situation in Iraq and the world in terms of the war on terror. My view of the situation is much different from the Senator from Massachusetts. I read this report that is before the Senate now as being an up-to-date analysis of the situation that exists now.

I sometimes wonder what would have happened in Korea if, after some of the major losses in Korea, the Senate had decided we ought to ask the Truman administration to make more reports, produce more reports, require analysis of what was going on, and have hearings.

We are about in the same situation. This report does conclude—that is why I think everyone should read it—the concerns over civil war that are expressed. It says that notwithstanding this concern, there is generally no agreed-upon definition of civil war among academics or defense analysts. Moreover, the conflict in Iraq does not meet the stringent international legal standards for civil war.

That is a situation of the statement that exists now. To require another set of reports when we get these every quarter is unwarranted. This was released September 1. We will get another one the first of January. We do not have to have an amendment to do this.

However, as we discussed, it may be possible to take this amendment to conference and work it out so we get some ideas. If they want additional information in the next report, we can arrange that; however, it does not have to be a conflict. It does not have to have as much political rhetoric, I say to my friend from Massachusetts. I am a little bit tired of political rhetoric concerning this conflict, which is a global conflict against terror. It is more than the war against Iraq, against Saddam Hussein. There is no question about that. I urge the Senator to read the President's speech today, the quotes he has given to us from the President of Iran, from the people involved with Hezbollah, from the people involved in the various dissident factions throughout the world that are demanding we surrender to them, that we kneel down before them and accept defeat. This Senator is not ready for that kind of rhetoric to come to this Senate. I hope it does not.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. STEVENS. I am happy to do that, yes.

Mr. KENNEDY. In my remarks, I said we ought to have kept our eye on the ball, which was al-Qaida and the terrorists, and not gone into Iraq.

As the President of the United States knows, there were no weapons of mass destruction in Iraq. As the 9/11 Commission reported, there was no connection between Iraq and al-Qaida's attack on this country.

So we have a rush to war. Instead of focusing on the problems of al-Qaida, North Korea and Iran, we are now mired in a war in Iraq.

The Senator is making my point. We should have focused on the dangers of Iraq. That is a completely different situation than in Korea when the Chinese Communists crossed the river. There was a real issue in terms of our national security. The case has was not made that Iraq posed a threat to our national interest or security. That case was not made in the Senate. And the arguments that were made were inaccurate.

Mr. STEVENS. I still have the floor.

Mr. KENNEDY. All right.

Mr. STEVENS. I will be glad to debate the Senator any time.

Again, I urge the Senator to read the President's statement before he criticizes it. The President has made a very significant statement today of where we are. He will make another statement tomorrow.

I have looked at the report. Every Senator should look at it. We should decide whether there is a deficiency. If there is, we will be glad to take the amendment to conference and try to work out some language that will not be political rhetoric. I sense it is political rhetoric, I say to my friend from Massachusetts. I hope it does not get that far. It is still a war against terror.

Our job ought to be to get this bill passed so we can get the money to these people for sure by October 1. The longer this bill is delayed, the more trouble our people in uniform are going to have. I have been arguing that now for a month. There is no question this bill has to be signed by September 30.

I am not going to prolong this by debating politics in the Senate. I will say we will do our best to take as many amendments as we can to conference and try to work out something that will meet with the agreement of the Congress as a whole so we can get this bill signed.

I yield the floor. We have an agreement that the Senator will be able to propose his amendment.

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

AMENDMENT NO. 4883, AS MODIFIED

Mr. ALLEN. Mr. President, I call up my amendment, No. 4883, and I send a modification to the desk and I ask the reading of the amendment be dispensed with.

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

The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN] proposes an amendment numbered 4883, as modified.

The amendment is as follows:

(Purpose: To make available from Defense Health Program up to $12,000,000 for the Defense and Veterans Brain Injury Center)

At the end of title VIII, add the following:

SEC. _____. Of the amount appropriated or otherwise made available by title VI under the heading ''DEFENSE HEALTH PROGRAM'', $19,000,000 shall be available for the Defense and Veterans Brain Injury Center.

Mr. ALLEN. Mr. President, I am proposing an amendment to provide an additional $12 million that shall be available to the Defense and Veterans Brain Injury Center and centers all across our country.

We are in the midst of a war against terrorist organizations. They are vile. They are hate filled. They are al-Qaida, they are Hezbollah, Islamic Jihad, Hamas, and a variety of different organizations. The battlefronts are all over the world. We have troops deployed in Iraq. We have troops in Afghanistan. Our friends and allies are having to fight Hezbollah, a puppet surrogate of Iran. These terrorists have hit all over the world. They have hit, obviously, in Iraq and Afghanistan. They have hit in Israel. They have hit in Jordan. They have hit in India, the Philippines, Indonesia, Spain, and London. They are still trying to hit us. Fortunately, the British intercepted airplanes that would be used in another terrorist attack.

They use a lot of different devices in this war. They use bombs and a variety of IEDs. They use rocket-propelled grenades. They use land mines. I was talking to a woman from Afghanistan a couple weeks ago. I asked for her perspective of Afghanistan. She said that things are better, but the terrorists are hitting schools.

I asked: Why are they hitting schools?

And she said: Because we are educating women in Afghanistan, and from the al-Qaida/Taliban point of view, women are not to be educated.

Our service men and women are serving very courageously in Iraq and Afghanistan and other places in the world. They deserve to have the best possibile equipment when they go into battle or into dangerous combat zones. We need to make sure our troops are outfitted with the best body armor, the most technologically advanced armaments, weapons, and communication devices that are possible so that they are safe and that we can defeat these terrorist enemies.

The same principles apply when our brave men and women return home from the theaters of war. We need to make sure our servicemembers receive the best possible medical care for any injuries that may have arisen while they were in these combat zones. We need to make sure our soldiers receive the proper mental health treatment to deal with any issues of post-traumatic stress disorder or appropriate counseling to help adjust back into civilian life.

For those soldiers returning home with an injury, we need to make sure our medical treatment facilities have sufficient funding and also the professional services and the most up-to-date technology so our servicemembers receive the quality care they deserve.

One of the more prevalent injuries in Iraq right now for our soldiers is traumatic brain injuries. According to the National Institute of Neurological Disorders and Stroke, a traumatic brain injury occurs when a sudden trauma causes damage to the brain. Traumatic brain injury can result when the head suddenly and violently hits an object or when an object pierces the skull and enters brain tissue.

According to the Office of the Surgeon General of the Army, 64 percent of soldiers recently wounded in Operation Iraqi Freedom sustained blast injuries, which are the leading cause of traumatic brain injuries for Active-Duty military personnel in war zones. These blast injuries are the result, as I said earlier, of RPGs, rocket-propelled grenades, or IEDs, otherwise known as or short for improvised explosive devices, and also landmines.

Soldiers, I say to the Presiding Officer and my colleagues, suffering injuries from these devices require specialized care from providers with experience in treating traumatic brain injuries. One of the key components of this care is the Defense and Veterans Brain Injury Center, which is located at Walter Reed Army Medical Center—the site that receives more casualties from theaters of operations than any other military treatment facility.

The Defense and Veterans Brain Injury Center provides state-of-the-art medical care, innovative clinical research initiatives, and educational programs on traumatic brain injury to assist Active-Duty servicemembers and veterans. The Brain Injury Center is actually a multisite medical care facility with operations in California, Texas, Florida, Minnesota, North Carolina, and in my home Commonwealth of Virginia. In Virginia, the Hunter Holmes McGuire VA Medical Center serves as a national referral center for traumatic brain injury cases and other diseases. They partner with Virginia Commonwealth University in Richmond to provide the best quality service for treatment and recovery, as well as research. And I suspect the facilities in other States, probably provide similar services. I just know very much about the McGuire facility in Richmond and also the Walter Reed site and have seen the expert staff as they review the daily incoming casualty reports and identify the patients who have sustained injuries caused by blasts or falls or other incidents. They have evaluated and treated hundreds of patients.

These centers really do provide outstanding specialized care, such as rehabilitation—for speech and physical rehabilitation—and education. These patients need to be helped to return to the highest possible level of function.

These centers are performing a very admirable job and doing the best they can; however, we need to make sure, whether it is McGuire in Richmond, whether it is Walter Reed, or one of these facilities in Minnesota or Florida or Texas or California or North Carolina—this work I have seen at these centers, at least at McGuire in Richmond and Walter Reed, are providing great services. I can tell you firsthand, by the way, how the soldiers are reacting to it and also the response from family members who are seeing slow but steady progress for many of their loved ones. They greatly appreciate it.

That is why I am offering this amendment, to make available from the Defense Health Programs an additional $12 million, which would increase it from $7 million to $19 million—an additional $12 million in funding that shall be available to the Defense and Veterans Brain Injury Centers for this work, including blast mitigation.

It is my view this is the least we should do. This is exactly what we should be trying to do to help our men and women who are bravely sacrificing so much to protect our freedom at home while trying to advance freedom for other people around the world.

George Washington cautioned that ''the willingness of future generations to fight for their country, no matter how just the cause, will be proportional to how they perceive previous veterans are treated.'' This amendment is a long step forward—a long step forward—in that direction, and I strongly urge my colleagues in the Senate to support my amendment, as modified.

I understand other colleagues apparently share my concerns about the adequacy of such needed funding for brain injury services. I hope the Senator from Illinois, who I know shares my views on this issue, and other Senators on both sides of the aisle—that we could work together in a bipartisan manner to get this job done, to make sure we effectuate this bipartisan solution for this very pressing need to make sure those who have brain injuries—head trauma and injuries from blasts—whether in Afghanistan, whether in Iraq, or anywhere else in combat zones—to make sure they have the right treatment.

We have the professionals in this country, but we need to make sure they have adequate funding for this clear and present need.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I would ask the Senator to allow me to become a cosponsor. I hope the Senator from Illinois will, also. We had a little disagreement before about funding in this area, but I have no disagreement with the necessity for funds, particularly after a report we received just this August on the nature and extent of these matters. I think this money is needed. So I would be willing—and I think the Senator from Hawaii will have no objection to this—I would be pleased to——

Mr. KENNEDY. Will the Senator yield for a question?

Will the Senator from Virginia just yield for a question?

Mr. ALLEN. I would be pleased to yield.

Mr. STEVENS. Mr. President, I have the floor, for just a second, if I may. I

would urge Senator DURBIN, if he will, to join us. Again, it is a matter of expediting our bill. I know he has an amendment, too. But I believe the numbers are the same and the intent is the same, and we should all cosponsor it, as far as I am concerned.

I yield the floor.

Mr. KENNEDY. I was just asking the Senator how this is different from the Durbin amendment. I note the Senator was in the Chamber earlier. How is this amendment different? I was a cosponsor of his amendment.

Mr. ALLEN. I would have to look at the details. That is why I mentioned the Senator from Illinois, and I and others, I think, share the same concern. The main point, the main concern—which is making sure the professional services were there, the adequacy of the devices, the adequacy of the health care professionals—I think was actually fairly identical. I have not looked at the measure of the Senator from Illinois. It appears that we are going down the same stream, in the same direction.

Mr. STEVENS. If the Senator will yield for a question?

Mr. ALLEN. Yes.

Mr. STEVENS. I believe the main difference was the amendment of the Senator from Virginia said ''may'' and the amendment of the Senator from Illinois said ''shall'' in terms of the $19 million. And you have used the word ''shall'' from the amendment of the Senator from Illinois, have you not?

Mr. ALLEN. Yes, as modified. Thank you. However, the point is it is $19 million, and it shall be appropriated for this function.

Mr. KENNEDY. So you have accepted what was in the Durbin amendment; that is, that shall be spent?

Mr. ALLEN. The point is, my amendment was going to be $19 million regardless. And my view was, we needed added funding, and this will make it absolutely clear.

Mr. KENNEDY. I thank the Senator because I was a cosponsor. I did not pay close attention to the presentation, but I was a cosponsor of Senator DURBIN's amendment, as I understand, as printed. And listening to the Senator from Virginia, it appears it is virtually identical to what the Senator from Illinois had proposed. I am glad we will have an opportunity to take action on it.

Mr. ALLEN. I would say, Mr. President, to the Senator from Massachusetts, this is an opportunity for all of us to come together in a bipartisan fashion. I know one of the occasions when I was at Walter Reed Hospital the Senator from Massachusetts was there at the same time. And we see the outstanding work the professionals provide for those men and women who have been injured.

This is one issue where I believe all Americans, regardless of party, regardless of region, need to come together to make sure funding is there.

I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, was my request to be added as a cosponsor to the amendment granted?

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

Mr. STEVENS. Mr. President, 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. DURBIN. 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. DURBIN. Mr. President, Senator ALLEN filed an amendment numbered 4883, which was on the same subject matter as my amendment numbered 4884 that was filed. I have been told by staff that he has modified his amendment so it is now identical to mine; is that correct?

Mr. ALLEN. I believe so. Mr. President, my amendment was filed before the Senator's and his was filed after. I have not read the Senator's amendment, but as modified, the best I have heard from talking to Senator STEVENS and listening to the Senator from Massachusetts, they seem to be very close, if not identical.

Mr. DURBIN. I think the changes in language the Senator made to his amendment have made them virtually identical, so it appears we are setting out to do the same thing.

So that there is clarity in the record, I want to make sure I understand this. My amendment said $19 million will be available to this program for defense and a veterans brain injuries center. Is that the Senator's modified amendment?

Mr. ALLEN. Rather than ''will,'' it would be ''shall'' in my amendment.

Mr. DURBIN. Yes. So they are identical at this point.

Mr. ALLEN. The Senator wasn't here. I mentioned that I would love for us to work together on a bipartisan basis to effectuate our shared goal.

Mr. DURBIN. That is exactly what we should do.

I ask unanimous consent that the cosponsors of my amendment—and there are some eight cosponsors and myself. Let us do this as a bipartisan amendment since we are doing exactly the same thing. Is that acceptable to the Senator?

Mr. ALLEN. Agreed.

Mr. DURBIN. Mr. President, I would like to make a statement in support of the amendment at this point. I think we all understand that the war we are fighting in Iraq has resulted in injuries that are much different than in previous wars. Many times our soldiers would go to war and face other soldiers and enemies with rifles aimed at them trying to kill them. Now most of our soldiers and marines are coming home with injuries related to trauma from these homemade bombs, these IEDs which are being exploded. As a consequence, the signature wound of the wars in Iraq and Afghanistan for American soldiers has become traumatic brain injury.

Many of my colleagues who have visited injured servicemen at military Veterans Administration facilities across the Nation understand this is a new challenge for us. We say to the men and women in uniform: If you will risk your life and stand up for America, we will stand by you. If you are injured, we will make sure we do everything humanly possible to get you back on your feet and back at home and into your normal life.

So now we know that traumatic brain injury is a new challenge for us, in greater numbers than we have ever seen in previous conflicts. The leading organization within the DOD to deal with this is the Defense and Veterans Brain Injury Center. They started it in 1992, and the clinical treatment and research conducted by that center has really tried to define optimal care for survivors of traumatic brain injury.

This center is located at Walter Reed, one of our greatest hospitals in America. It has other sites in Texas, California, Virginia, Florida, North Carolina, and Minnesota. The center's current budget is $14 million. That fiscal year ends in just a few weeks. The leaders at the center requested $19 million for the coming year. They say there are more patients. That is obvious from the soldiers coming home. They say the cost of long-term care has gone up. The current staffing requirements and need for research to improve treatment and prevention all require more funds, so that $14 million this year would not be enough for next year. The appropriations bill we seek to amend, unfortunately, cut the funds for the center. In fact, it cut them in half to $7 million. That is totally inadequate, even for this year, and would not meet the need for next year.

The center estimates that 1 out of every 10 servicemembers in Iraq and 2 in 10 troops in the front lines return from combat tours with concussions. It is the nature of combat in Iraq, where insurgents use roadside bombs instead of bullets. That produces more brain injuries. As of today, more than 1,700 wounded servicemen have come back from Iraq with brain injuries. Half of them are severe enough to permanently impair thinking, memory, mood, behavior, and their ability to work. In Vietnam and previous 20th century wars, brain injuries were just 12 percent of injuries. In Iraq and Afghanistan, it is almost double—22 percent.

According to a recent study by researchers at Harvard and Columbia, it is estimated that the cost of medical treatment for these individuals with brain injuries from the Iraq war will be at least $14 billion over the next 20 years. So when we speak of the real cost of war at this point, we are talking about not only the current injuries

that are being treated as the soldiers return home but their long-term care and rehabilitation, which is part of our responsibility as well.

This brain injury center is completely different from other brain injury programs and initiatives. It focuses on the well-being of those who put themselves in harm's way for our country. It is not just research, it is treatment based. It links injured soldiers to clinical studies where cutting-edge treatments are explored. It does this with all members of the military, Active-Duty personnel and reservists as well. No other brain center combines treatment and clinical studies for the immediate benefit of our servicemembers.

This brain center also focuses on the unique needs of the military and veteran beneficiaries, including return-to-duty considerations, continuation of care with military and veterans hospitals, and TRICARE.

I offered amendment No. 4884 along with Senators MENENDEZ, MIKULSKI, KENNEDY, BINGAMAN, KERRY, LAUTENBERG, and OBAMA. They have all joined me in offering this amendment. I sent out a ''dear colleague'' last week, and I am happy to have their support. Now we are going to combine our amendment with Senator ALLEN's efforts so that it is a bipartisan effort to pass this amendment.

This amendment will allow the brain center to meet its current administrative and staffing requirements and maintain talented professionals who are essential for the soldiers to get back on their feet. My colleagues can clearly see that the brain injury center is directly related to the needs of our warfighters and will go a long way toward treating the signature wound of our conflicts in Afghanistan and Iraq. It is not just another research program.

Before the August recess, there was a lengthy debate about my attempts to put more money into research for traumatic brain injury, which was voted down on the floor. This is treatment as well as research and therapy. It is time for us to take decisive action.

I am proud that the Veterans of Foreign Wars, Disabled American Veterans, the Iraq and Afghanistan Veterans of America, the National Military Families Association, the American Legion, and the Blinded Veterans Association all support my amendment for more funding for the brain injury center. I hope my colleagues will also support our injured troops fighting this war by supporting this amendment.

Thank you, 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. DURBIN. 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. DURBIN. Mr. President, I am going to ask unanimous consent, but I will make it clear that if there is any modification at a later point that Senator ALLEN suggests, I will be glad to work with him. I believe this is our understanding based on the colloquy we had.

I ask unanimous consent that amendment No. 4883, Senator ALLEN's amendment, be shown as the Allen-Durbin amendment and that my cosponsors be added as cosponsors to this amendment. My amendment No. 4884 and Senator ALLEN's are identical.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. If Senator ALLEN wants to change that in any way, I will be happy to do it.

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.

Mrs. BOXER. 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. STEVENS. Mr. President, will the Senator yield to me? I wish to make an inquiry of the Chair.

Mrs. BOXER. I am happy to yield to my friend.

Mr. STEVENS. Mr. President, what is the order? Is the order that we go to the judge nomination at 4:30?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, I ask the Senator—I don't know how long she intends to speak; I don't even need to ask—when she is finished, will she put in a quorum call if it is before 4:30, please?

Mrs. BOXER. I will be happy to do so.

Mr. STEVENS. I thank the Chair.

Mrs. BOXER. Mr. President, I rise today, as we debate the Defense Appropriations bill, to talk about the leadership of the Secretary of Defense and to relay to my colleagues on both sides of the aisle what I heard, as I was out and about in California, about his comments and the need, in my opinion, to change direction at the Department of Defense.

During this break, I was home in California working. There is a lot of anxiety in the land. Today, a new poll came out and showed a huge percentage of the American people—a huge percentage—angry, actually angry about what is happening in this country today. If you probe and find out, there are many issues. They are angry about the economy, which they are part of, where they see corporate profits way up but wages stagnant or falling—wages that cannot even keep up with inflation. They are angry at deficits. They are angry at debt. They are angry at good jobs going overseas. They are angry at the oil companies. They are angry at this Congress for doing nothing about that, not even supporting antigouging legislation. But the one thing they are angry and upset about more than any other is the war in Iraq.

So I think it is time that the Senate go on record and state very clearly that we are not satisfied with the way things are going. We are angry as well. We are upset as well. So over the recess, when Secretary Rumsfeld made his latest speech, which turned into an attack on the American people who oppose this war—61 percent of the people; he called them appeasers—I just said enough is enough, and I announced that I was preparing a resolution asking the President for new leadership at the Pentagon.

I know today Secretary Rumsfeld is having elective surgery on his shoulder. I want him to know this is not about his personality, it is about his policies. I wish him well today. But I do think it is time for new leadership at the Department of Defense.

Last week, Secretary Rumsfeld compared critics of the Bush administration's failed policies in Iraq to those who wanted to appease fascism and Nazism in the run up to World War II. On this rampage, he said that those people who oppose this administration's war in Iraq failed to learn the lessons of history.

I have served in the Congress since 1983. I was sworn into the House that year, and in 1992 was sworn into the Senate. So it has been a long time. I have served with four Presidents, Republicans and Democrats. I have yet to see a situation where a President of the United States, in the middle of a horrific situation where we are losing our beautiful young men and women every day, where they are coming home with post-traumatic stress disorder, with severe brain injuries—and I am very pleased that Senators DURBIN and ALLEN have gotten together so we have a bipartisan amendment to help our soldiers as they come home dealing with these brain injuries—but I have never seen a President of any party offer no hope, no exit, no way out.

The best this President can say is: As long as I am President, we are going to be in Iraq. Is that a policy? Is that a plan? Is that a strategy? Is that hope? It isn't.

We hear the Secretary of Defense essentially give no hope either. His answer is to lash out at those of us who want to give some hope, who want to find a way out of this. But he went too far. He went too far because he attacked the American people. That is what he did. I believe that Secretary Rumsfeld, who thinks that those of us who believe this war is not going well and that we need an exit strategy are wrong, is failing to learn the lessons of history as he melds together the war on terror and the war in Iraq.

He says we don't understand history. I say to him: I voted to go to war against the terrorists. Every single Senator, Democrat and Republican,

voted to go after the people who attacked us, voted to go after the terrorists.

Let me remind the Secretary that according to a publication of this administration's own Department of State, there was not at that time one al-Qaida cell in Iraq, when there were many here in America. So don't blend this. It isn't going to work anymore. The people are too smart for this. It was al-Qaida who struck the United States on September 11, 2001—not Iraq—a country that didn't have a single al-Qaida cell. It had a brutal dictator worthy of the worst possible fate but not one al-Qaida cell, by this administration's own reports that I have made public time and time again. The American people get it. Today, 61 percent of the American people, nearly two-thirds of all Americans, oppose the war in Iraq. The American people are right. They understand the difference. They understand that the President and the Secretary of Defense, saying over and over: Iraq, war on terror, same thing, doesn't make it true.

When President Bush was asked directly a few weeks ago on August 21, he said: Iraq had nothing to do with the terrorist attack of September 11, 2001. But then I am assuming everyone gets together and says: Well, the only way we can try to win over the American people and get them on the side of this war is to tell them over and over again that the Iraq war is about getting the terrorists. While Osama bin Laden is on the loose, while the Taliban are gaining strength in Afghanistan, while we took our eye off that prize, while we lost the support of the world, we went into Iraq. Secretary Rumsfeld is wrong when he says we don't understand this.

Osama bin Laden remains at large. America is bogged down in a war that becomes increasingly costly in dollars. My last memory is that it is costing $8 billion a month. Eight billion dollars a month, while we can't get $1 billion to take care of 1 million kids who have no place to go after school. That is just one comparison. While we are told we can't afford interoperable communications for our police, $8 billion a month is being spent in Iraq. And the treasure of our young people, each and every day—today I heard right now, another four—today, another four.

Now, here is the situation: We have to hold people accountable. When I face the electorate, I am held accountable. Everything I ever did that people didn't like, believe me, I hear about it. There are 30-second commercials about it and people get to look at it and they hold me accountable. Secretary Rumsfeld should be held accountable. Time and time again he has been wrong about Iraq, and time and time again he has responded to his own mistakes by playing politics and attacking the American people and their patriotism if they oppose his ill-advised decisions and now calling them appeasers. Appeasers, the new ''word du jour.''

It was Secretary Rumsfeld who failed to heed the warnings of military planners and experts that the overthrow of the Iraqi regime would be a prolonged and costly undertaking. In fact, he failed to heed even his own advice. I would like to share Secretary Rumsfeld's own words with you to illustrate this point. This is what Secretary Rumsfeld said his guidelines would be:

> U.S. leadership must be brutally honest with itself, the Congress, the public, and coalition partners. We must not make the effort sound even marginally easier or less costly than it could become. Preserving U.S. credibility requires that we promise less, or no more, than we are sure we can deliver. It is a great deal easier to get into something than it is to get out of it.

Now, this is the text of a memorandum: ''Guidelines to be considered when committing forces,'' written by Defense Secretary Donald Rumsfeld in March 2001. So this is 2 years before Iraq. ''It is a great deal easier,'' he said, ''to get into something than it is to get out of it.''

But he didn't follow his own guidelines. He never even had a plan to get out of it.

So I remember very clearly his other quote. He said:

> This war could last six days, six weeks. I doubt six months.

That was February of 2003.

And then he said in February of 2003:

> There is no question but that American forces would be welcomed by the majority of the civilian population of Iraq.

Now, if he said this and no more—I would say you have to hold someone responsible who has done all of this: set out guidelines and then turns around and doesn't pay attention to his own guidelines; predicts the war would, at tops, last 6 months, he doubted it; and that we would be welcomed by the majority of the civilian population of Iraq. He ought to tell that to a mother I just met with whose military son was training the Iraqi military when one of the Iraqi military killed him in cold blood. Tell that—tell that to the military moms that I meet with.

It was Secretary Rumsfeld who said on March 30, 2003:

> We know where they are, the weapons of mass destruction. They are in the area around Tikrit and Baghdad and east, west, south and north somewhat.

I remember sitting across from him, just a few feet, looking right into his eyes after we had started looking for the weapons of mass destruction, and he still held to all that: Oh, I know. You turn left at the fountain. It was that kind of a response. We know exactly where they are. Well, they had relied on people who were phonies. Their intelligence was wrong. But his judgment was to listen to those folks who were known to be exaggerators.

It was Secretary Rumsfeld who said on April 11, 2003, in the wake of widespread looting after the fall of Saddam Hussein when they were looting the museums, there was no law, there was no order. We had no plan. Our military did everything that was asked of them and they did it perfectly. There was no plan. And this is what he said in light of this widespread looting:

> Stuff happens, and it's untidy and freedom's untidy, and free people are free to make mistakes and commit crimes and do bad things.

What a message. We now know—and we knew then as we watched it—that this looting set the stage for the climate of fear and lawlessness that persists to this day in Iraq. No plan. Oh, we were going to be there 6 months tops. Our troops were going to be loved. Oh, yeah, and if they just did a little looting, this is nothing.

It was Secretary Rumsfeld who sent brave young American men and women into combat without sufficient body armor, telling the young soldier who had the guts to ask him a question about this, he said:

> As you know, you go to war with the Army you have, not the Army you might want or wish to have at a later time.

What kind of comment is that? Why would he not say:

> Young man, you had the guts to ask that question, and I am going to make sure that we do everything we have to do to make you as safe as you can be.

He needs to go.

It was Secretary Rumsfeld who sat back, without doing anything, in the face of widespread violence, the rise of sectarian militias, and the rapid growth of the insurgency. We went and asked questions of him time and time again. It was the same thing, always: Everything is going great. There are a couple of bad apples, a couple of bad apples.

It was Secretary Rumsfeld who presided over the Pentagon during the Abu Ghraib Prison abuse scandal which diminished U.S. standing in the world and caused irreparable harm to the image of the U.S. military. I remember looking at a document that the Secretary had approved of, where he said, these are the things that he thinks we should be able to do to the prisoners, and it was pretty shocking. But what has happened to this country is we have never been held in lower esteem, ever, than we are today.

This face, Secretary Rumsfeld's face, and this history, Secretary Rumsfeld's history, is dogging this country. I hope the President would see this, and we know he is extremely loyal, but it is time to be loyal to the troops now. It is time to be loyal to the families now. It is time to be loyal to the American people now who are very angry about what they see. It is time for him to go and get a fresh face in there. There are a number of people—and I wouldn't even consider putting any names out because it is not appropriate for me to do that. But there are many men and women in this country who could take on this task and bring a freshness to the job, a new perspective, someone who isn't tied down to past misstatements, past mistakes, and now this attack that he unleashed, this tirade on the American people.

It is time for new leadership, new direction, and new vision. We can do better. We have to do better. And I have to say in this conversation that there have been many on the other side of the aisle, both sitting in the Senate and also running for the Senate, who have also shared a critique of this particular Secretary of Defense. There is one in particular on the other side of the aisle who expressed no confidence in Secretary Rumsfeld. A number of retired generals who served our country with honor and distinction have called for Secretary Rumsfeld's resignation over his mishandling of the Iraq war, including GEN Anthony Zinni, GEN Wesley Clark, LTG Gregory Newbold, who actually was part of the team that laid out the invasion plan for Iraq and who appeared before the Foreign Relations Committee and clearly offered a better way a year, a year-and-a-half ago, a better way out of this war. MG John Batiste, MG Charles Swannack, Jr., MG John Riggs, and MG Paul Eaton. We remember what happened. As soon as these generals had the courage to go out and say something, they were slapped down hard by this administration, essentially saying they had no right to express themselves. Well, quite the contrary. Quite the contrary.

I heard my leader, HARRY REID, say something very interesting one day. He quoted Teddy Roosevelt, the Republican President, who said something like this. I am paraphrasing, but I am using very similar words. He said: In a time of war, if you don't agree with the commander in chief and you say nothing, you are guilty of treason. That is a Republican President. How much have they changed? Now if you try to say anything, they slap you down. These generals deserve our thanks for having the courage to come forward, having the courage to say we need new leadership at the Pentagon.

MG Paul Eaton, who was responsible for training Iraqi security forces from 2003 to 2004—and, by the way, that is a hard job. I saw it being done when I was in Iraq last. MG Paul Eaton wrote in the New York Times on March 19, 2006, that Secretary Rumsfeld, ''has shown himself incompetent strategically, operationally, and tactically, and is far more than anyone else responsible for what has happened to our important mission in Iraq. Mr. Rumsfeld must step down.''

This is not easy for former generals, to say these things. What is important is that we hear them. Not that we say you have no right to speak. This is America. They have the obligation to speak, and each of us has the obligation to speak. No one in this country should be afraid of saying what is on his or her mind. If we get to that point, we are in deep trouble.

Talk about the lessons of history—we have our men and women in uniform fighting to give the Iraqis a chance at freedom. They are doing every single thing they can do. They have accomplished every single mission. We can go back to the missions they have completed. Those missions changed constantly.

First it was find the weapons of mass instruction. Well, they found they were not there. Then we said get rid of Saddam Hussein, and they captured him and he will meet his fate. Then they said there is some trouble here, let's show we are tough, so they killed his sons, and then the administration chose to put those pictures on television, thinking that would send a message: Don't mess with us.

Then they said we have to have an election. Our troops were magnificent. They set the stage for the election. Then they said we have to train their troops, and they trained their troops. Then they said they need another election, and they did it again. They did an extraordinary job.

But they cannot want freedom and democracy more than the Iraqis want it. Name one country that could be a country but has to rely on a foreign power to run the country and to provide the security. You can't find a country that is surviving in that situation. You cannot.

We just saw, in Lebanon, Hezbollah, a terrorist group, acting like a state within a state. That is unacceptable. The world is coming to Lebanon's rescue. Hopefully it will work and they will stop attacking Israeli soldiers and sending their rockets into Israel and they will leave the Lebanese alone and the Lebanese will protect their security. We cannot do the job of security for the people of Iraq if they are not interested in doing it.

Let me say, when I was over there, there is an attitude there that we will just stay forever, that they never have to do this. There is an attitude over there like that. I don't mind being Uncle Sam, but I sure don't want to be Uncle Sucker. This isn't right. This isn't fair. This isn't just, to send our people back and back and back, to second tours of duty, third tours of duty, to do a job the Iraqis must do for themselves.

This sectarian violence is the problem. The Bush administration itself, while they try to make this a war on terror, says and teaches us that it is a small percent of the violence that is coming from the terrorists. The vast majority is sectarian violence. That is why the American people are seeing through this. What they are learning is that in fact this operation in Iraq is shorting the war on terror.

I spoke before about Afghanistan. We went in there with the vote of every single Senator, to get the terrorists. We had the world in our hands. Then we made a detour, turned around, and now Afghanistan is having trouble. That should have been the model we used. That would have sent the message. We would have gotten bin Laden. We would have ended the Taliban. Now they are all creeping back in, as is the drug trading. This adventure in Iraq has weakened the war on terror. When Secretary Rumsfeld refuses to see that clearly and tells us it is all one, he is confusing the public purposely because he sees, politically, the people are catching on.

How many more troops do we have to lose? Madam President, 2,652 troops have lost their lives in Iraq and nearly 20,000 have been wounded. The cost of this war will soon reach $318.5 billion. We don't have enough money to insure our children for health care. We don't have enough money to protect our ports. We don't have enough money for interoperable communications. We don't have enough money to protect our nuclear powerplants and our railroads. And while we are taking away lip gel from women on planes, they are still not checking the cargo that goes inside the planes. We can't afford it—oh, no. But we can afford this and tax cuts to millionaires—again and again and again.

I guess we can afford these deficits and we can afford the debt that is reaching such a major proportion that it is not only our children but our grandchildren, and maybe theirs, who will have to pay off this debt. And we were on our way to a debt-free America when this administration took over.

We have shortchanged the war in Afghanistan, which is the central front of the war on terror. According to the New York Times, suicide bombings have doubled. The roadside bombs attacks, modeled after those carried out in Iraq, are up 30 percent. The United Nations announced Saturday that this year's opium crop in Afghanistan has reached the highest levels ever recorded, yielding extraordinary profits that we know fall back into the hands of the very people we are trying to defeat.

Tragically, attacks against schools are on the rise, and attacks against women. In January, armed men in the Zabul province of Afghanistan beheaded a high school headmaster in front of his children. By March, half of the schools in the province had closed and attacks reached an average of one a day.

We are losing ground. Iraq, Iraq, Iraq—24/7—Iraq, Iraq, Iraq. There are no time lines, no deadlines, no hope, no vision, no plan. The only thing we know from this President is, as long as I am in power, he says, we will be in Iraq.

We are weaker in Afghanistan because of Iraq. We are weaker on homeland security. I call this administration soft on homeland defense because they will not do what needs to be done. There are things we could do right now, today, that absolutely make eminent sense. They are not politics. They are not politics. The 9/11 Commission came out with a number of recommendations, dozens of them. We know they said that it is important that we either screen the cargo for explosives—the cargo that goes on passenger planes—or we have blast-resistant cargo containers installed so if

there is a blast, it will remain inside the container and not bring the airplane down.

Do you think this administration will do this? Let me tell you no, and let me tell you how I know—because I sit on the Commerce Committee. We have jurisdiction over the FAA. Years ago, I had an amendment pass the committee that said: Let's test these blast-resistant containers. Usually they would be made out of Kevlar. If you have ever seen Kevlar, had an experience with Kevlar, you know this is a fantastic product we can use. Oh, no, they are still studying it. And they are still not inspecting cargo.

So when we are told the alerts are up, of course we have every reason to be worried because we are not doing what we should be doing because we are spending $8 billion a month on Iraq, we are spending $318 billion, we are stretching our military thin, we are soft on homeland defense, and we have neglected Afghanistan.

The face of this policy, in addition to the President, is Secretary Rumsfeld. Now as he looks around the world, he has to see it. Everybody does see it. You can dream about a better world, but all you have to do is open any newspaper—I don't care whether it is a liberal or conservative one or independent or moderate—and you know what is happening on the ground all over the world. You see it. From Darfur to Afghanistan to Iraq to Iran to North Korea to London—where, thank God they foiled the plot of the terrorists there.

Instead of saying maybe it is time we just look at our priorities and do a little bit more—we all know in America that the war on terror is going to be with us. We all know we have to be prepared. We all know they do not give up. We all know they will try again. We all know al-Qaida is still out there, with bin Laden—but even if it didn't have bin Laden, it would still be out there. Yet what does Secretary Rumsfeld do? He starts a fight by calling the American people, who do not agree with him—the majority, vast majority—appeasers when they understand very clearly that the war in Iraq is a diversion from the war on terrorism and that we are failing on the war on terrorism because we have not invested in it and haven't focused on it. The American people want us to do that. It is time for a new direction.

I brought to the attention of the Senate the threat from shoulder-fired missiles. Two dozen terrorist organizations have them. They sit on the shoulder, they weigh 35 pounds, and they can catch an airplane. Oh, they are slow-walking that. They just don't have the money. They tested it, but they are slow-walking it.

It is time for accountability. I do not think staying the course with a failing policy in Iraq has anything to do with appeasing the Nazis before World War II. Get with the current moment, Mr. Secretary and Mr. President. Let's get a fresh face over at the Department of Defense. Let's move forward with hope. Let's move forward with a plan. Let's win back the confidence of the American people together, all of us. And let's win back the confidence of the world.

I believe it starts with accountability. That is why I plan to support an amendment that will be offered to this bill calling for new leadership at the Department of Defense.

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

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. SPECTER. Madam President, before the time arrives for consideration of the judicial nominee, I ask unanimous consent to proceed as in morning business.

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

SUDAN

Mr. SPECTER. Madam President, I urge my colleagues to forcefully express themselves, to urge and perhaps even compel the Government of the Sudan to proceed to accept a United Nations peacekeeping force of some 20,000 to bring stability to that area. We have seen a drastic situation evolve where some 3 million people have been displaced—perhaps a few more, perhaps a few less—and some 300,000 have been killed. The fighting goes on between the Government of Sudan and the rebels.

And the prospects are for additional bloodshed and significant displacement of refugees are great unless there is some forceful action taken by the United Nations.

The proposal has been made to have 20,000 U.N. peacekeepers deploy to Darfur to try to stabilize the situation. Regrettably, this has been rejected by the Government of Sudan.

Just today, the New York Times reports that the Government of Sudan has given the African Union an ultimatum—either proceed under the terms of the Government of Sudan, which is characterized by the news report as "blackmail," or for the African force of some 7,000 proposed peacekeepers—they really are ineffectual in the job—to vacate the country by September 30.

I participated last Thursday, August 31, in a forum in the Trinity Cathedral in downtown Pittsburgh where concerned citizens gathered to decry the situation, to urge United Nations' action. The following day, I wrote to the President requesting that a Special Envoy to Sudan be appointed.

I ask unanimous consent that my letter to President Bush, dated September 1, be printed in the RECORD.

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

Hon. GEORGE W. BUSH,
The President, the White House,
Washington DC.

DEAR MR. PRESIDENT: I write to express my support for your efforts to bring an end to the ongoing crisis in the Darfur region of Sudan and to urge the immediate appointment of a Special Envoy to Sudan.

I commend the hard work of your Administration to achieve the Darfur Peace Agreement (DPA), which was signed by the government of Sudan and the Sudan Liberation Army (SLA) faction led by Minni Arku Minnawi on May 5, 2006. I also applaud your efforts to mobilize international support for the deployment of a United Nations (U.N.) peacekeeping force to replace the African Union (A.U.) force currently in the region. I believe the DPA and deployment of a U.N. force are important steps towards ending the crisis in Darfur, which to date has led to over 200,000 deaths and 2 million people displaced from their homes and dependent on international aid agencies for survival.

Unfortunately, the refusal of many rebel groups to sign the DPA, the limited capabilities of the A.U. peacekeepers, and rejection by the government of Sudan of the deployment of a U.N. force, has led to continued violence and further deterioration of the humanitarian situation in Darfur. In July, the U.N. World Food Program (WFP) reported that more than 470,000 of 2.8 million planned beneficiaries did not receive food assistance due to the deteriorating security conditions. To make matters worse, reports indicate that the government of Sudan is preparing a renewed assault against rebel groups that remain outside the DPA. Aid officials, cited in a August 31, 2006 article in The New York Times, stated that a military offensive in Darfur could lead to the "complete evacuation of humanitarian workers in Northern Darfur, which would leave millions without a lifeline" and that the resulting loss of life "could dwarf the killings in 2003 and 2004".

The DPA was signed in great measure due to the work of then-Deputy Secretary of State Robert Zoellick. However, in light of his resignation and the fragility of the prospects for a sustainable peace in Darfur, I urge that you immediately appoint a Special Envoy to Sudan. With so many lives hanging in the balance, it is vital that the U.S. demonstrate its commitment at the highest level to the success of the Darfur peace process. I believe the appointment of a Special Envoy, charged to proactively work with all parties to fully implement the DPA and secure the deployment of a U.N. force represents the best prospect for avoiding further catastrophe in Darfur.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Madam President, I ask unanimous consent that a report of USA Today, dated August 31, be printed in the RECORD. The headline is "U.S. Reporter's Arrest Shows Sudan Has Something To Hide." The reporter was arrested because he reported the truth which the Government of Sudan is trying to conceal.

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

[From USA Today, Aug. 31, 2006]

U.S. REPORTER'S ARREST SHOWS SUDAN HAS SOMETHING TO HIDE

The great journalists, writer Pete Hamill has said, are "men and women who take a torch to the back of a cave and report what they see to the rest of the tribe."