

Employees who earn less than \$8,060 per year are automatically entitled to overtime. The Department of Labor wants to raise that floor to \$22,100. The increase would provide automatic coverage to 1.3 million workers, the administration says, while labor groups say the number is much smaller. An increase in the minimum level is overdue (it was last raised in 1975), but the amount proposed by Labor—\$5,000 less than would result simply from adjusting for inflation—is too low. The proposed rules would also make it more difficult for employees who earn more than \$65,000 to qualify for overtime pay.

The biggest problem with the changes would be in the middle range of workers who earn between \$22,100 and \$65,000. In this area, the new rules would give employers far more freedom to disqualify employees. For example, employees would be considered exempt "executives" if they managed a department, directed the work of two or more other employees and had their recommendations about hiring, firing or promotion "given particular weight." Thus, a \$23,000-a-year supermarket produce manager could be refused overtime pay. The Labor Department says the changes are merely intended to make the rules easier to apply, not to deprive anyone of overtime. Yet it's hard to see how some of its gauzy new tests are going to promote any less misunderstanding. Administrative workers, for example, are defined as those who hold "a position of responsibility" with the employer, something that is in turn defined as doing "work of substantial importance" or "requiring a high level of skill or training."

Labor Secretary Elaine L. Chao, dismissing the arguments of those who "think employers are out to exploit workers," says that businesses are lobbying for the changes "not because they're getting any particular benefit but because they just want clarity." But employers and their advisers see it differently. Hewitt Associates, a leading human resources consultant, noted that "employees previously accustomed to earning, in some cases, significant amounts of overtime pay would suddenly lose that opportunity." Assessing the rules in a memo to clients, Proskauer Rose, a law firm that represents employers, noted, "Thankfully, virtually all of these changes should ultimately be beneficial to employers." Workers who earn overtime derive a quarter of their income, on average, from overtime pay. They might not be quite so thankful.

Mr. HARKIN. Mr. President, I ask to be recognized on my own time.

The PRESIDING OFFICER (Mr. TALENT). Under the previous order, there are 9 minutes 40 seconds left on the Democratic side.

Mr. HARKIN. I appreciate that. I will not take that much time.

#### THE CIA LEAK

Mr. HARKIN. Mr. President, I also wanted to again comment on the stories appearing in the media about the leaked information regarding an undercover CIA agent. As we all know by now, a law was broken. It is a Federal crime under the Intelligence Identity Protection Act of 1982 to intentionally disclose information identifying a covert agent by anyone not authorized to receive classified information. Conviction under this crime is punishable by up to 10 years in prison and a fine of \$50,000.

What do we know so far? We know a columnist, Mr. Robert Novak, received

this information. He printed it in his column in the newspaper.

It is interesting that we now find there were other journalists given that information, but they did not write this. They did not print it. That raises questions in itself as to why Mr. Novak went ahead and wrote this.

We know this was put out into the public. We know—at least it has been alleged—that Mr. Novak said he got the information from a "high administration official." The other journalists, I guess, who got this information said the same thing. We don't know whether it is in the White House or where it is. But there are all kinds of rumors and allegations floating around.

Now I see the Justice Department is starting to investigate. Isn't that a sweetheart deal? Attorney General John Ashcroft, appointed by this President, investigating the President. If a situation ever cried out for a special counsel, this is it.

Yet yesterday when the Senator from New York, Senator SCHUMER, wanted to just have a sense-of-the-Senate resolution that a special counsel should be appointed, the other side raised a non-germane objection to this. We will continue to bring up this sense-of-the-Senate resolution. In fact, when we have the opportunity, we will ask to have a vote on whether a special counsel ought to be appointed, someone more independent than Mr. Ashcroft.

There is a piece missing from the puzzle. We know a law was broken. We know Mr. Novak, a journalist, printed in his column that it came from somewhere in the administration. But here is the missing part of the puzzle that no one is writing about. Whoever gave that information to Mr. Novak got that information somewhere. This is classified information. The question is, Did someone in the CIA voluntarily give that information to this individual? If that is the case, we have a real problem in the CIA. If, however, someone in the administration is saying the National Security Council, which has access to this kind of classified information, then gave this information to another individual in the administration, then we have a real problem in the National Security Council of someone deliberately leaking this classified information.

It is not enough just to find out who gave the information to Mr. Novak. We have to find out how that individual got the information in the first place.

Mr. DURBIN. Will the Senator yield? Mr. HARKIN. Let me finish this.

Did that individual have that information given by the CIA? Was it given to him by the National Security Council? How did that individual come by this classified information? That is the missing part of this puzzle.

I yield to my friend.

Mr. DURBIN. I ask the Senator from Iowa, does it not show the depths which have been reached if someone in the White House is prepared to not only discredit but to disclose the iden-

tity of an intelligence agent, perhaps compromising their professional career, maybe endangering their life, in order to settle a political debt?

I ask the Senator from Iowa, who has a memory of this—as I do, as well—this is an echo of an enemies list of Richard Nixon's era where they have decided at any cost they will go after their enemies, even in the commission of a Federal felony, to disclose the identity of Ambassador Wilson's wife.

The Senator from Iowa is correct. It is true that the lengths to which this administration is willing to go to silence its critics harken back to an era that was one of the darkest eras in Presidential politics.

Mr. HARKIN. Again, I thank the Senator from Illinois for his question.

Why was this name leaked to this columnist? It was to somehow discredit her husband. What had her husband done? He told the truth about the lack of any evidence showing Iraq had gone to Niger to obtain basically uranium or yellow cake. He had gone there to investigate, said there was nothing to it. So he told the truth. And now the administration, because a truth did not comport with their imagination about what was going on in Iraq, obviously put Mr. Wilson on their enemies list.

I say to the Senator from Illinois, this really does bring back memories of enemies lists. The administration will go to any length, to the length of breaking a law, to try to discredit anyone who tries to point out the truth about what went on in Iraq.

Mr. DURBIN. If the Senator will continue to yield, this calls for a special prosecutor. Does the Senator from Iowa recall last year when there was a suspected leak of information from the Senate Intelligence Committee, the FBI, under Attorney General Ashcroft, called on every member of the Senate Intelligence Committee to submit to a polygraph—for every Senator to submit to a polygraph? I ask the Senator from Iowa, what is the likelihood that Attorney General Ashcroft is going to ask the highest ranking officials in the White House to submit to a polygraph and then disclose to the public whether or not they have agreed to do so?

Mr. HARKIN. I say to my friend from Illinois, I am not serving on the Intelligence Committee. I had heard and been aware, and now the Senator has validated that fact, the FBI did ask members of the Senate Intelligence Committee to take polygraphs. Again, it is a fair question the Senator asks: Will the FBI ask all senior members of this administration to sit down and take a polygraph test? If they asked Senators, why would they not ask the White House? I don't know. Will they?

Mr. DURBIN. Further questioning the Senator from Iowa, I don't believe in polygraphs. I never recommend them. Most State courts do not recognize the results, I don't think they are accurate. But it was a pressure tactic by the FBI to try to get Senators on the Intelligence Committee to say publicly whether they would submit to a

polygraph. It is an indication of what they can do when they want to.

The question is, Will they do it? Would Attorney General Ashcroft's Department of Justice do that to the highest ranking officials in President Bush's White House? The answer is obvious. So I ask, does that not make the case for a special prosecutor?

Mr. HARKIN. Absolutely. The Senator from Illinois is correct. This points to the need for a special counsel, someone independent of the Justice Department. This is serious stuff.

I notice that the columnist, Mr. Novak, said, well, this woman is just an analyst for the CIA.

I don't know. I never met these people. But now I understand she was indeed an undercover agent overseas. She may be doing something at the CIA right now, but prior to that she was. Again, I have no knowledge of this. I only know what I have been reading in the papers.

It seems to me, in our war on terrorism, our best asset is not a missile; it is not a nuclear device; it is the information we get. And if there is a chilling effect out there—that is what this is, a chilling effect—on getting information, it is a serious blow to our fight against terrorism.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The time on the Democrat side has expired.

The Senator from Minnesota.

#### R&R TROOP RELIEF

Mr. COLEMAN. Mr. President, I rise to talk about the men and women on the front line in Iraq defending America in the fight against terrorism. We cannot forget them. There are a lot of other things going on in Washington—including, by the way, the discussion of who said what to whom.

I digress for a moment to comment on calls for a special prosecutor. I am a slight student of history. In 1999 there was an effort in this body, led by Senator COLLINS from Maine, a bipartisan effort, to put in place a provision to allow for a special prosecutor. It was blocked, it was stopped, by the very same folks today talking about the need for a special prosecutor. I will be very blunt: We are hearing rank political hypocrisy when it comes to claims about a special prosecutor.

I also note the calls that: The administration did this, the administration did that. The President of the United States has been very clear. If someone in his administration leaked information or did something that is illegal, they will be held accountable. That is what the administration has said.

We have to get away from the politics and simply do the right thing. The American public get it. They see through it. Unfortunately, it casts a negative light on everyone when every battle is a political battle other than simply doing the right thing.

One of the right things, by the way, being done is, today the Pentagon has

rolled out a program to bring troops home who have served in Iraq for over a year. These service men and women are going to get a well-deserved rest. Unfortunately, the program only provides for transportation to places such as Baltimore, Atlanta, Dallas, and Los Angeles. For folks who come from Minnesota, my State, that creates a burden and a hardship. Flights are very expensive if you have not planned 2 weeks in advance, costing literally thousands of dollars.

This is a good start. It does not go far enough. Because I want to make sure that the service men and women who had to pay—some, again, \$1,000 or more for same-day tickets to see their loved ones—I have submitted, along with Senator STEVENS, Senator DAYTON, and Senator DORGAN, an amendment to fix this unintended consequence of the R&R program.

If we acknowledge that our troops who have been in Iraq deserve a rest, we ought to make sure they get their way home. I thank the chairman of the Appropriations Committee, Senator STEVENS, who has said they will take care of this. My heartfelt thanks to the distinguished chairman of the Appropriations Committee.

#### IRAQ

Mr. COLEMAN. Mr. President, I speak today as a former mayor. I have been listening to the debate about the President's request for \$87 billion supplemental appropriations to support what our troops need in Iraq. Yet there are some, who want to divide that, who say: Yes, we will provide somehow \$67 billion; that is what the troops need on the military side, and to do that gives them moral clarity, while supporting an additional \$20 billion for infrastructure and other essential services is labeled as squandering American resources that could be better used at home.

Let me offer some insight on what it takes to build a city, what it requires to assure that those who live in a city feel ownership in their future, feel confident in their role in that city, and have the necessary confidence to move that city forward.

First, to rebuild a city requires patience. A broken and decayed city did not happen overnight, and it will not be fixed overnight. What happened in Iraq did not happen overnight. From 1970 onward, Saddam Hussein never had a budget; he did not invest in infrastructure. In fact, he pillaged and raped that infrastructure for his own needs, for his palaces, and to cover his friends.

So what you have are patterns of neglect that have set in and cities have become stale and moribund. Their infrastructure starts to collapse. That is what we have seen in Iraq. The water systems fail, the sewer systems fail, and the power grids blow out after years of no maintenance. The roads and sidewalks crack and shift and be-

come dangerous to use. So you have the state of decay.

Second, to restore confidence and hope in a city requires commitment and investment. Safe streets do not just happen overnight. You have to train a police force. You have to recognize that the best partners in fighting crime are not the guns in their holsters but the people who live in the neighborhoods who will support the law enforcement efforts.

Moms and dads living in a city need to have confidence in knowing the police are there to protect and serve them, not to conduct covert activities on behalf of the Government to deprive them of their freedom, their liberty, and their lives. That has been the pattern in Iraq for many years.

Third, to assure growth in a city, there must be a sense that there is a future in the city. This requires business believing there is room to grow. You have to grow jobs. You have to get paychecks to people who then invest in homes and libraries and streets and sidewalks.

Rebuilding a city is a tough job. Now, increase that on a grand scale of rebuilding a nation, and I hope my point is becoming more evident.

The fact is, rebuilding Iraq—all of Iraq—is as important to the protection of our soldiers as the equipment we give them to protect and defend themselves. We have to win the peace. We have to win the peace and not just the war.

Rebuild a neighborhood and you keep parents from becoming bitter that they do not have clean water or a functioning sewer. Make the investment in a library and you give the children a tool out of their despair and bring the light of learning and opportunity into their lives.

If you remove people's hopes, you remove their incentive to be participants in the community. And if you choose not to invest in their lives, their homes, their communities, and their businesses, they will turn away from the light and seek the darkness.

The threat our troops face in the months ahead in Iraq is not just from the Baath loyalists or foreign terrorists who are simply trying to live another day so they can kill another American soldier. The threat our troops face is that moms and dads in Iraq will lose confidence in the promise America made to them not only to liberate them from the brutality of Saddam Hussein but from the chains of despair.

We have seen it in our own cities. When we take away hope and confidence in people, they strike out. Ask any cop in any American city what he fears most: a gang member packing a Glock or a neighborhood where people don't care what goes on outside their locked doors and windows. You can always find a way to arrest the gangster, but it is nearly impossible to get people who have lost hope to open the doors to their lives once they have