

(C) 1 member shall be appointed by the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate;

(D) 1 member shall be appointed by the ranking minority member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the Speaker of the House of Representatives;

(F) 1 member shall be appointed by the Minority Leader of the House of Representatives;

(G) 1 member shall be appointed by the Chairman of the Committee on Education and the Workforce of the House of Representatives; and

(H) 1 member shall be appointed by the ranking minority member of the Committee on Education and the Workforce of the House of Representatives.

(2) **COMPENSATION AND EXPENSES.**—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(1) **ADMINISTRATIVE PROVISIONS.**—

(1) **LOCATION.**—The Commission shall be located in a facility maintained by the Equal Employment Opportunity Commission.

(2) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) **HEARINGS.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the objectives of this section, except that, to the extent possible, the Commission shall use existing data and research.

(5) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) **REPORT.**—Not later than 1 year after all of the members are appointed to the Commission under subsection (c)(1), the Commission shall submit to Congress a report that summarizes the findings of the Commission and makes such recommendations for legislation as are consistent with this Act.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Equal Employment Opportunity Commission such sums as may be necessary to carry out this section.

**SEC. 209. CONSTRUCTION.**

Nothing in this title shall be construed to—

(1) limit the rights or protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), including coverage afforded to individuals under section 102 of such Act (42 U.S.C. 12112), or under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(2)(A) limit the rights or protections of an individual to bring an action under this title against an employer, employment agency,

labor organization, or joint labor-management committee for a violation of this title; or

(B) establish a violation under this title for an employer, employment agency, labor organization, or joint labor-management committee of a provision of the amendments made by title I;

(3) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights or protections provided for under this title;

(4) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains;

(5) limit or expand the protections, rights, or obligations of employees or employers under applicable workers' compensation laws;

(6) limit the authority of a Federal department or agency to conduct or sponsor occupational or other health research that is conducted in compliance with the regulations contained in part 46 of title 45, Code of Federal Regulations (or any corresponding or similar regulation or rule); and

(7) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations.

**SEC. 210. MEDICAL INFORMATION THAT IS NOT GENETIC INFORMATION.**

An employer, employment agency, labor organization, or joint labor-management committee shall not be considered to be in violation of this title based on the use, acquisition, or disclosure of medical information that is not genetic information about a manifested disease, disorder, or pathological condition of an employee or member, including a manifested disease, disorder, or pathological condition that has or may have a genetic basis.

**SEC. 211. REGULATIONS.**

Not later than 1 year after the date of enactment of this title, the Commission shall issue final regulations in an accessible format to carry out this title.

**SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this title (except for section 208).

**SEC. 213. EFFECTIVE DATE.**

This title takes effect on the date that is 18 months after the date of enactment of this Act.

**TITLE III—MISCELLANEOUS PROVISION**

**SEC. 301. SEVERABILITY.**

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provisions to any person or circumstance shall not be affected thereby.

Mr. STEVENS. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

**EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004—Continued**

AMENDMENT NO. 1830

The PRESIDING OFFICER. There are 4 minutes equally divided on the Bingaman amendment.

Mr. STEVENS. This is a very serious amendment.

Parliamentary inquiry. There are 2 minutes on each side on the Bingaman amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Does the Senator wish to speak first?

Mr. BINGAMAN. I will defer to the Senator from Alaska.

Mr. STEVENS. I will yield our time to Senator WARNER, chairman of the Armed Services Committee.

Mr. WARNER. Go right ahead.

Mr. BINGAMAN. Mr. President, in previous military campaigns such as the first gulf war and Kosovo, and many before that, the Pentagon has issued campaign medals to service men and women who served in those conflicts. We need to do the very same in the case of our service men and women who are serving in Iraq.

The amendment I am proposing says the Secretaries of the respective services may issue an appropriate medal or campaign designation to any person who serves in any capacity in the armed services in connection with Operation Iraqi Freedom. In my view, this is much preferable to the Pentagon's current policy, which is that everyone should get a Global War on Terrorism Medal instead of a medal that relates to their service in Iraq.

The service men and women who are risking their lives in Iraq deserve to be recognized for their service in that country. This is a major military engagement we have gotten into here and there will be a lot of service men and women involved. We definitely should make this a separate medal.

That is the thrust of the amendment. Senator LUGAR is a cosponsor, along with many others. I ask unanimous consent to add Senators BYRD, LEAHY, and JEFFORDS to those who are already listed as cosponsors.

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

Mr. WARNER. Mr. President, I say to my colleagues, I would like to think of myself as the last person to ever take the floor of the Senate and say a man or a woman proudly wearing the uniform of the United States should not receive everything that is offered. But in this instance—I do not oppose this—I simply ask you to examine it in the sense of fairness. What do you say to the widow of someone who lost his life in Afghanistan? What do you say to those who have injured soldiers in the Horn of Africa, Liberia, Philippines, Colombia, and other places, all engaged in the war on terrorism?

I do not understand this. I have read it. I have reread it. It says, for example, to those serving in Iraq, prohibition of concurrent award of Global War on Terrorism Expeditionary Medal. They cannot receive it. For what reason, I do not know.

I say to my dear friend, a former member of the Armed Services Committee, this is a matter that requires

close examination. This issue of awarding men and women of the Armed Forces is properly reposed in the chairman and the members of the Joint Chiefs of Staff. They acted in March of this year to create the Medal for the Global War on Terrorism. Our distinguished Senator from South Carolina, while serving in the Army, got a star for the European theater for engagements; those who crossed the Anzio Beach, those in Africa, a star. There was one theater medal with stars given for the various engagements. That is not this situation. That says the one who served in Iraq should get something special the others do not receive. That is not fair, I say to my good friend.

Accordingly, at the appropriate time, I will move to table.

The PRESIDING OFFICER. The Senator is advised a motion to table is not in order.

Mr. BINGAMAN. Mr. President, this is not intended to prevent the Pentagon from issuing any other awards they wish with regard to Afghanistan or other locations, but it is clear to me that issuing a Global War on Terrorism Medal is not adequate for the service we are calling on our men and women to perform in Iraq. We should give them a medal for that campaign. That is all the amendment does.

I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. STEVENS. Mr. President, there is substantial interest in this amendment. I don't know if the Senator wishes to have any more time.

Mr. BINGAMAN. Mr. President, I have had plenty of time. I suggest we vote.

The PRESIDING OFFICER. All time is expired.

Mr. NICKLES. I ask unanimous consent the Senator from Arizona be allowed to speak for 3 minutes and the opposing side be allowed to speak for 3 minutes.

Mr. REID. Reserving the right to object, we are working very hard before the White House meeting to get in another vote. Could we limit this? I know everyone wants to hear these speeches, but could we try a minute or so on each side. Otherwise, we will waste the entire afternoon with White House meetings.

Mr. NICKLES. I renew my request to 2 minutes on each side.

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

The Senator from Arizona.

Mr. McCAIN. Mr. President, none of us understands a prohibition on a concurrent award of any other medal. This is unprecedented. Never in the history of our military has the Senate or Congress mandated the awarding of one medal or the prohibiting of an awarding of another medal.

We all want to honor the men and women who have served in the military and have sacrificed. Where is it that the Senator from New Mexico gets the

expertise or the knowledge to deny any medal that is judged by the leaders of the military and the President of the United States? It is very laudable to award a medal to people who served and sacrificed. Instead, the Senator from New Mexico has to complicate it to the point where the Senator from Virginia and I have to stand and say: What is this all about?

Mr. NICKLES. Will the Senator from Arizona yield?

Mr. McCAIN. So the point is, the Senator from New Mexico complicated an otherwise straightforward issue by deciding who is in what theater of war and what the war on terrorism is about. And the Senator from New Mexico should have left it alone.

Mr. NICKLES. Will the Senator from Arizona yield?

Mr. McCAIN. I am glad this is a bicameral legislature we have because I do not think the House of Representatives would ever agree to such a thing, nor would the leaders of our military.

I yield to the Senator from Oklahoma.

Mr. NICKLES. The Senator from Arizona—

Mr. WARNER. What do you say to the widow of someone who has lost their life in Afghanistan?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Correct me if I am wrong. It is my understanding the Department of Defense opposes this amendment.

Mr. WARNER. Correct.

Mr. NICKLES. For the reasons stated by the Senator from Virginia and the Senator from Arizona.

Mr. McCAIN. That is correct.

Mr. WARNER. That is correct.

Mr. McCAIN. I say to the Senator from New Mexico, we should be able to work this out to everyone's satisfaction, but if you insist on micromanaging to the degree of where people serve and what they are eligible for, then we will never be able to honor those men and women who serve.

Why didn't the Senator from New Mexico leave this alone?

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Mexico has 2 minutes.

Mr. BINGAMAN. Mr. President, the Senator from Arizona raises a valid point about the prohibition section, which is subsection (d). And I ask unanimous consent that be deleted from the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, I will object because—I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. BINGAMAN. Mr. President, the only argument I have heard against the amendment that, to me, made good sense was a concern about the prohibition provision, subsection (d) of the

amendment. I have asked permission to delete that and it has been denied.

So I would just simply suggest to my colleagues that it is more appropriate and more consistent with the policy of this country to give awards for major military conflicts such as what we have been engaged in in Iraq than it is to give a Global War on Terrorism award to everything that happens from 9/11 forward. The reality is, the people who are serving in Iraq deserve to be recognized for that. That is all we are trying to do with this amendment.

I urge my colleagues to support the amendment.

Mr. WARNER. How can you elevate a death or a loss in Iraq over one in Afghanistan?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Mexico has the floor.

Mr. BINGAMAN. Mr. President, let me say in response to my colleague from Virginia, if he would like to offer an amendment to give an award to those who served in Afghanistan, I will cosponsor and support that.

I have proposed something for the men and women who have served in the conflict in Iraq. And I think it is an appropriate thing for the Congress to do.

I urge my colleagues to support the amendment.

Mr. GREGG. Mr. President, I have a parliamentary inquiry.

Mr. BINGAMAN. Mr. President, are we going to have more debate on this amendment?

The PRESIDING OFFICER. The time on the majority side has expired.

Mr. STEVENS. Time has expired.

Mr. President, I call for a vote.

I opposed this before. The Department opposes it. I call for a vote.

Mr. GREGG. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator may state his inquiry.

Mr. GREGG. Is this motion divisible?

The PRESIDING OFFICER. The amendment is divisible.

Mr. GREGG. I move the item be divided. I ask for a division. I ask that the division be on subsection (d).

The PRESIDING OFFICER. The Senator has to give specifics on the division.

Mr. GREGG. Mr. President, I would ask that—

Mr. STEVENS. Parliamentary inquiry.

Mr. GREGG. All items after subsection (d)—page 3, line 8—be deleted, the question be divided on that point.

The PRESIDING OFFICER. Will the Senator restate the specifics of the division?

Mr. GREGG. Yes. My point is, on page 3, line 8, section (d), I ask that the motion be divided and that the motion be a separate motion on that section and everything that follows it within section (d).

The PRESIDING OFFICER. The amendment is divided.

VOTE ON AMENDMENT NO. 1830, DIVISION I

The question is on the first division. The yeas and nays have already been ordered.

Mr. STEVENS. Parliamentary inquiry: What are we voting on now, Mr. President?

The PRESIDING OFFICER. The vote now occurs on agreeing to division I, which is pages 1 and 2 and 3 through line 7 of the original amendment. The yeas and nays have previously been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Minnesota (Mr. DAYTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 48, as follows:

[Rollcall Vote No. 378 Leg.]

YEAS—47

Akaka	Dorgan	Levin
Baucus	Durbin	Lincoln
Bayh	Feingold	Lugar
Biden	Feinstein	Mikulski
Bingaman	Graham (FL)	Murray
Boxer	Gregg	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Chafee	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dodd	Leahy	

NAYS—48

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nickles
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Fitzgerald	Sessions
Bunning	Frist	Shelby
Burns	Graham (SC)	Smith
Campbell	Grassley	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voivovich
Crapo	McCain	Warner

NOT VOTING—5

Dayton	Kerry	Miller
Edwards	Lieberman	

The amendment (No. 1830—Division I) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, parliamentary inquiry: What is the procedure now?

VOTE ON AMENDMENT NO. 1830, DIVISION II

The PRESIDING OFFICER. The question occurs on division II of amendment No. 1830.

Mr. REID. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on this vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to division II of amendment No. 1830.

The amendment (No. 1830—Division II) was rejected.

Mr. STEVENS. Mr. President, I simply say that I am sorry about this recent dispute. In the period of time before lunch, I made a statement, based upon a memo we got from the Department of Defense, that pointed out that the medals in question were authorized by the President at the request of the Joint Chiefs of Staff.

They had two reasons to oppose this Iraqi freedom medal. First, it is redundant to the general war on terrorism medal; second, it is divisive in that it inherently values participation in the Iraqi operation as opposed to Afghanistan and all others. In particular, the Department pointed out that, under the Global War on Terrorism Medals, there is an Expeditionary Medal that goes to those who serve in Iraq, Afghanistan, or in those places where there has been combat in the war against terrorism. The other medal is a Service Medal to recognize those people who are supporting personnel. It is not restricted by geographical boundaries. It is not only for the support of Operation Iraqi Freedom; it also applies to Operation Noble Eagle and airport security operations from September 27, 2001, to May 1, 2002.

The Senate has defeated a proposal to go on record to issue an Iraqi medal only to those who served in Iraq, and the Department has taken the position—that is what really caused consternation because they want medals to recognize specific and general sacrifices and contributions made by all Armed Forces in the efforts to combat terrorism in all forms throughout the world, both in current and future operations.

The Expeditionary Medal will continue to be issued to those who participate in the global war against terrorism and are involved in combat operations. I think what the Department has done at the request of the Joint Chiefs of Staff is inherently fair and proper. I want to reassure those who supported the position I enunciated and are opposed to this amendment, I believe you have done the right thing by those people who are in uniform and are sacrificing themselves and really exposing themselves in harm's way throughout the world.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, we have been discussing how we might proceed between now and 6:30. As I understand it, we have a unanimous consent request ready to propound. There is no objection to the request on this side. I see that the distinguished manager has the unanimous consent request, and I yield the floor so he can offer that.

Mr. STEVENS. Mr. President, I thank the distinguished leader.

I ask unanimous consent that there now be 30 minutes for debate in relation to the Stabenow amendment, with 20 minutes under the control of Senator STABENOW and 10 minutes under my control; provided that following the debate time, the Senate proceed to a vote in relation to the amendment, with no amendments in order to the amendment prior to the vote; that following that vote, the time until 6:30 this evening be equally divided in the usual form in relation to the Dorgan amendment No. 1846; and that the vote occur in relation to the Dorgan amendment at 6:30 p.m., with no amendments in order to the amendment prior to the vote.

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

Mr. DASCHLE. 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.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1823

Ms. STABENOW. Mr. President, I ask unanimous consent that the pending amendments be set aside and I call up amendment No. 1823.

The PRESIDING OFFICER. That amendment is already pending.

Ms. STABENOW. I thank the Chair.

Mr. President, I rise today to speak about an amendment I am calling "A Month for America." This amendment will delay approximately \$5 billion in Iraq reconstruction funds and put them into funding our high priorities at home, such as job creation, veterans health, health care for the uninsured, and education.

I thank the cosponsors of this amendment—Senators DURBIN, BOXER, JOHNSON, and SCHUMER—for their leadership and support.

Two weeks ago, I was meeting with a group of constituents in Michigan, and we started to talk about the President's request for \$87 billion for Iraq and Afghanistan. I shared with my constituents that we were spending about \$5 billion a month now, in addition to the slightly over \$20 billion in reconstruction funds contained in the bill in front of us.

My constituents in Michigan were startled at the enormity of this figure, as I believe our constituents are across the country, so much so that one gentleman who is on a local school board, sitting in the back, exclaimed: How about a month for America? This rang very true to me, and when I returned here, I decided to take this idea and draft an amendment focused on our needs at home called "A Month for America."

Before I fully explain the details of my amendment, I wish to go through

what this amendment does not do. This is very important.

First, it does not cut 1 penny of funding for our troops.

Second, it does not cut any funds for security in Iraq. It specifically exempts the approximately \$5 billion in police and security funds for Iraq. I believe this is very important. The sooner they are able to have their own police force, their own security force, the sooner we will be able to bring our troops home, and I support that effort.

Third, it does not cut any funds for reconstruction. It only delays them. Therefore, this money is fully offset.

We are asking for \$5.03 billion for America in this amendment and ask that we simply take a portion—the equivalent of 1 month's spending, \$5.03 billion—and delay it until next year.

Even the administration admits that it does not need much of the \$20 billion in reconstruction until next year. So it is not an emergency. We do not need the full \$20 billion right now, and yet we have real emergencies at home.

There will be plenty of opportunities to provide this \$5 billion for Iraq in the next appropriations cycle. In fact, last Thursday's New York Times reported that a team of World Bank economists has concluded that, as a practical matter, Iraq can absorb only about \$6 billion in aid next year for its infrastructure needs. We are being asked to allocate more than \$20 billion on reconstruction, and yet we are told, as a practical matter, they will not be able to use or spend over \$6 billion in the next year. One administration official was even quoted as saying:

Where the Iraq aid numbers are not so reasonable is the timeframe for how much can be spent. This money cannot be spent overnight.

They are admitting the fact this timeframe is not reasonable, and yet we know in ongoing debates in this Chamber with colleagues on every appropriations bill coming before us that we have critical needs for jobs and education, veterans health care, and those who are losing their insurance because of losing their job. We have many needs that are critical at home.

Specifically, the "A Month for America" amendment would take this \$5.03 billion and allocate it in the following ways: First, \$1 billion for school construction; \$1.8 billion for veterans health care; \$103 million for full funding of community health centers; and finally, \$2.1 billion for transportation projects and job creation, saving 90,000 jobs.

The United States is spending a little over \$1 billion a week right now in Iraq, not counting the \$87 billion. However, when an amendment was recently offered to the 2004 Labor-HHS appropriations bill to increase funding for school construction at home by \$1 billion, it was defeated on a party-line vote with only one of our Republican colleagues supporting the increased funding. This is very unfortunate because investing in our schools and in

education should not be a partisan issue.

The "A Month for America" amendment will increase funding for school construction for the next year by \$1 billion so that we can place more dollars into investing in our children walking into a quality school building with the technology and the infrastructure they need. Shame on us if we have even one classroom in America where there is a bucket in the corner to catch the water coming in. We have too many of those right now.

This amendment will help eliminate those buckets of water and create the modern school buildings our children need now in America.

Our schools are definitely in a state of emergency. According to a GAO report entitled "School Facilities: America's School Report, Differing Conditions," at least one-third of schools are in need of extensive repair or replacement. This is not in Afghanistan or Iraq. This is in the United States of America. One-third of the schools are in need of extensive repair or replacement and at least two-thirds have unhealthy environmental conditions. So two out of three schools in the United States of America have unsafe environmental conditions. I argue this is an emergency equal to anything that is in front of us that relates to Iraq.

An estimated 14 million American children attend deteriorating schools. According to the National Education Association's 2000 survey, Michigan schools need at least \$9.9 billion in building improvements. That is just in my State, given all of the needs we have from one end of Michigan to the other. Many Michigan educators believe that estimate in fact is too low, considering the Detroit public schools alone need an estimated \$5 billion to fix leaky roofs, replace boilers, wire computers, and other repairs. This is truly an emergency.

How do we tell our children to stay in school, do not go on drugs, do not drop out of school and move to a life of crime, stay with it because education is so important, and then they walk into a building that is falling down, they walk into a building that does not have the computers they need in this day and age to be successful? What message are we sending to our children? This is an emergency.

These poor conditions also affect how well our children learn. A recent study showed students learning in substandard classrooms have test scores that are anywhere from 5 to 17 percent lower than their peers who are in good buildings. So when we are talking about leave no child behind and raising test scores and standards, the quality of the building, the science labs, the math labs, the technology that is available, makes a difference in a child's ability to learn. In addition, without this additional \$1 billion in funding and with the significant State cuts in education funding, Americans will have to pay more in property taxes

just to maintain the current level of services. Schools will not have the resources to make the necessary repairs. I argue this is an emergency for America.

Now on to veterans health care, which is of deep concern to me as well. The administration's budget for veterans health care falls far short of needs. We all know this. Despite the current crisis in veterans health care, some 130,000 are waiting 6 months or more for appointments at VA hospitals or clinics. President Bush submitted a budget for next year that is \$1.8 billion below what is needed, according to the independent budget produced by AMVETS, Disabled Americans, Paralyzed Veterans of America, and the Veterans of Foreign Wars of the United States.

In this legislation, we are funding efforts to support the men and women who are fighting overseas on our behalf, who are on active duty. They come home, they become veterans, and they have to wait 6 months to see a doctor. What sense does this make? If we cannot keep basic promises to our veterans to make sure they have the health care they need, deserve, and we said they would receive, how in the world are we going to be credible in meeting other commitments?

Unfortunately, the House bill included the same shortfall, which is \$1.8 billion lower than the budget resolution promise of a \$3.4 billion increase over last year's level. The VA health care system is strained. Its budget has consistently been underfunded and does not address the health needs of our service men and women.

I am pleased to support Senator JOHNSON's bill to make health care spending for our veterans mandatory. This needs to happen, instead of being slighted by the administration and the Congress year after year. Right now, over 130,000 veterans wait 6 months or more for their primary care appointments. The system is so underfunded that category 8 veterans, nonservice-connected veterans who make above a certain income threshold, are prohibited from enrolling for benefits.

In my State, veterans officials are talking about losing another hospital, Saginaw VA facility, which means that some veterans in northern Michigan and the Upper Peninsula of Michigan will have to drive over 200 miles to Ann Arbor or Detroit for inpatient care. I am extremely hopeful they will not proceed with this proposal.

This amendment commits Congress to keeping our promises to our veterans who have earned the right to access to health care that was created to serve their needs. Our veterans deserve better than a chronically underfunded system, long waits for care, and a Nation that has asked them to pay the price for our freedom, only to be short-changed at home.

Item 3 in Month for America, according to the recently released U.S. Census Report, the number of Americans

without health care has jumped 5.7 percent to 43.6 million Americans. This is the largest single increase in the number of the uninsured in the last decade. According to Families USA, a health care consumer organization, there were 2.3 million people in my own State of Michigan under the age of 65 who went without health insurance some time in the past year. That means one in four people in Michigan under the age of 65 was uninsured. Think about that. In the greatest country in the world, those without insurance often delay or avoid needed services, which results in a direct increase in more costly emergency room care.

Who are these people? Seventy-five percent of them are working. They are working in small businesses that would provide health insurance but for the explosion in prices. These are people who work in every part of our economy. In recent studies, the sagging economy suggests these numbers are only going to increase if relief is not in sight. I tell folks we are going to be funding a Government-funded universal system in Iraq for every Iraqi to have health care and yet in my home State, and I would venture it is comparable across the country, one out of four people does not have health care. Last year, community health centers across the country served nearly 5 million uninsured Americans. Community health centers have a 30-year track record of success, and that is where these dollars would go. Study after study has shown that health centers effectively and efficiently improve our Nation's health.

In the last 3 years, they have served nearly 800,000 American citizens. We need to fully fund community health centers at the level necessary for them to do their work and serve working families who are not lucky enough to have health insurance from their employers.

The Month for America amendment would provide \$103 million for full funding of federally qualified community health centers to help deal with the number of Americans who lack health insurance. This is such a small investment that obviously yields great rewards. For every \$100 the Federal Government has been able to allocate to community health centers, these centers have been able to serve one additional new patient. Think about that. For \$100, another child can be served, another mom, or another dad who has lost his job or lost his insurance.

The Month for America amendment would allow an additional 1.03 million Americans to receive access to primary care services; 1.03 million people could have access to a doctor and the health care they need.

We know this is not a complete solution to the issue of health care. I certainly have been very involved in a number of ways to bring down costs and to address the concerns of small and large businesses and those who do not have insurance, but it surely would help to be able to fully fund our health centers.

As my colleagues know, in the final item in the Month for America, the TEA-21 transportation bill expired at the end of September, but Congress has not passed a new 6-year bill which is critical to the needs of communities, to jobs, and to the economy. A new 6-year bill would provide hundreds of thousands of jobs to help the economy and improve the safety of our Nation's roads and bridges. Instead, Congress passed a short-term, 5-month extension of TEA-21. According to the American Association of State Highway and Transportation Officials, a short-term extension rather than passage of the 6-year bill would compound State budget problems and result in delayed projects, added project costs, and lost jobs. They indicate that a delay in passing a new 6-year bill would mean the loss of more than 90,000 jobs and \$2.1 billion in project delays.

This is about jobs. We need those jobs for American citizens. A 6-year bill would create hundreds of thousands of jobs. We know that passing a 6-year \$311 billion highway bill would create more than 650,000 jobs in America and almost 23,000 jobs in Michigan alone.

Our Nation's transportation infrastructure needs our help now. This really is an emergency.

According to the Texas Transportation Institute's 2003 Urban Mobility Study, the cost of congestion continues to skyrocket, and in 2001 traffic congestion cost the Nation \$69.5 billion—\$4.1 billion more than in the year 2000—5.7 billion gallons of wasted fuel, and 3.5 billion hours of lost productivity sitting in our cars on those roads. We each understand that. Traffic congestion cost southeastern Michigan over \$2.1 billion in 2001 and cost the average Detroit resident \$523 per person.

The PRESIDING OFFICER (Mrs. DOLE). The Senator's time has expired.

Ms. STABENOW. Madam President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Madam President, I yield the Senator 5 minutes of my time.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 5 minutes.

Ms. STABENOW. I thank the chairman very much for his graciousness.

The Month for America amendment will provide \$2.1 billion in highway and transit funds to high-priority projects that can begin within 90 days. This will create immediate jobs. Not only will this prevent the project delays resulting from the lack of a 6-year transportation bill, but it will, again, create over 90,000 jobs. We all know we need more jobs in America, and we need them now. This is an emergency for every single individual and every family who finds themselves in a situation now where there has been a job loss in the family.

Some people will say that modernizing our schools, providing health care

to veterans and those without insurance, and creating jobs is not an emergency. I completely disagree. These are crises in America that need immediate attention.

At the same time, when I looked through Ambassador Bremer's report entitled "The Coalition Provisional Authority Request to Rehabilitate and Reconstruct Iraq," I found billions of dollars for projects which neither I nor the American people believe are emergencies. They may be worthy, but they are not as much of an emergency as these needs here at home. I want to point out just a few to my colleagues.

The first item I found was \$161 million for wireless networks, computer training, and equipment. We would love to have this in Michigan. I have many businesses that would love to have wireless networks. There is no question that this is a laudable goal. But is it an emergency? I don't think so. Couldn't this wait until next year while we try to establish security and basic services in Iraq?

The second item is \$20 million for business training for Iraqis. This money will provide 4 weeks of business courses to Iraqis for a whopping \$10,000 a person. If I might plug my alma mater, this is more than it would cost for a full year at the Michigan State University Business School. We welcome people coming to Michigan State.

The third item is \$43 million for job training and 22 new Iraqi job employment centers. Iraq may have a problem with unemployment, but we also have a problem with unemployment here at home. Since 2001, we have lost 2.5 million manufacturing jobs in this country, many of them in my home State—162,300 of them, in fact, in Michigan. This is a loss of 18 percent of Michigan's manufacturing employment—one out of six of our manufacturing jobs.

Other items include \$9 million to establish ZIP Codes in Iraq—a nice thing to do, but I think it could wait—and \$50 million for marshes. I am anxious to go see them since I thought this was a desert.

These do not seem to be emergencies. We are saying, can these please wait until next year so that health care for our families and jobs for our families will not have to wait and veterans will not have to wait a month to see a doctor.

School construction and jobs are certainly a high priority. Why should these Iraqi projects get special treatment in an emergency supplemental bill while funds for our infrastructure and our needs have to wait and compete with other priorities next year? It seems to me the money for our roads and schools should get special budgetary treatment and Iraq projects can wait.

We are not asking for all of them to wait. The administration has indicated they can use about \$6 billion in the coming year. I am suggesting they get the \$15 billion. We are just asking for \$5 billion—1 month for America. I

think these so-called emergency items for Iraq can wait and we can involve ourselves in the normal budget process to determine whether they are needed.

We need to act now here at home. We need jobs now. We need health care now. We need to rebuild our schools now and we need to support our troops when they come home and put on their veterans hats when they will need health care.

Some people say we can't do both. I believe we can. Let us send a message today that while we support our troops unanimously, we want to have 1 month of funding for America here at home. If we agree to this amendment, we can do both. I ask my colleagues before they vote on this amendment to think about those who would be impacted by this.

I urge support for this amendment.

Mrs. BOXER. Madam President, I am proud to support the amendment offered by the Senator from Michigan to provide funding for important domestic priorities. This amendment is called "A Month for America."

Each month, the U.S. is spending roughly \$5 billion for operations in Iraq and Afghanistan at a time when important priorities here at home go unmet. This amendment would take \$5 billion of the reconstruction money earmarked for Iraq and allocates it in the following way: \$1 billion for school construction, \$1.8 billion for health programs for our veterans, \$103 million for community health centers, and \$2.1 billion for highways and public transit.

These domestic priorities are an emergency now. Surely we can delay \$5 billion in Iraqi reconstruction funds until the fiscal year 2005 when even the World Bank says that only \$5.8 billion can be absorbed by Iraq next year to rebuild its infrastructure.

I want to talk about the need for new Federal spending to help rebuild and rehabilitate schools in California. These are the current conditions: 87 percent of schools report a need to upgrade or repair building to good overall condition; 71 percent of schools report at least one inadequate building feature, such as the roof, plumbing, electrical systems, windows, or heating and air conditioning; and 87 percent of schools report at least one unsatisfactory environmental factor, such as air quality, ventilation, heating, or lighting.

This is an emergency. Yet when an amendment was offered by Senators CLINTON and HARKIN to the fiscal year 2004 Labor-HHS bill to increase funding for school reconstruction by \$1 billion for the entire year, it was defeated on a party-line vote with only one Republican supporting the increased funding.

It is a shame that this supplemental bill will spend in excess of \$100 million for education in Iraq but not one penny for education in California.

The Bush administration wants to spend \$10,000 per month for business school in Iraq—more than double the monthly cost of Harvard Business School—but there is no funding for the children in California.

This amendment also provides \$1.8 billion for health care to our veterans so that we can fulfill the commitment made to them for their sacrifices.

President Bush submitted a fiscal year 2004 budget request for VA health that is \$1.8 billion below the Independent Budget produced by AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars of the United States. It would be a great comfort for those fighting now to know that the U.S. Congress is serious about meeting the needs of those who fought before them.

On healthcare, the supplemental provides \$850 million for Iraq to construct a new hospital and replace medical equipment. And while we should help those in need throughout the world, we should also provide for those at home. That is why the Stabenow amendment provides \$103 million for federally qualified community health centers that have been shown to reduce inpatient admission rates for their patients by anywhere from 22 percent to 67 percent, and have reduced the number of patients admitted per year and the length of stay among those who were admitted.

Finally, this amendment would provide \$2.1 billion for highway and public transit programs. Transit is so important for my State. We have so much congestion that we must improve our highways and roads and build public transportation.

According to the Texas Transportation Institute, Los Angeles and the San Francisco-Oakland region are ranking No. 1 and 2 for the worst roadway congestion in this country. California has two more cities in the top 5 with San Jose ranked 4 and San Diego ranked 5.

The Inland Empire of San Bernardino and Riverside Counties is ranked 12 and Sacramento is ranked 13.

What does this congestion translate to? Delays. In the Los Angeles area: 136 hours per year, on average per driver, in peak hours. San Francisco-Oakland drivers put up with 92 hours of delays, and San Jose drivers endure 74 hours of delays. Inland Empire drivers are delayed by 64 hours, and San Diego drivers are delayed by 51 hours a year.

Californians are trying to reduce congestion. More Californians are using alternative forms of transportation. Public transit carries over 1.2 billion passengers a year in California.

Transit ridership is up in California. The number of miles traveled annually by transit passengers grew by 20 percent between 1997 and 2001. The number of annual passenger trips was up 14 percent. In the San Francisco Bay Bridge corridor, 38 percent of all trips are on transit. And, 30 percent of all trips into central Los Angeles are on transit.

Like the other domestic priorities outlined in the Stabenow amendment, we need to fund transit so we can improve our infrastructure in this country. I thank the Senator from Michigan for her amendment and urge its adoption.

Mr. STEVENS. Madam President, do I have 10 minutes remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. STEVENS. Madam President, the Senator from Michigan has been talking about veterans health care and school construction. We are talking about Iraq and how to get our people home. We get them back by assisting the Iraqis in taking over the management of their own country. We do that by providing an infusion of capital to help restore that government to operation so it can take over and provide the security services, provide for the economic management services, and provide the army. It takes money to do that.

As I pointed out before we went on recess, the President has chosen a unique approach. We could have gone in with the military and occupied that country for 4 to 5 years, as we did in Germany and as we just did in Kosovo. We are still bringing people out of Bosnia and Kosovo because we did not do that. This time we are going in to try to help them get in the position to take care of themselves and bring our people back.

This is at the request of the other side of the aisle. The President has sent us a unique supplemental. The Democratic Party commanded that the President give us a budget for 2004 for Iraq. This is it.

No President has done this in history. President Clinton did not do it. In fact, President Roosevelt did not do it. President Eisenhower did not do it. President Johnson did not do it.

This President budgeted ahead of time for war, for a concept of finishing what we started. Part of what we started was to put in place a government in Iraq that would not be the despotic regime of Saddam Hussein.

Argue all you want about the need for money. I agree, there is certainly a need for more money for veterans health care. I disagree about the statement concerning the need for new public school facilities. I am informed that in 2002 alone, school districts completed \$11.7 billion of new construction.

The recent study of the General Accounting Office and the National Center for Education Statistics indicates that schools are in better condition than they have been in the past; 81 percent of the schools reported their buildings were in adequate or better condition, 84 percent reported them to be in adequate or better condition. It is a minority of schools that are not in adequate shape.

One place where there are no schools without our assistance is Iraq. How will our men and women come home unless the schools are functioning, unless the police are functioning, unless the army is functioning, unless the economy is functioning? That is the way to get them home.

If we do not provide this \$20.3 billion, we can increase the money for the occupation and occupy that enormous

country for 4 to 5 years. We know what it is costing. Look at the budget we have: \$66 billion for defense, \$20.3 billion for assisting Iraq to become a nation. The \$66 billion will go on and on and on, a demand for more and more money for the military in Iraq unless we take the action the President has requested and provide the \$20.3 billion necessary. The amendment of the Senator will take over \$5 billion out of that. It will cripple that program.

We will have to send more and more people in uniform to do for Iraqis what they could do for themselves if they had the money to start their economy, start their security systems, start their military systems, start their whole governmental systems and make them work. That is what we should do. Some people call it nation building; I call it nation reconstructing. But in any event, it is an absolute necessity at this time to put the Iraqis back in control of their own affairs. It will not happen if the Stabenow amendment is adopted.

I yield back the remainder of my time. I move to table the amendment of the Senator, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Minnesota (Mr. DAYTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY), would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 35, as follows:

[Rollcall Vote No. 379 Leg.]

YEAS—59

Alexander	Craig	McConnell
Allard	Crapo	Murkowski
Allen	DeWine	Murray
Bennett	Dole	Nelson (NE)
Biden	Domenici	Nickles
Bingaman	Ensign	Pryor
Bond	Enzi	Roberts
Brownback	Fitzgerald	Robertson
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Byrd	Grassley	Shelby
Campbell	Gregg	Smith
Cantwell	Hagel	Snowe
Carper	Hatch	Specter
Chafee	Hutchison	Stevens
Chambliss	Inhofe	Sununu
Cochran	Kyl	Talent
Coleman	Lott	Thomas
Collins	Lugar	Voivovich
Cornyn	McCain	Warner

NAYS—35

Akaka	Boxer	Conrad
Baucus	Breaux	Corzine
Bayh	Clinton	Daschle

Dodd	Jeffords	Nelson (FL)
Dorgan	Johnson	Reed
Durbin	Kennedy	Reid
Feingold	Landrieu	Rockefeller
Feinstein	Lautenberg	Sarbanes
Graham (FL)	Leahy	Schumer
Harkin	Levin	Stabenow
Hollings	Lincoln	Wyden
Inouye	Mikulski	

NOT VOTING—6

Dayton	Kerry	Lieberman
Edwards	Kohl	Miller

The motion was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. What is the matter now before the Senate?

AMENDMENT NO. 1826

The PRESIDING OFFICER. The time between now and 6:30 is equally divided with respect to amendment No. 1826.

Mr. REID. Madam President, we understand that is the order that has been entered. Senator DORGAN squeezed his time previously from 3 hours to 2 hours, and now it is 45 minutes. That is because this vote took so long. I hope the majority will push the votes more quickly. That vote took 30 minutes.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, is my amendment now pending?

The PRESIDING OFFICER. Yes.

Mr. DORGAN. I yield myself such time as I may consume. We also have other speakers on this amendment.

Mr. President, I have spoken about this amendment on previous occasions. The amendment directs the Coalition Provisional Authority, in cooperation with the Governing Council of Iraq, to create an Iraq Reconstruction Finance Authority. The purpose of the Iraq Reconstruction Finance Authority shall be to securitize future production of Iraqi oil, in order to finance the reconstruction of Iraq.

In short, this amendment says that the reconstruction of Iraq should involve the Iraqi people, using Iraqi oil to reconstruct their country and that it should not be the American taxpayers reconstructing Iraq.

This morning's Washington Post says that the Secretary of State is at the United Nations, attempting to get a resolution passed that would confer on the Iraqi Governing Council and its Ministers the sovereignty over the state of Iraq. Surely, if this administration is ready to recognize the Iraqi Governing Council as the sovereign of the state of Iraq, that body should have the ability to use future revenues from the sale of Iraqi oil, to reconstruct their own country.

The fact is that, for months, this administration told us that Iraq's oil would allow the Iraqi people to finance their own reconstruction.

Mr. Fleischer, the White House press secretary, said this in February:

Iraq, unlike Afghanistan, is a rather wealthy country. They have tremendous resources that belong to the Iraqi people and so therefore a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction.

Mr. Fleischer was followed by Mr. Wolfowitz, the Deputy Secretary of State. He said that the oil revenues of that country could bring between \$50 billion and \$100 billion over the course of the next 2 or 3 years and that we are dealing with a country that can really finance its own reconstruction, and relatively soon.

The Defense Secretary himself, Donald Rumsfeld, in March, said:

I don't believe the U.S. has the responsibility for reconstruction, in a sense . . . and the funds can come from those various sources I mentioned: frozen assets, oil revenues, and a variety of other things.

Well, that is at odds with the current request by the President to the Congress, saying we need to have \$20-plus-billion for the reconstruction. The Deputy Secretary of State said oil revenue could do that. The Secretary of Defense said that oil revenue would be available for that.

And then Vice President CHENEY, on March 16, said:

In Iraq, you've got a nation that has the second largest reserves of oil in the world—second only to Saudi Arabia. It will generate billions of dollars a year in cash flow in the relatively near future. And that flow resources, which obviously belongs to the Iraqi people, needs to be put to use by the Iraqi people for the Iraqi people, and that will be one of the major objectives.

Then, the person at the State Department who is responsible for reconstruction, Mr. Natsios, had the following exchange on "Nightline" with Ted Koppel.

Koppel said:

I understand that more money is expected to be spent on that than was spent on the entire Marshall plan for the rebuilding of Europe after the World War II.

Natsios said:

No, no, that doesn't even compare remotely with the size of the Marshall plan.

Koppel:

The Marshall plan was \$97 billion.

Natsios:

This is \$1.7 billion.

Talking about the reconstruction plan for Iraq.

The program continued.

Koppel said:

When you talk about 1.7, you are not suggesting that the rebuilding of Iraq is going to be done for \$1.7 billion.

Natsios:

Well, in terms of the American taxpayers' contribution, I do. This is it for the U.S. The rest of the rebuilding will be done by other countries who have already made the pledges, and by Iraqi oil revenues.

Will you excuse a few of us for believing the Vice President, the Secretary of Defense, the Deputy Secretary of Defense, and others, who repeatedly said this year that the American taxpayers won't be on the hook for the reconstruction of Iraq? Will you excuse us

for believing we could use Iraq oil for this purpose? That is what they said would happen. Now the administration says that is not the case at all and they want to use the American taxpayers' dollars to shoulder the burden for reconstruction of Iraq.

Mr. DURBIN. Will the Senator yield?

Mr. DORGAN. Let me make this one point. I asked Ambassador Bremer to explain whether it would be possible to securitize Iraq's future oil revenues to pay for Iraq's reconstruction. Ambassador Bremer's answer: You can't use Iraq oil because Iraq owes foreign debt.

I said: Who to?

He said: Russia, France, and Germany.

Following that hearing, I checked. In fact, Russia, France, and Germany are indeed owed money by Saddam Hussein's regime. But the biggest creditors of Saddam Hussein's regime are Saudi Arabia and Kuwait.

Wouldn't it be a perversity if, in fact, the American taxpayers are told that they have to pay taxes to ship \$20 billion to Iraq to reconstruct Iraq—so Iraq can pump oil and send cash to Saudi Arabia and Kuwait in satisfaction of Saddam Hussein's debts?

You talk about a perversity of public policy. That is it.

My amendment is painfully simple. It says that the Iraqi Governing Council shall have a mechanism that would allow it to use Iraqi oil to reconstruct Iraq.

One final point. During the recent military campaign in Iraq, we did not target Iraq's infrastructure. We didn't bomb its roads, bridges, dams, or electric grid. Now, Iraq does need reconstruction, no question about that, but the reconstruction is necessary because of decades of neglect. It is not because of any action by our military. And the fact is that the Iraqi people have a tremendous resource to finance that reconstruction, which they could and should use.

So the President ought not be so quick to ask for \$20 billion from the American taxpayers for reconstruction, when his Vice President, the Secretary of Defense, the Deputy Secretary of Defense, and all the rest of them said this year that the reconstruction of Iraq would be financed with Iraqi oil. Now we are told it cannot be done and won't be done. I say with this amendment that it can be done and should be done.

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

Mr. DORGAN. I am happy to yield to my colleague.

Mr. DURBIN. Madam President, I want to make sure the point the Senator has just made is driven home for those following this debate.

This administration told us we needed to invade Iraq because there were nuclear weapons there, which we cannot find.

They told us we needed to invade Iraq because there was uranium, fissile material coming in from Africa to Iraq, which now they say did not exist.

They told us we needed to invade Iraq because of weapons of mass destruction, which we cannot find.

They told us we needed to invade Iraq because of their linkage with 9/11 terrorists, which now the President has said is not a fact.

They told us we didn't have to worry about rebuilding Iraq because of all the oil revenues.

Is the Senator from North Dakota finding the same difficulty I am in following their logic? All the reasons to invade Iraq have disappeared. As I understand it, the oil is still there. The oil was supposed to be the source to rebuild Iraq. Is the administration suggesting there is no oil in Iraq?

Mr. DORGAN. No. In fact, quite the contrary. Ambassador Bremer testified that by July of next year, they will be pulling 3 million barrels a day out of the sands of Iraq. There is liquid gold under those sands. Three million barrels a day by next July will net them \$16 billion a year in net export revenue from oil—\$16 billion a year. That is \$160 billion in 10 years. They can easily securitize a small fraction of that to fund all of the reconstruction that is necessary in Iraq. It can easily be done if there is a will to do it. But they will not do it if the President says: Let's have the American taxpayers do it.

Mr. DURBIN. If the Senator will yield for another question, if I understand this, the President and the Bush administration are asking us to borrow money from the Social Security trust fund to increase the deficit of the United States, to cut back on spending on education and health care so that we can provide reconstruction funds for Iraq which can then pump the oil and sell it and with the revenues pay off their debt to Saudi Arabia; is that the logic behind the administration's position?

Mr. DORGAN. Madam President, the two largest creditors of Iraq are Saudi Arabia and Kuwait. The Senator from Illinois is absolutely correct.

Mr. DURBIN. Through the Chair, I would like to ask the Senator, so the administration is prepared to disappoint Social Security recipients in America rather than disappoint the Saudis who loaned money to Saddam Hussein and now want to be repaid?

Mr. DORGAN. Madam President, Saddam Hussein has vanished. His government doesn't exist. The Iraqi people ought not be saddled with massive debts to countries like Saudi Arabia, some of the wealthiest countries in the world. The American taxpayer should not be told to pay for the reconstruction of Iraq, while Iraqi oil revenues are hauled off to Saudi Arabia and Kuwait.

I yield 8 minutes to my colleague from Florida, Senator GRAHAM.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I thank the Chair.

Madam President, it is a pleasure to return to this great institution at a time when we are debating a truly sig-

nificant issue for the future of our Nation.

The fundamental question to me is what should be our standard in resolving the myriad of questions which surround the President's request for \$87 billion in occupation and reconstruction expense in Iraq.

My answer to that question is that we should test each of these proposals against the standards of: Will this give us an honorable and an expeditious exit from Iraq? Will this contribute to our ability to leave Iraq, to take American troops out of the quagmire and the killing field which Iraq has become, but to do so with honor?

We basically have two options that are presently available to us as to how to reach that objective. One is the go-it-alone approach; that we will conduct the occupation and the reconstruction essentially alone, without significant allies. Second is that we should internationalize the occupation and reconstruction of Iraq. We should do this by increasing the control of Iraqis who have the confidence of their country men and women by involving other countries in the shared burden and responsibility of the occupation and reconstruction of Iraq, and we should be sensitive to the international presence that we are setting by our action.

Why do I believe providing these reconstruction dollars through a loan rather than through a direct grant would more likely achieve the goal of internationalization and, therefore, the goal of an honorable and expeditious exit from Iraq?

First, it will maintain American domestic support, or at least it will serve as a brake on what I sense is the increasing loss of American domestic support for the occupation and reconstruction of Iraq. We all can read the polls and see what the American people feel about this \$87 billion request. They dislike it in overwhelming numbers, but there is even more than what you can state statistically. There is what you can feel intuitively.

I sense all across the country an increasing question of what are we doing in Iraq? Why are we in a situation where one American is killed and 10 Americans are maimed every day, where we are spending \$1 billion every week? What is our exit strategy?

I believe this approach of providing that at least a part of these expenditures will be repaid to the American taxpayers will help to build some foundation under what now appears to be a straight tunnel toward the loss of public support.

Second, this would not further add to the national debt. We have basically three choices as to who is going to pay for this war. The first choice is our generation. We are in the war for what we consider to be important national security reasons. If that is the case, we ought to be prepared to pay for it, not ask future generations to pay for it. But last week the Senate rejected the Biden amendment which would have



caused our generation to pay for our occupation and reconstruction of Iraq. So that is off the table.

The second is, we are going to ask our grandchildren to pay for this occupation and reconstruction. If we do this, we are engaged in a sharp break with tradition and precedent.

Let me just state these numbers. The Marshall plan started in 1948. The public debt of the U.S. Government in 1948 was \$216 billion. Four years later, as the Marshall plan was coming to a close, but the United States was at war in Korea, in 1952, the public debt of the United States was \$214 billion. So we actually reduced the public debt of the United States during the period of the Marshall plan and the early phases of the Korean war. We are not following that precedent today. We are saying we are going to put all of these additional expenses into the most enormous annual deficits the United States has ever seen.

Finally, we should do this because it will require Iraqis pay for the reconstruction and have a substantial amount of control over the reconstruction. One of the characteristics that made the Marshall plan so successful was that while we provided funds—and incidentally, on a \$1-to-\$1 matching basis, not a 100-percent to 0-percent basis, as is being proposed here—we provided funds on that basis and then let the leadership of the individual countries, whether it was our allies, such as France, or enemies, such as Germany, make the judgments as to what they believed the priorities should be for the use of those funds. Here we are unilaterally deciding by action of our administration and our Congress what the priorities should be.

Finally, in another domain, I think this sets a dangerous precedent for our relations with other countries. In this same legislation, we are providing a relatively small grant to Afghanistan, both for security and for reconstruction. I think that is defensible. Afghanistan is one of the poorest countries in the world. Afghanistan is a country which is key to a victory on terrorism. But now we apply exactly the same standards to the country which sits on the second largest oil reserve on this planet and a country which, in my judgment, was not a legitimate part of the war on terror until we made it a part of the war on terror by the war itself.

We also have Mexico. In the 1990s, Mexico was in very difficult financial status. There were some who speculated it might even go into bankruptcy. We came to Mexico's financial support. How did we do it? We did it by collateralizing the future oil revenue of Mexico to pay what we had advanced to give them greater fiscal solidity during a time of great instability. How do we tell the Mexicans that when we were lending money to them, a country which in natural resources is considerably less endowed than Iraq, we are going to give it to Iraq as a straight

grant but for Mexico it was a loan with their oil revenue as the collateral for repayment?

The question that is asked all over this country is, Why can we rebuild the roads, the bridges, the schools, the electric grid of Iraq, but we cannot do it in the United States? Why can we do it as a grant to one of the richest countries in terms of petroleum in the world, which will never be repaid to help us rebuild our own bridges, roads, and schools? This represents a key turning point, in my judgment, for the beginning of the 21st century. Will Iraq be the Germany of the 1950s or will it be the Vietnam of the 1970s in terms of the United States?

I believe voting for reasonable burden sharing between Iraq and the United States, and other proposals that will share the burden on a more international basis, will be a key to answering that question.

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

Mr. DORGAN. I yield 7 minutes to the Senator from Illinois.

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

Mr. DURBIN. Mr. President, I thank the Senator from North Dakota for yielding and I rise in support of the amendment he has offered.

Also, I say welcome back to Senator BOB GRAHAM of Florida. We are glad to have him off the trail and back in the Senate where we need him.

This is an interesting issue to bring to the American people because it is an issue where we ask this administration to stand by its own promises, to stand by its own words, and they cannot. They cannot because as recently as 6 months ago, the leaders of this administration said we would not be on the Senate floor today debating an \$87 billion bill. They told not only the Senate and the House and the American people, they told the world that Iraq had the resources to take care of itself. It was part of the buildup to the war, a war which was built on false premises of nuclear weapons that did not exist, fissile material from Africa that did not exist, biological and chemical weapons which have not been discovered, and a link with al-Qaida which cannot be substantiated.

All of these were part of the rationale for invading Iraq with the coalition of the willing, which contained Great Britain and precious few other countries with major resources or troops. So we invaded Iraq and then said to the American people: Do not worry about after the war. The Iraqis are really rife with all sorts of oil resources and revenues. They can take care of themselves.

I am not making this up because if we followed the statements made by Paul Wolfowitz, the architect of the Iraq strategy, this is what Mr. Wolfowitz said in March:

... the oil revenues of that country—

Iraq—

could bring between \$50 and \$100 billion over the course of the next two or three years. . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Hello. Deputy Secretary Wolfowitz, how can you rationalize coming to Congress 6 months later and asking for \$20 billion after you told us that Iraq could finance its own reconstruction?

He was not alone in these pronouncements. This is Secretary of Defense Don Rumsfeld saying at about the same time:

I don't believe the United States has the responsibility for reconstruction in a sense . . . . And the funds can come from those various sources I mentioned: frozen assets, oil revenues and a variety of other things.

What they were trying to do was paint a picture to the American people that there was no pain, all gain: We will remove Saddam Hussein and, frankly, the world will greet us as heroes, as will the Iraqi people, and then they will use their revenues to rebuild the country and prove you can have a much better government in Iraq.

I certainly hope for the Iraqi people they do have a better government, but should it not be at their expense rather than our expense?

The point that was made by the Senator from North Dakota is a telling point. We are borrowing money in the United States from Social Security, from American taxpayers, and from our children; we are increasing the deficit of this country to come up with \$87 billion, \$20 billion of which is going to rebuild Iraq.

We are going to have that debt when it is over, according to President Bush and his supporters on the Senate floor. Yet the reason we cannot ask Iraq to shoulder this burden itself, despite all of these pronouncements from Secretary Rumsfeld and Assistant Secretary Wolfowitz, is that Iraq has its own obligations to countries such as Saudi Arabia and Kuwait.

Look at the debt of Iraq that we are protecting by borrowing money from Social Security. Their biggest creditors include Saudi Arabia, the gulf states, Kuwait, Russia, Japan, France, and Germany. Frankly, I care less about the royal family in Saudi Arabia than I do about American families counting on Social Security.

Why doesn't the President? Why doesn't the President of the United States believe that Saudi Arabia, which trusted Saddam Hussein to lend him millions of dollars, should frankly be the ones to lose in any bargain about Iraq's future? No. From the Bush administration viewpoint, the losers should be the American taxpayers, our children, and people counting on Social Security.

So the Senator from North Dakota asked an obvious question: If they have all of this oil revenue, why can't they pledge that revenue to raise the money to rebuild their own country? It is just that simple. Someone has to borrow the money to rebuild Iraq. It will either be the American taxpayers or the

people of Iraq. I think the answer to that particular challenge is very obvious, and the Senator from North Dakota has hit the nail on the head with his amendment.

Let me add something else. This administration has really been floundering when it comes to the plans after the invasion of Iraq. I give credit to the military. In 3 weeks they did an extraordinary job. Since then, things have been just fumbled around. We went from General Garner to Ambassador Bremer, and while we were out last week and the Senate was back home, Condoleezza Rice was given the authority for rebuilding Iraq. This is getting hard to follow. It frankly betrays the fact that this administration does not know which way to head.

Here is the fundamental problem: We want Iraq to be a stable and secure nation. We would like to see them move toward self-government and toward a market economy, but all of this will take an enormous amount of money and time, and an enormous departure from a country which has no history of any of the things I just mentioned.

Iraq was created by the British colonial empire. They drew a line on a map and said: We will call this Iraq. Up until that point in time, there was little to trace the history of anything called Iraq. Now we are trying to make this into a nation state. First we have to establish not only a national identity that is not from the command and control of a dictator, but also we have to establish an economy that can build a middle class that can participate in democracy as we know it. This is a long, expensive process.

Who should pay for it? American taxpayers or the people of Iraq? I think the answer to that question is very obvious. I hope my colleagues, who feel duty bound to stand by the Bush administration no matter what, will only stand by the statements made by the Bush administration to the American people 6 months ago. If the people in this Chamber will stand by the promises of Secretary Wolfowitz, Vice President CHENEY, and Secretary Rumsfeld, then Senator DORGAN is going to be successful. However, if this turns out to be a partisan rollcall, take it or leave it, you are with the President or not, then the losers are going to be families across America. Families are going to see Social Security trust funds used to build Iraq while oil revenues in Iraq are used to pay off the Saudis who loaned money to Saddam Hussein. That I think is an outrageous outcome.

I think the Senator from North Dakota has it right. We have done a great deal for Iraq to date. We are spending \$1 billion a week. We have lost over 300 brave American soldiers. Walter Reed Hospital, not far from Capitol Hill, has rooms filled with soldiers, men and women, who went to Iraq who came back wounded with grievous injuries. We have given a lot. We should not ask the American taxpayers to give up more.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Let me inquire of the Senator from Mississippi. We have used—might I ask how much time we on this side have used? We have had several speakers. Might I inquire?

The PRESIDING OFFICER. Twenty-seven minutes.

Mr. DORGAN. I don't know whether the Senator from Mississippi intends to speak or has speakers at this point. If he does not intend to speak, I will make some additional comments. If he does, I certainly will yield the floor to him.

The PRESIDING OFFICER. The Senator from Mississippi?

Mr. DORGAN. I was inquiring; I will yield the floor to the Senator from Mississippi if he is intending to speak.

Mr. COCHRAN. Mr. President, we have a certain amount of time under the agreement. We will use that time when we choose. I do not intend to use any at this time. If you want to continue to debate your amendment, it is your amendment. I am for the committee bill. I think the committee made the right decision. I am going to say that and cite the provisions of the report underlining the rationale for the bill and the support we are trying to provide the President. So you have the laboring oar, in my view.

Mr. DORGAN. Mr. President, I thank the Senator from Mississippi. I am well aware it is my amendment, of course. Normally in the debate on amendments, we try to go back and forth to be fair. I was simply inquiring whether he intended to speak. He apparently will speak at another time.

I will make a couple of additional comments. We have some other Senators who are coming to the floor to comment as well.

Let me describe in more detail the comments by the Vice President because my colleague indicates the administration is very much opposed to this.

The administration has not been opposed to it in the past. In fact, they represented to the American people that Iraq oil shall be used to reconstruct Iraq, so apparently it is a changed position. Let me describe in more detail the comments of the Vice President on "Meet The Press." This occurred in March of this year. Quoting Tim Russert, he says:

Every analysis said this war itself would cost about \$80 billion, recovery of Baghdad, perhaps of Iraq, about \$10 billion per year. We should expect as American citizens that this would cost at least \$100 billion for a two-year involvement.

Vice President Cheney: I can't say that, Tim. There are estimates out there. It's important, though, to recognize that we've got a different set of circumstances than we've had in Afghanistan. In Afghanistan you've got a nation without significant resources. In Iraq you've got a nation that's got the second-largest oil reserves in the world, second only to Saudi Arabia. It will generate billions of dollars a year in cash flow if they get back to their production of roughly three million barrels of oil a day, in the relatively

near future. And that flow of resources, obviously, belongs to the Iraqi people, needs to be put to use by the Iraqi people for the Iraqi people and that will be one of our major objectives.

That is the Vice President.

Ambassador Bremer said in the last 2 weeks they will be producing 3 billion barrels a day in July. That is what he testified before the Appropriations Committee. If that in fact is the case, apparently there has been a change of mind here in the administration about whether Iraq oil should be used for Iraq reconstruction. It was alleged by Secretary Wolfowitz it should be, it was alleged by Secretary Rumsfeld it should be, by the Vice President it should be and would be. Now, apparently, they have changed their mind.

Second Rumsfeld also said to me in testimony:

What that country is suffering from [speaking of Iraq] is 30 years of a Stalinist-type economy and starvation of the infrastructure of the needed investments. That is not the obligation of the United States of America to repair.

So the 20-plus-billion-dollars request we have for reconstruction of Iraq includes the replacement and the rehabilitation of power distribution networks that were in a highly deteriorated condition before the war, \$50 million to restore marshland water projects, \$125 million to restore railroad tracks that suffered from severe neglect. Locomotives and railcars were in a deplorable state; backup generators were inoperative due to lack of maintenance and spare parts.

But more Members of the House of Representatives of the majority party saw fit to eliminate some of them—\$9 million to study a ZIP Code for the Iraq Government or for the country of Iraq; \$50,000 apiece for garbage trucks, \$150 million for a children's hospital, and the list goes on and on.

Clearly, some of it is not urgent. Some of it is not an emergency. In my judgment, it ought to be paid for with Iraqi oil. That was what was promised and alleged by the Vice President, by the Secretary of Defense, and the Assistant Secretary of Defense.

We are told by the President and others as well—the Secretary of State and Secretary of Defense—the question is, What will strengthen the Iraq economy? That is an important question. I believe reconstruction will strengthen the Iraq economy. I believe that ought to be done and paid for with Iraq oil.

But a more important question is, What will strengthen the U.S. economy? We are borrowing \$20 billion. Will borrowing \$20 billion and sending it to Iraq so Iraq can pump oil and send cash to the Saudis and Kuwaitis strengthen the United States economy? Absolutely not. That is why I offer this amendment. This amendment failed in the Appropriations Committee by a vote of 15 to 14.

I don't diminish the arguments of those who oppose it, but, frankly, I think they are wrong. I believe this was represented by the administration

to be the right course. I now offer it as an amendment and will hope when we have a vote at 6:30 it will prevail.

I yield the floor and I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I am waiting for a couple of speakers whose offices have told me they are on the way. It is my understanding from the Senator from Mississippi that he or others will be speaking as well. I will put us in quorum call. I ask unanimous consent that the quorum call be charged equally against both sides.

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

Is the Senator from North Dakota suggesting a quorum call?

Mr. DORGAN. Yes. 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. CLINTON. 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. DORGAN. I yield 8 minutes to the Senator from New York.

Mrs. CLINTON. Mr. President, I come to the Senate in support of the Dorgan amendment to this supplemental appropriations. I come also having been the beneficiary of the week-long recess, traveling throughout my State talking to many people, hearing what is on their minds, trying to answer their questions and drawing some conclusions about where we stand in our country on the important issue concerning the mission in Iraq and the President's request for \$87 billion. I talked with New Yorkers from Syracuse to Staten Island. At every stop, I had questions and concerns expressed about this request for \$87 billion.

New Yorkers are concerned that this money is being asked for and will be spent with no real plan for how we move toward the goal in Iraq to create an independent, functioning government that is able to stabilize the situation there with adequate security, begin providing services to the Iraqi people, and move toward self-sufficiency.

I also was faced with many questions about how we intend to pay for our commitment to Iraq and to our military forces since we are faced with record deficits and increasing debt. Time and time again, I heard my constituents echo the concerns of the senior Senator from Florida, Mr. GRAHAM, who pointed out eloquently in the Senate a short while ago how in effect we are asking our children and their gen-

eration to pay for the decisions we make today because we refuse to take responsibility for them.

This is a difficult situation to describe and explain to my constituents. I am asked how we can ask our taxpayers to contribute over \$20 billion for the reconstruction of Iraq when that was never presented to the American public or even to the Congress. Time and time again the Congress was told by administration officials that it would not cost very much money, it would not take very long, and besides, we could expect Iraqi oil revenues to pay for Iraqi reconstruction, and other nations would join us in shouldering the burden.

Now, of course, we are told by the administration not to expect very much from anyone else, and we cannot even look to the Iraqi oil revenues at some point in the future. We should not be asking anything of the Iraqi people and their soon-to-be new government with respect to the American taxpayers and to the sacrifice that our American men and women in uniform have made for Iraq's freedom.

The administration argues that this \$20 billion must be given in grants and not loans. The logic escapes me. Part of this money will go to rebuild the oil industry of Iraq. There are estimates ranging from hundreds of billions of barrels of recoverable oil to a trillion. There is no doubt that if we get this oil industry up and going, Iraq stands to be one of the richest nations in the world. The per capita income can be expected to shoot past most of the rest of the inhabitants of this globe. And I am all for it. That is wonderful. But not at the expense of the American taxpayer and not at the expense of an increasing deficit and debt burden on our children.

I am wondering how we can justify putting money in a grant to rebuild an oil industry that will start producing revenues that will then be used in part to pay back nations in the gulf and in Europe and elsewhere who have lent tens of billions of dollars to the former regime to do things like build palaces. Those who worked with, collaborated with, and supported the Saddam Hussein regime could conceivably be paid back from the fruits of the labor of American taxpayers who have gotten the oil flowing again. I, for one, cannot explain that in any audience I find myself.

Some in the administration have argued our aid to Iraq is analogous to the Marshall plan. But, of course, we know it is not.

That is a good rhetorical point to make, but it is not historically accurate. The U.S. did provide funds to both allies and enemies after World War II based on a matching program of contributions from those nations. We did not offer reconstruction funds without qualification. We required a commitment for some contribution from the receiving nation.

I saw a list of talking points distributed by the administration, apparently

out of the Pentagon, that listed all the reasons why loans were a bad idea: We would not want any other entity, such as the new Iraqi Government or the Coalition Provisional Authority, to be deciding where any of the money went; we would not want any, other than American, contractors to get any of the contracts; we would not want anybody to think we were in it just for the oil, which they might somehow believe if we had some responsible, mature relationship that expected some repayment.

I read those talking points. I looked at those arguments, and, frankly, they are not very convincing. I am still having trouble trying to figure out how we went from a position in the spring where administration official after administration official would not tell us how much it was going to cost, would not tell us how long it was going to take, would not tell us how long we were going to be there, and always reassured us that it was going to be paid for with the revenues from Iraqi oil once it began flowing, to where we cannot even ask for any kind of repayment.

The PRESIDING OFFICER. The Senator has consumed the 8 minutes yielded to her.

Mrs. CLINTON. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mrs. CLINTON. I strongly support the Dorgan amendment. I think it is the right thing for Iraq. I think it is the right thing for our country. It sets the right tone about how we are going to be dealing with this situation going forward. It lays down a marker that we are willing to shoulder this burden, but we expect at some point in the future for the American taxpayers of this or the next generation to be given some repayment opportunity from a new nation that we helped to create that, hopefully, will have the kind of future we are counting on and that many of us support.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota no longer has adequate time to suggest the absence of a quorum.

The Senator from Mississippi.

Mr. COCHRAN. 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. COCHRAN. 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. COCHRAN. I yield 10 minutes to the distinguished Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in opposition to the Dorgan amendment. It is unwise and uncharacteristic of the greatness and strength of America and in many ways could increase the risk that we may cause to young Americans who are fighting in defense of freedom in Iraq and trying to help that country begin the process of democracy and a free society. It is an extremely difficult task and one which will require a long period of time.

I don't share the view of some that the situation in Iraq is bright and wonderful. I don't agree with the opinion of some others who think that things are in a very bad state. I think progress is being made. In the northern part of Iraq there is real stability. In the southern part of Iraq there is significant progress.

All you have to do is pick up a newspaper or turn on the television or radio and hear that things are not so good in some parts of the country, particularly in the area we refer to as the Sunni Triangle. Every day there is some kind of attack mounted against American troops, against installations, car bombs. Our military leaders have stated that the attacks, primarily aimed at American soldiers and installations, are becoming more and more sophisticated.

In my view—and my view is shared by many others who are more expert and more knowledgeable than I—the battle for the hearts and minds—dare I use that phrase—in Iraq is still going on. We are winning that battle in some parts of Iraq. In other parts, it is still up for grabs.

Those who are the former Baathists, the terrorists, the extremists, this rather unusual combination of opponents of the United States and opponents of the democratization of Iraq, are echoing a similar theme: The United States is not in Iraq to free the Iraqi people. The United States is in Iraq for the oil.

That theme is being echoed and re-echoed throughout the Middle East, not just in Iraq but in every extremist Muslim madras in the Middle East, every dictatorship, in every oppressive regime that recognizes if democracy and freedom comes to Iraq, then their days are numbered, they are through, they are finished because we can prove in Iraq that democracy and a free and open society can grow and prosper anywhere in the world, including the Middle East.

Here is what they are saying. They are saying: Here is the history of the United States involvement with Iraq. All during the 1980s, the United States Government propped up Saddam Hussein and did a lot of business with him. He had a war with Iran. We took his side in the war with Iran. In 1991, in the gulf war, we defeated Saddam Hussein soundly and we told the Iraqi people that he would be gone. He wasn't gone. In fact, he went into these very same

areas and slaughtered thousands of people as he reasserted his grip on power. I have seen one of the mass graves. No, Saddam Hussein, they are saying, was left in power by the United States of America and allowed to freely oppress the people of Iraq and brutally repress and murder and commit unspeakable atrocities on the Iraqi people, when the United States told the Iraqi people that he would be gone.

They are also saying: Do you know why the economic conditions in Iraq were so terrible all during the 1990s? Do you know why you have an airport out here at Basra that is in mint condition but has never been used? Because of American economic sanctions imposed through the United Nations on Iraq.

Now the United States finally overthrew Saddam Hussein and they are going to demand our oil. In return for money, they are going to take our oil, the oil which we need, we, the Iraqi people, in order to rebuild the infrastructure of our country.

Mr. President, that argument is going to gain traction in some parts of Iraq—that the United States came for the oil and now we are asking for them to pay up. If we are concerned—and I know we all are—about the lives and safety of the young men and women serving in Iraq in the military, I can tell you this will put them in greater danger. If the opponents—this unusual combination of extremists and Baathists and terrorists, and this unusual but lethal cocktail of opponents of Iraqi freedom—are given additional propaganda, then I think it is going to be obviously very harmful to our effort to democratize and free Iraq.

I ask my colleagues to consider the fact there is no possibility that the Iraqi people and government—when it comes into being—could pay back any debt in the short term. It is not possible. If we want to condition future aid at a future time on a loan, or some kind of repayment, then I think it should be discussed and debated given the climate of the times at that time. But to at this moment in time, when we still have not gained the support of the Iraqi people that we need not only to ensure further democratization and freedom of Iraq—to protect the lives of the young men and women who are serving so nobly in Iraq, let's not do it at this time. Let's reject this amendment.

I don't impugn the motives or the patriotism of the sponsors of this amendment. I think it is hard to answer to our constituents why we are spending so much money there and not getting it back. I understand that and sympathize with that argument. One of my colleagues recently talked with great emotion about the loss of jobs in his State. These are all compelling problems. But I don't see how anyone could argue coherently that, at this moment, to send the wrong signal would be the right thing to do to achieve any of those goals.

I repeat that the battle is still on for the hearts and minds of the Iraqi peo-

ple. We are a great and generous nation. We have proven that time after time after time. I think it is time for this body to express that generosity, that commitment—which only the United States has ever really displayed—to freedom and democracy in Iraq and tell these people we are going to do everything we can to help rebuild their country, we will help them on the road to freedom and democracy, and at the end of the day, years from now, that gratitude on the part of the Iraqi people will be displayed to us in many ways, that will far exceed any benefits that might be accrued from this being some kind of a loan that would be paid back.

I hope my colleagues will understand the seriousness of this issue. It won't stop us from going about the work of securing the peace in Iraq, but it will set it back and it will send the wrong signal at the wrong time about the United States, true commitment in this country.

Mr. President, too many young Americans have already made the supreme sacrifice for us to go back on that commitment now.

I yield the floor.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume.

To refresh the memory of the Senate, it is good to look at the exact wording of this amendment that was offered by the Senator from North Dakota and others. The amendment provides that:

The President shall direct the head of the Coalition Provisional Authority in Iraq, in coordination with the Governing Council of Iraq or a successor governing authority in Iraq, to establish an Iraq Reconstruction Finance Authority. The purpose of the Authority shall be to obtain financing for the reconstruction of the infrastructure in Iraq by collateralizing the revenue from future sales of oil extracted in Iraq. The Authority shall obtain financing for the reconstruction of the infrastructure in Iraq through

(1)(A) issuing securities or other financial instruments; or

(B) obtaining loans on the open market from private banks or international financial institutions; and

(2) to the maximum extent possible, securitizing or collateralizing such securities, instruments, or loans with the revenue from the future sales of oil extracted in Iraq.

My personal impression from the reading of this amendment is that the \$21 billion that is struck from the bill by this provision—because the amendment begins by striking that \$21 billion and substituting this provision that I just read. My impression is that this is smoke and mirrors, pure and simple. What the amendment would really do would be to prevent making available to the Coalition Provisional Authority, trying to guarantee the reconstruction of Iraq and the possibility for the Iraqi people to live in peace and security and in an environment where democracy would be possible, self-government probable—that you could do it for nothing. That is what the assumption

is that underlies this amendment. The assumption is that you can do it for nothing. No private bank is going to make a loan in the environment that exists today in Iraq, with the threats to the security of the people who are cooperating in the reconstruction of Iraq, the threats to the Iraqi people who are cooperating with the coalition to reconstruct Iraq—as they are. People are being shot at in the streets. There is an atmosphere where there is a great deal of fear and suspicion.

We have to, if we are to succeed in helping create this new Iraq—which I applaud the President for trying to do; it will be a contribution to the peace and stability of not only that region but the world, in my opinion. If we want to support the President's efforts, we will vote against this amendment and permit the funds that were approved by the Appropriations Committee when it rejected this amendment in the committee after hearing testimony from an array of witnesses who are familiar with the situation in Iraq. The committee recommended the approval of these funds—the total appropriation asked for by the President—for the military operations, the increase in the equipment, ammunition, other resources that our troops need to protect themselves and to carry out their mission and to bring it to a successful conclusion. Those funds are included in this bill, but also additional funds that are the target of this amendment, which will help in the reconstruction and make it possible to reconstruct the country so that the people of Iraq can take care of themselves in a military sense, with officers involved in police activity, patrolling the streets to help guarantee that those who are engaged in positive, constructive work there in Iraq can do so with security and without fear of their lives.

That is what the bill is for. That is the goal of the mission of our troops, working with the other nations. Some 30 other nations are actively involved with people there, risking their lives trying to help this country rebuild itself from the ravages of the Saddam Hussein regime.

So if we vote for this amendment and if we reject the decision the Appropriations Committee made, we are putting in jeopardy all of the effort and all of the investment that has gone on, all of the risks taken by so many to make this a successful operation to help establish an atmosphere for freedom, democracy, self-government, for an economy that can be successful in Iraq so that we can see our direct support of this new Coalition Provisional Authority and the government that will be formed as a result of its efforts.

I am hopeful we will recognize the fact that we had solid convincing testimony before our committee at the hearings. Ambassador Bremer testified, the Secretaries of State and Defense testified, and the Chairman of the Joint Chiefs of Staff, General Abizaid,

in charge of the military operation there, all in support not just of the military aspect, the \$80 billion plus for military activity in direct support of our military forces, but the additional funds which are the target of this amendment.

Schools have started throughout Iraq. Hospitals have been reopened throughout Iraq. That will all come to an end. The continuation of the recovery effort and the progress being made will be put in jeopardy if these funds are not approved.

Not only are banks unwilling to make direct loans to this new government under the security situation that now exists, but nobody will securitize or collateralize future revenues from any source, oil or anything else. To assume this oil has a great monetary value right now to anybody is just a false assumption. It is in the ground, right, but it is not being produced. It is not being transported or marketed in sufficient quantities that anyone would be willing to take the risk of making a loan to a provisional authority created at this time in Iraq. It is just not possible to expect that.

Nobody testified before our committee that I can remember saying that would be a good idea. I don't recall a single financial expert coming in to dispute this administration's recommendation that funds be made available to help reconstruct the capacity to produce oil and to get Iraq's economy moving. Nobody suggested an alternative, certainly not this one. I don't recall hearing a witness. Maybe in the time remaining to the Senator from North Dakota he can cite that effort, he can cite that testimony.

We heard political arguments preying on the suspicions of others, preying on the political aspirations of others who may challenge the administration's policies, and we can have that debate, but this is not a good substitute for the provisions that we have in the bill today before the Senate.

Ms. LANDRIEU. Will the Senator yield?

Mr. COCHRAN. We have looked through the administration's request very carefully, and there were some disagreements about specific items. The other body has completed action in its committee on this appropriations request, and there are some differences. We will have an opportunity in conference to look at some of the specific suggestions the House has made, and I think they have made some good ones. We will work together with our House colleagues and counterparts to prepare a conference report that we hope will meet the approval of the Senate, as well as the House, and that the President can sign, and we can move forward.

This is a smoke-and-mirrors amendment, Mr. President, purely and simply. You cannot have it both ways. As I remember, one of my good friends on the other side, after looking at a proposal that we had before us one time,

said: This is like smoke and mirrors. In fact, there is so much smoke; you can't even find the mirrors; you can't see the mirrors.

I am not trying to be too cute. I don't want to try to create that impression, but I am very serious in my suggestion that it would be a big mistake if we adopted this amendment. I hope the Senate will reject the amendment. The committee looked very carefully at the amendment when it was offered in our markup session and rejected the amendment.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. COCHRAN. I am hopeful, as we proceed to a final discussion, that the Senate will look at the testimony we had before our committee, consider carefully the implications of denying these funds to the administration and the fact that it would contribute to a greater degree of instability in that country with a greater degree of risk for our troops who are now there, the civilians who are there from some 30-odd countries trying to be helpful in the reconstruction of this country. It would create a much more dangerous situation, and I don't think we want to be a party to that. That would be a result, unintended of course, that would flow from the adoption of this amendment.

I reserve the remainder of the time on our side.

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. Who yields to the Senator from Louisiana?

Ms. LANDRIEU. I believe we have 1½ minutes. I wanted to ask the Senator—

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU. I ask unanimous consent to speak for 5 minutes.

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. Who yields to the Senator?

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 1 minute 37 seconds.

Mr. DORGAN. My hope had been the normal courtesy of the Senate to have the offeror of the amendment close debate. That may not be possible because of the strategy of the quorum call here, so I don't know what the intention of the Senator from Mississippi is. In most cases, those who offer the amendment are allowed to close debate. I hoped to do that for 5 minutes. If I am prevented from doing that, we will deal with that at a later time.

But in the remaining time, I wish to make one point. The Senator from Mississippi says he didn't hear any witnesses describe this approach to reconstruction. You know why they didn't hear any witnesses? Because Senator BYRD asked again and again to bring

witnesses before the committee and my colleagues on the other side of the aisle decided they would not allow it to happen. They would not allow other witnesses to come before the committee. So it is curious now to hear people complain about not hearing other witnesses when they, in fact, prevented them from testifying before the committee.

I yield the floor, and reserve the remainder of my time.

Mrs. FEINSTEIN. Mr. President, as we continue to debate this supplemental, we continue to find ourselves dancing around a very important question that we've been asked—the one that Senator DORGAN raises today: how is reconstruction in Iraq to be paid for?

First, let me say that it is clear that we unequivocally support our troops and nearly all of us support their mission. I voted to support the President in this effort a year ago this month and continue to support our efforts to liberate Iraq from the terror that continues to grip its citizens.

But, the answer to the question of cost is much less clear.

Last week I came to the Floor in support of Senator BIDEN's amendment to rollback a small portion of the President's May 2003 tax cut. Senator BIDEN's amendment would have paid for this supplemental while protecting every American from undue hardship.

That amendment failed to gain the necessary support that would have made it part of this supplemental. And, those who voted against that amendment have yet to tell the rest of us how it is that we can afford to spend \$20 billion on Iraqi reconstruction and pass that cost onto our children.

So, as of today, we still have not figured out how to pay for our efforts in Iraq.

For a moment, let us set aside the portion of the supplemental that I believe has nearly universal support here in the Senate—that being the portion to pay for ongoing military operations.

Let us focus instead on that portion of the supplemental that deals exclusively with reconstruction in Iraq.

The administration would like us to approve more than \$20 billion for projects we all consider necessary for any fledgling nation, but should the American public or the Iraqi people pay for these types of improvements? Should the American people be paying for pickup trucks, radios and computer training? Remember, these are improvements that were, in large part, needed prior to our arrival in Iraq.

Let me be clear, I am not questioning the need for these improvements, but rather who ultimately pays for them.

In February 2003, and on at least three other occasions, we were told by the White House that "Iraq, unlike Afghanistan, is a rather wealthy country. Iraq has tremendous resources that belong to the Iraqi people. And so there are a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction."

The White House knows, as we do, that Iraq is in control of the second largest proven oil reserve on the planet and modern financing techniques will allow Iraq to leverage these natural resources to rebuild its nation.

Senator DORGAN's amendment encapsulates an idea that is proven and at work all over the globe. The worldwide securitization market is in excess of \$2 trillion.

We have heard from several experts, including the Export-Import Bank, that securitization is workable and, in this case, desirable.

Securitization is the most legitimate way to provide reconstruction dollars and to foster a sense of Iraqi ownership in the outcome of this process of liberation, and I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time? Time will run equally against both sides if no side yields time.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, can you tell me how much time is remaining?

The PRESIDING OFFICER. The Senator's time has expired. All remaining time is controlled by the Senator from Mississippi.

The PRESIDING OFFICER. The hour of 6:30 having arrived, the Senate will move to a vote in relation to the amendment of the Senator from North Dakota.

Mr. STEVENS. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1826. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER (Mr. TALENT.) Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 380 Leg.]

YEAS—57

Alexander	Coleman	Frist
Allard	Collins	Graham (SC)
Allen	Cornyn	Grassley
Bennett	Craig	Gregg
Biden	Crapo	Hagel
Bond	Dayton	Hatch
Brownback	DeWine	Hutchison
Bunning	Dodd	Inhofe
Burns	Dole	Kyl
Cantwell	Domenici	Lott
Carper	Ensign	Lugar
Chafee	Enzi	McCain
Chambliss	Feingold	McConnell
Cochran	Fitzgerald	Miller

Murkowski  
Nickles  
Roberts  
Santorum  
Sessions

Shelby  
Smith  
Snowe  
Specter  
Stevens

Sununu  
Talent  
Thomas  
Voivovich  
Warner

NAYS—39

Akaka  
Baucus  
Bayh  
Bingaman  
Boxer  
Breaux  
Byrd  
Campbell  
Clinton  
Conrad  
Corzine  
Daschle  
Dorgan

Durbin  
Feinstein  
Graham (FL)  
Harkin  
Hollings  
Inouye  
Jeffords  
Johnson  
Kennedy  
Landrieu  
Lautenberg  
Leahy  
Levin

Lincoln  
Mikulski  
Murray  
Nelson (FL)  
Nelson (NE)  
Pryor  
Reed  
Reid  
Rockefeller  
Sarbanes  
Schumer  
Stabenow  
Wyden

NOT VOTING—4

Edwards  
Kerry

Kohl  
Lieberman

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I strongly support the amendment of Senators DASCHLE and GRAHAM of South Carolina to close an unfortunate and unacceptable gap in health insurance coverage for families of Reserve and Guard members called up for active duty. The amendment is especially important now, when so many Reserve and Guard members are being called up for duty in Iraq.

We all know that our Armed Forces are stretched thin. They are paying a heavy price for the Bush administration's gross miscalculation about Iraq. The burden is now falling heavily on the Reserve and National Guard as well. Over 215,000 Guard and Reserve men and women have not been mobilized to ease the burden on our regular forces in Iraq and Afghanistan, and in homeland security as well.

One challenge they should not have to face is maintaining health insurance for their families. The immediate problem is that, too few private employers are willing to continue coverage for Guard and Reserve employees and family members when the employees are activated.

According to the General Accounting Office, nearly 80 percent of all reservists have health coverage through their jobs in the private sector. They far prefer to continue that coverage when they are activated. The military's TRICARE coverage works well for the reservists themselves when they are activated. But it is often not practical for their family members, since their homes are often too far from the military bases where the TRICARE doctors have their medical practices and doctors in the area near their homes often do not accept TRICARE coverage.

Even when TRICARE coverage makes sense, it is often difficult to transfer to TRICARE for a year and then transfer back to their employer-sponsored plan after their deactivation, especially if they have a so-called preexisting condition that could make them uninsurable.

I recently met with an Air Force family in Boston who had lost their health care as a result of the mobilization for Iraq. The family joined TRICARE, but few physicians and even fewer specialists were willing to take their insurance.

Clearly, we need to do more to guarantee that good health insurance coverage is available. All our military families, including members of the Reserve and Guard deserve good coverage. We need to do everything we can to avoid unnecessary upheaval in the lives of these families who are sacrificing so much for our country.

I thank my colleagues for their support of this proposal to make TRICARE available to Reserve and Guard personnel and their families. It is a problem we should have corrected long before now and we could have avoided this sudden crisis for so many of these families.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I would like to yield to the Senator from Nevada for purposes of offering some amendments, and then I would like to get a time agreement, if we can, on the amendments that we are going to lay down and debate tonight.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could respond to my friend, the manager of the bill, I am going to send a couple amendments to the desk. Thereafter, Senator CORZINE is going to offer an amendment, and he wishes 12 minutes tonight. The Senator from Rhode Island, Mr. REED, is going to offer an amendment. He is going to speak for up to 20 minutes.

Mr. STEVENS. Mr. President, we are preparing a unanimous consent request. May we—

Mr. REID. Mr. President, I am advised Senator DURBIN wants to lay down an amendment following Senator REED and wants to speak for 10 minutes.

Mr. STEVENS. Mr. President, I would like to start the process of having amendments offered from this side, too. So we are going to have two from that side. Can we reserve a time for people to offer amendments over here and decide about—I do not have any problem with Senator DURBIN offering an amendment, but the order of presenting them we will decide tomorrow.

Mr. DURBIN. Absolutely.

Mr. STEVENS. Let me yield to the Senator to offer amendments.

And may I ask Senator CORZINE to hold off until we get an agreement concerning these two amendments we are going to consider?

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 1836

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator REID and Senator LINCOLN.

The PRESIDING OFFICER. Without objection, the pending amendments are

set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mrs. LINCOLN, proposes an amendment numbered 1835.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability)

At the end of title I, add the following:

SEC. 316. (a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended to read as follows:

“§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation

“(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

“(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

“(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘retired pay’ includes retiree pay, emergency officers' retirement pay, and naval pension.

“(2) The term ‘veterans' disability compensation’ has the meaning given the term ‘compensation’ in section 101(13) of title 38.”.

(b) REPEAL OF SPECIAL COMPENSATION PROGRAMS.—Sections 1413 and 1413a of such title are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1413, 1413a, and 1414 and inserting the following:

“1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.”.

(d) EFFECTIVE DATE; PROHIBITION ON RETROACTIVE BENEFITS.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

(2) RETROACTIVE BENEFITS.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date under paragraph (1).

AMENDMENT NO. 1836

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send another amendment to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1836.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of Congress on damages caused by the regime of Saddam Hussein during the First Gulf War)

On page 22, between lines 12 and 13, insert the following new section:

SEC. 316. (a) Congress makes the following findings:

(1) During Operation Desert Shield and Operation Desert Storm (in this section, collectively referred to as the “First Gulf War”), the regime of Saddam Hussein committed grave human rights abuses and acts of terrorism against the people of Iraq and citizens of the United States.

(2) United States citizens who were taken prisoner by the regime of Saddam Hussein during the First Gulf War were brutally tortured and forced to endure severe physical trauma and emotional abuse.

(3) The regime of Saddam Hussein used civilian citizens of the United States who were working in the Persian Gulf region before and during the First Gulf War as so-called human shields, threatening the personal safety and emotional well-being of such civilians.

(4) Congress has recognized and authorized the right of United States citizens, including prisoners of war, to hold terrorist states, such as Iraq during the regime of Saddam Hussein, liable for injuries caused by such states.

(5) The United States district courts are authorized to adjudicate cases brought by individuals injured by terrorist states.

(b) It is the sense of Congress that—

(1) notwithstanding section 1503 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 579) and any other provision of law, a citizen of the United States who was a prisoner of war or who was used by the regime of Saddam Hussein and by Iraq as a so-called human shield during the First Gulf War should have the opportunity to have any claim for damages caused by the regime of Saddam Hussein and by Iraq incurred by such citizen fully adjudicated in the appropriate United States district court;

(2) any judgment for such damages awarded to such citizen, or the family of such citizen, should be fully enforced; and

(3) the Attorney General should enter into negotiations with each such citizen, or the family of each such citizen, to develop a fair and reasonable method of providing compensation for the damages each such citizen incurred, including using assets of the regime of Saddam Hussein held by the Government of the United States or any other appropriate sources to provide such compensation.

Mr. REID. Mr. President, there is a unanimous consent request being typed now, but for the information of Senators, what we would like to do tonight on the first two amendments we have spoken about, the Corzine and Reed amendments—the majority has had an opportunity to review those amendments. They know what is in those. I do not think we are in a position at this time to make an agreement on the amendment by the Senator from Illinois because they have not seen his amendment.

Mr. STEVENS. Mr. President, I have no problem with Senator CORZINE, Senator REED, and Senator DURBIN offering their amendments, but in the line here of being pending, of amendments being set aside temporarily, I would like the right tomorrow to suggest the order in which these will be presented following the votes on Senator CORZINE's and Senator REED's amendments.

Mr. REID. I think that is appropriate.

Mr. STEVENS. It is just an understanding. I do not ask unanimous consent.

Mr. President, I now ask unanimous consent that when the Senate resumes consideration of the Iraq supplemental on Wednesday, there be 4 minutes equally divided prior to the vote in relation to the Corzine amendment No. 1811; provided further that following that vote there be 7 minutes for debate in relation to the Reed amendment No. 1834, with 5 minutes under the control of Senator REED and 2 minutes under the control of the chairman; further, that following that debate the Senate proceed to a vote in relation to the Reed amendment, with no amendments in order to either amendment prior to the votes.

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

Mr. STEVENS. Mr. President, as I understand it, we have announced there will be no more votes tonight. Senator CORZINE will offer his amendment first, and then Senator REED will offer his amendment. We will vote on those amendments tomorrow. I am informed there probably will be a morning hour after our convening at about 9:30. We will announce that schedule later. That means the first vote will take place sometime around 10:40.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from New Jersey.

AMENDMENT NO. 1811

Mr. CORZINE. Mr. President, I ask unanimous consent to lay aside the pending amendment, and I call up amendment No. 1811.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE] proposes an amendment numbered 1811.

Mr. CORZINE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55)

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a) Section 12731(a)(1) of title 10, United States Code, is amended by striking "at least 60 years of age" and inserting "at least 55 years of age".

(b) With respect to any provision of law, or of any policy, regulation, or directive of the executive branch, that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to the age in effect for qualification for such retired pay under section 12731(a) of title 10, United States Code, as amended by subsection (a).

(c) The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply to retired pay payable for that month and subsequent months.

Mr. CORZINE. Mr. President, on behalf of myself and Senator DURBIN, and hopefully others, this amendment is designed to reduce the retirement age for members of the National Guard and Reserves from 60 to 55. This change would allow for an estimated 92,000 reservists, currently age 55 to 59, to retire with full benefits and would restore parity between the retirement systems for Federal civilian employees and reservists.

Just to refresh my colleagues' memory, regular military personnel can retire after 20 years of service regardless of their age—38, 48, 55, or 60—and receive their retirement benefits at the time of retirement. As we reflect on the demands placed on our soldiers in Iraq, particularly our Reserve and Guard forces—of which there are roughly 20,000 in theater—there is no more appropriate time to consider this important proposal to support these brave men and women.

As a matter of basic fairness, it is only right to restore parity between the retirement age for civilian employees and their Reserve counterparts.

When the Reserve retirement system was created in 1947, the retirement age for reservists was identical to the age for civilian employees. At age 60, reservists and Government employees could hang up their uniforms and retire with full benefits. However, since 1947, the retirement age for civilian retirees has been lowered by 5 years while the retirement age has not changed for reservists and guards.

The disparate treatment of Federal employees and reservists would have been serious enough had the nature of the work performed by the reservists been steady over the past five decades, but today this country places an increasingly heavy demand on its Ready

Reserve, more of a demand than has ever been the case in our Nation's history. Today more than 200,000 reservists have been called up to serve their country in the war on terrorism, and 170,000 of these reservists and Guard troops are now on active duty, here at home and abroad. America's dependence on our Ready Reserve has never been more transparent to the American people. Reservists are now providing security at our Nation's airports, and they patrol the air over our major cities. They provide caps, protection.

With call-ups that last several months and take reservists far from home in serving our Nation, it is increasingly clear that reservists are performing the same role as those on active duty and any other service. Before the war on terrorism, reservists were performing 13 million man-days each year—get the idea of how big that is—more than a tenfold increase over the 1 million man-days the Reserves averaged just 10 years ago. It has moved dramatically, even before the war on terrorism began.

In fiscal year 2002, reservists contributed 41 million man-days. And this year, in fiscal year 2003, that number will be up again. So we are using our Reserve Forces dramatically more than was ever the case in the history of the Reserve and Guard units. These people are on active duty for an increasing amount of time, particularly as we justify and move forward with the war on terrorism. These are staggering increases. Those defenders of the American people should have that recognized by shortening their time before they are eligible for retirement. In my view, with additional responsibility should come additional benefits.

I know this proposal is not without cost. But not improving the reservists' benefits also will have a cost, potentially a severe cost. After all, in recent years we have seen our military struggling to meet recruitment and retention goals. It has been even more severe sometimes with our Guard and Reserve. That has improved somewhat after 9/11. But unless the overall package of incentives is enhanced, there is little reason to believe we will be able to attract and retain highly trained Reserve personnel over the long run, particularly as their deployments and the number of man-hours has increased.

Active-duty military personnel have often looked to the Reserves as a way to continue to serve their country while being closer to their families. We have been drawing people out of the active military into the Reserve. With thousands of dollars invested in training active-duty officers and enlisted soldiers, the United States benefits tremendously when personnel decide to continue with the Reserves. But with Reserve deployments increasing in frequency and duration, pulling reservists away from their families and civilian life, imposing real hardships on those families, the advantage in joining the



Reserves has been dramatically reduced. There is no question about that.

The more we depend on the Reserves, the greater chance we have of losing highly trained former active-duty service men and women and a number of people who have just joined the Active Reserve because they thought it was a way they could supplement income and be involved in supporting our Nation.

In my view, the added incentive of full retirement at 55 might provide just the inducement some of them need to stay on despite the surge in deployments. By the way, to illustrate, in the period 1953 to 1990, there were 11 deployments of reservists and guards. Between 1991 and 2001, there have been 50 deployments of reservists and guards. Now those numbers are accelerating as we take on this war on terrorism.

It is an enormous change in how we are utilizing our Reserve Forces. I hear from the guards and reservists in New Jersey to whom I spoke directly that one of those things they are most interested in is seeing a shortening of the period before they have access to retirement benefits. It will make a big difference in their lives. They consider it important.

Enacting this legislation will send a clear message that our Nation values the increased sacrifice of our reservists during this trying time. This proposal has been endorsed by key members of a broad military coalition, including the Reserve Officers Association, Veterans of Foreign Wars, the Air Force Sergeants Association, the Air Force Association, and Retired Enlisted Association, the Fleet Reserve Association, the Naval Reserve Association, and the National Guard Association. All of the groups that represent these individuals in our system are strongly supporting this initiative. It would restore parity between the Reserves retirement system of our Guard and Reserve and the civilian retirement system, acknowledge the increased workload of reservists, and provide essential personnel with the inducement to join and stay in the Reserves until retirement.

I do hope my colleagues will support this amendment. This is the appropriate time given what kind of challenge we are laying down for our National Guard and Reserve across this country. We have increased their responsibilities. We have put severe challenges in front of them and their families, and it is our responsibility, in my view, to recognize that and to address it. I think one of the best ways to do that is to reduce the retirement age for the Reserve and the Guard.

I hope my colleagues will join me in supporting this amendment.

With that, I yield the floor.

Mr. DURBIN. Mr. President, I ask unanimous consent to be allowed to speak for 5 minutes and lay down an amendment out of line before giving the floor to Senator REED, who will do the same with his amendment.

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

AMENDMENT NO. 1837

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Ms. MIKULSKI, and Mr. CORZINE, proposes an amendment numbered 1837.

Mr. DURBIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure that a Federal employee who takes leave without pay in order to perform certain service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) SHORT TITLE.—This section may be cited as the “Reservists Pay Security Act of 2003”.

(b) NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD.—

(1) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

“§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

“(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

“(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

“(2) the amount of pay and allowances which (as determined under subsection (d))—

“(A) is payable to such employee for that service; and

“(B) is allocable to such pay period.

“(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted)—

“(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

“(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee’s civilian employment with the Government.

“(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

“(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

“(B) shall include any period of time specified in section 4312(e) of title 38 within which

an employee may report or apply for employment or reemployment following completion of the service on active duty to which called or ordered as described in subsection (a).

“(c) Any amount payable under this section to an employee shall be paid—

“(1) by such employee’s employing agency;

“(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

“(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee’s civilian employment had not been interrupted.

“(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

“(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

“(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

“(f) In this section—

“(1) the terms ‘employee’, ‘Federal Government’, and ‘uniformed services’ have the same respective meanings as given them in section 4303 of title 38;

“(2) the term ‘employing agency’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

“(3) the term ‘basic pay’ includes any amount payable under section 5304.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

“5538. Nonreduction in pay while serving in the uniformed services or National Guard.”.

(3) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this section and ending September 30, 2004.

Mr. DURBIN. Mr. President, I thank my colleague, who is a Boston Red Sox fan, for allowing me an opportunity to present this amendment so I can watch the Cubs in a few minutes. I owe him big for this one.

This amendment takes into consideration that we have 1.2 million members of the National Guard and Reserve. Of that number, some 120,000 are also Federal employees—10 percent of the National Guard and Reserve—and 14,000 of the Federal employees are currently mobilized and serve on active duty.

All across the United States, States, local governments, and private corporations have said to the men and women in the Reserve and Guard: If you are activated and mobilized, we will hold you harmless in terms of your salary. We will make up the difference between your military pay and what you would have made at home so that your family won’t suffer a hardship and have to make a sacrifice.

Sadly, we do not make the same concession for Federal employees. My Reservist Pay Security Act of 2003 is legislation that will help alleviate the problems faced by many Federal employees who serve in the Reserves and must take time off from their jobs when our Nation calls. It allows these citizen-soldiers to maintain their normal salary when called to active service by requiring Federal agencies to make up the difference.

This amendment is affordable. A recent Department of Defense survey of 35,000 reservists found that 41 percent lost income during mobilization and deployment, while 59 percent either broke even or increased their income on active duty. Of those who reported losing income, most—70 percent—said their income was reduced by \$3,750 or less while serving on active duty.

Based on CBO estimates, this measure to protect the income of Federal employees who are activated and mobilized in Guard and Reserve units would cost us approximately \$75 million for the next fiscal year. That seems like a very small amount in an \$87 billion supplemental.

I think we need to provide these Reserve employees financial support so they can leave their civilian lives and serve our country without the added burden on their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

AMENDMENT NO. 1834

Mr. REED. Mr. President, I ask unanimous consent to lay aside the pending amendment, and I call up amendment No. 1834.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself and Mr. HAGEL, proposes an amendment numbered 1834.

Mr. REED. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase the end strength of the Army and to structure the additional forces for constabulary duty)

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a) In addition to the strengths authorized by law for personnel of the Army as of September 30, 2004, pursuant to paragraphs (1) and (2) of section 115(a) of title 10, United States Code, the Army is hereby authorized an additional strength of 10,000 personnel as of such date, which the Secretary of the Army may allocate as the Secretary determines appropriate among the personnel strengths required by such section to be authorized annually under subparagraphs (A) and (B) of paragraph (1) of such section and paragraph (2) of such section.

(b) The additional personnel authorized under subsection (a) shall be trained, incorporated into an appropriate force structure, and used to perform constabulary duty in such specialties as military police, light infantry, civil affairs, and special forces, and

in any other military occupational specialty that is appropriate for constabulary duty.

(c) Of the amount appropriated under chapter 1 of this title for the Iraq Freedom Fund, \$409,000,000 shall be available for necessary expenses for the additional personnel authorized under subsection (a).

Mr. REED. Mr. President, I offer this amendment with Senator HAGEL of Nebraska. It would increase the end strength of our Army so we can deal with the increasing turbulence throughout the world that we have been confronting since 9/11—indeed before then.

Our military forces are without equal. They combine superb technology with bravery and devotion to the Nation. They are well led, particularly by extraordinary noncommissioned officers and junior officers. These qualities extend to both Active and Reserve components. History has never seen such a formidable force. However, history is replete with examples of superb military forces worn down because they were overextended.

Today, that danger is approaching our Army as it copes with worldwide commitments and the difficult challenge of a violent insurgency in Iraq and a resurgence of the Taliban in Afghanistan.

This chart depicts the deployment of soldiers. There are 325,000 soldiers in 120 countries. In Iraq, there are about 120,000; in Kuwait, about 22,000; in Afghanistan, approximately 11,000. They are all across the globe performing missions that are important to us and our national security and our safety. This situation of an extended Army has been developing over many years. Since 1989, the Army's military end strength has been cut by more than 34 percent and civilian strength by 45 percent, while undergoing a 300-percent increase in mission rate. Fewer people, more demand. That has been the record since 1989 and before that even.

This operational tempo certainly became acute after September 11 and the commencement of the global war on terrorism. A respected voice who devoted his life to serving the nation, GEN Frederick Kroesen, wrote in November 2002, before the initiation of operations in Iraq:

It appears to this interested observer that we are expending the force and doing little to ensure its viability in the years to come, years we have been assured it will take to win the war on terrorism. The quality of our effort, high and commendable during the first year and showing no signs of deterioration, can in the long run only be sustained by preparing now for the force we will need then. Barring the unlikely scenario of an all-out war and full mobilization, soldiers now fighting the war on terrorism, with few exceptions, will not be available for fighting two years from now. Units and organizations of the reserve components, mobilized for the first year of war, will not be available for more of the same service off into the indefinite future. It might be prudent now to ask the managers who decreed the current second-year Reservists' extensions what they plan for the third year.

The answer, of course, is to increase the size of the Army. On September 10, 2001, the

Army was too small for the missions with which it was charged—a fact reported by both the Secretary and Chief of Staff of the Army in congressional testimony of that year.

On September 11, Army mission requirements grew significantly; the Army did not. It instead begins the expending of it and establishes the need to begin planning for the replacement of that which is being used up.

General Kroesen, a distinguished soldier, commanded the 82nd Airborne Division when I served as a young lieutenant. His insights are both profound and to me compelling.

Again, these words from General Kroesen were written before Operation Iraqi Freedom and before we found ourselves in a prolonged and costly effort to defeat an insurgency and rebuild a nation. The added stress of Iraq has made the acute absolutely critical.

James Kitfield of the National Journal wrote an insightful analysis of the stresses affecting the Army. He points out how this breakneck operational tempo is imposing great burdens throughout the Army. In his words:

To understand why, shift the focus from individual soldiers to major units such as the 82nd Airborne Division. Traditionally America's quick reaction division, the 82nd currently has a brigade in Iraq and another in Afghanistan. The 3rd Brigade of the 82nd Airborne, however, is the one that most concerns Army planners. After leaving Afghanistan earlier this year, the 3rd Brigade was home only about 6 months before being sent to help relieve the 3rd Infantry Division.

Then there is the 3rd Brigade of the 1st Infantry Division. Having returned recently from Germany from an extended peacekeeping deployment in the Balkans, the soldiers of the 3rd Brigade are becoming reacquainted with their families and relearning the kinds of high-intensity combat skills the Army put to such impressive use during the Iraq war. That training cycle itself requires weeks away from home. The 1st Infantry soldiers will not have much time before turning their focus to deployment preparations, however, because the 3rd Brigade is heading to Iraq next March to relieve elements of the 4th Infantry Division.

What we are seeing every day is an increasing cycle of deployment and redeployment of brigades and divisions being shuffled about to cover all of these tremendous worldwide domains. This tempo and this stress is beginning to show in terms of our soldiers and in terms of the Army. Unless we provide additional soldiers for the Army, these stresses will be manifested in growing problems, such as difficulties in recruitment and retention and difficulties in adequately and thoroughly training the force.

The Army has begun to cancel or postpone many exercises and training rotations. The Los Angeles Times recently reported that since October 1, 2002, the Pentagon has canceled or postponed 49 of the 182 training exercises scheduled for this fiscal year.

The superb force that entered Iraq was forged through intensive training. Without such training, we will lose the

edge in a world where there are other potential adversaries, such as North Korea whose army is more tenacious than the Iraqis under Saddam.

The effects on recruitment and retention are likely to be seen first in the National Guard and Reserves. Indeed, unless we add more active component soldiers, we will continue to rely on the National Guard and Reserves to fill the gaps. Such a policy is unsustainable over an extended period.

National Guard men and women and Reserve forces are dedicated patriots and skilled professionals, but they have lives outside the Army. If we continually force them to choose between service to the Nation and supporting their families, they will ultimately and invariably choose their families.

Moreover, the stresses on the Guard and Reserves are not localized in a few communities. These stresses are transmitted to every corner of the country, and we will have great difficulty maintaining public support for an extended operation in Iraq if the public sees that operation through the prism of neighbors repeatedly called to service and sacrifice without relief.

There has been much discussion about the adequacy of our force structure in Iraq, and I have become increasingly skeptical of the adequacy of the force structure in Iraq. You just have to pick up today's New York Times where there is an article that describes the fact that there is approximately 1 million tons of ammunition in Iraq, much of it unsecured because, frankly, we don't have enough troops there. We don't have enough American troops. We have not received our international reinforcements, and we have not yet effectively trained and deployed Iraqi troops.

What is also frightening is the fact that apparently the Saddam Hussein regime stockpiled at least 5,000 shoulder-fired missiles, air defense missiles, capable of bringing down aircraft. Only about a third of these missiles are accounted for. There is the alarming possibility, because we are unable to secure these ammo dumps, that literally thousands of shoulder-fired air defense missiles are in Iraq or, even more alarming, have filtered outside the country to terrorist groups. So there is increasing evidence that the forces we have on the ground are not doing an essential job, which is to protect themselves from munitions going into the hands of terrorists and being used against our troops.

Regardless of how one feels about the number of troops in Iraq, we simply will not be able to maintain even that level unless we increase the end strength of our Army. Increased reliance on Guard and Reserves is not a sensible long-term strategy, and the arrival of international reinforcements is problematic. The Army is trying to squeeze more boots on the ground from its current forces, but this improvisation is a quick fix, not a long-term solution.

This amendment would authorize and would pay for an increase in the active duty Army end strength by 10,000 personnel and would focus on forces needed for constabulary duty, such as military police, civil affairs, light infantry, and special operations.

The objective of end strength, meaning the number of personnel permitted to serve in the military, was succinctly summed up by retired GEN Gordon R. Sullivan:

The objective is to have enough soldiers to execute Army missions at the right time and the right place, have enough in the total to have both tactical and operations flexibility and to have adequate depth in numbers to support leader development, required force structure manning and the requisite balance needed across the ranks.

Indeed, the current numbers are not giving the flexibility and the redundancy we should have built in to our military.

Each year in the Defense authorization bill, Congress authorizes the end strength of each branch of the military service. There is a separate end strength number for the Active and Reserve component, which includes the National Guard.

Presently, the authorized active duty end strength for the Army is 480,000. The authorized end strength for the Army National Guard is 350,000, and the authorized end strength for the Army Reserve is 205,000.

In addition, there is a variance, which means the Secretary of Defense is authorized to exceed the active duty end strength by 3 percent when necessary, and the Guard and Reserve end strength by 2 percent.

I would argue that the present authorized end strength today, even with the allowed variance, does not provide enough Army personnel to provide the depth, the flexibility, and the balance it needs to carry out the missions of today and the future. This Army is stretched across the globe. The demands increase and the number of soldiers who are available is not able to give that needed flexibility, that adaptability, and that balance.

Five years ago in the Defense Authorization Act for fiscal year 1999, Congress lowered the authorized active duty end strength from 495,000 to its present 480,000. So there were at least 15,000 more soldiers several years ago before the war on terror, before the war in Iraq, before contingencies that have yet to present themselves to us.

Soon after that, however, the discussions began when we lowered this end strength, focusing on the inadequacies of the number of people we had. During a hearing before the House Armed Services Committee in July 2001—again, before September 11—General Shinseki stated:

Given today's mission profile, the Army is too small for the mission load it is carrying.

At that time, both General Shinseki and Secretary White requested that end strength be increased to 520,000. Again, that was before 9/11 and before Iraq.

Since 2001, the Association of the United States Army has been advocating for increasing end strength by 30,000 to 40,000 additional soldiers. Again, my amendment would only call for a 10,000 increase in the number of soldiers.

However, despite the views of these professionals, end strength has not been increased. Yet none of the Army's missions from 2000 have ended, and with the advent of September 11, the war on terror, the war in Afghanistan, and the war in Iraq, the burden has increased exponentially.

Today, as this chart shows, the Army has 325,200 soldiers deployed and forward stationed in 120 countries. While some of these deployment numbers may vary in the future, there will not be any significant changes. No one, I think, reasonably expects that we will be withdrawing within a year or two a major force from Iraq or forces from Afghanistan or forces from even Kosovo, Bosnia, and Hungary. These commitments are there, and they must be met.

Retired LTG Jay Garner, the first director of Iraqi reconstruction, told the National Journal that the active duty Army "has already been burned out" by trying to do too much with too few, and the "reserves are going to be burned out" by repeated activations.

General Garner argues that the Army needs to expand by two light infantry divisions, about 20,000.

The U.S. Army's Center of Military History has looked at the numbers and experiences of forces needed to remain in country after the conventional battle has ended—occupation forces, in other words. The center notes that you can look at historical examples, but you must also consider contemporary analyses and current capabilities.

With this three-pronged analysis, the Army's Center of Military History posited that if "we and our allies were to directly and effectively steer the course of events," 300,000 troops would be required in Afghanistan for a generation and 100,000 troops would be needed in Iraq for a number of years," assuming a modernized society and robust infrastructure. Without these numbers of military personnel, we may have influence but not control.

I think we are seeing today in Iraq that we have influence and not control, certainly not in Baghdad. We have influence in Afghanistan, but not control. It is important to note that providing insufficient troops to both Afghanistan and Iraq not only has consequences now but well into the future.

Today, the Army presently has 501,000 soldiers serving on active duty. Not only is this above the authorized end strength of 480,000, but it is also above the 3 percent variance rate. Indeed, the Army is so stretched at the moment, they are actually breaking the law on end strength. Isn't that enough evidence to suggest we need to raise the level?

I also note that even when the Army is well over the authorized end

strength, they are having an extraordinarily difficult time implementing a rotation policy for Iraq and other areas around the globe. This means that tours are being extended. More Guard and Reserve forces are being called up and our soldiers are getting tired by the daily stress they are enduring and frustrated by the lack of certainty of when they may return home.

Currently more than 130,000 Guard and Reserve soldiers are deployed. Approximately 29,000 National Guard soldiers, infantry, signal transportation, military police are serving in Iraq and Kuwait. Among those are the 115th and 119th military police companies from Rhode Island, and the 118th military police battalion from Rhode Island. They are doing a magnificent job, but they are feeling the stress of this deployment.

More than 10,000 Reserve soldiers are in Kuwait, Afghanistan, and Iraq. At this time, there are still requirements for National Guard soldiers in Bosnia, Kosovo, and the Sinai. In fact, the National Guard has taken command relationships in these countries—Bosnia, Kosovo, and the Sinai. This is a development that I think many National Guard soldiers did not anticipate when they joined the Guard several years ago, certainly if they joined the Guard 10 or 15 years ago.

Since September 11, the Guard has mobilized 210,000 of its 350,000 soldiers at one time or another. The Reserve has mobilized 85,000 of its 205,000 in that same time period.

In addition, the activation of the Reserve component has a different effect than the deployment of an active-duty soldier. For active-duty personnel, the military is their primary employer and their families are prepared for the sacrifices required when their loved one is absent from home for a long period of time performing dangerous duty. With reservists, it is a different story. While slightly more than 50 percent of the active-component Army is married, 74 percent of reservists have at least 1 dependent. About one-half of these soldiers work for employers with 1,000 or fewer employees and 15 percent work for companies with less than 50 employees, where their absence is sorely felt.

While these soldiers are fighting for our country for at least a year, employers are understaffed and spouses are struggling as single parents, often under financial duress, since some soldiers take a pay cut when they give up their civilian salary for an Army wage.

Goldman Sachs recently conducted a survey of Reserve component soldiers and their employers and found these disturbing results: Virtually all the reservists felt that the activation was having a less than favorable impact on their civilian careers. Nearly one-third of the reservists were not sure their jobs would be waiting for them when they came off active duty, and half believed there would be a negative effect on pay and promotion.

Indeed, there is a dire need to expand the number of active-duty military personnel to avoid a future crisis in recruitment and retention in the military, specifically in the Reserve and National Guard units. With numbers like this reported by the Goldman Sachs survey, with the stress of a year deployment, with the additional burdens on spouses and children, I believe when these National Guards men and women and reservists return home the likelihood they would eagerly extend their careers in the Guard and Reserve is diminished significantly. Our soldiers need a break. They deserve better. We can help them and we should.

Now some may oppose this amendment by stating that senior officials from the administration and the Army have repeatedly stated that if they needed more troops they would ask for them, and they do not need more troops. I argue the administration is ignoring the facts I have just cited, and the simple and the obvious point that our Army is overworked and the work continues.

I think they are ignoring these facts for several reasons. First, increasing end strength admits that we need more troops to create a reasonable rotation policy, which means we are going to be in Iraq for a long time. The only other country where we have a one-year rotation policy for troops is Korea, where we have been ensconced now for almost 50 years. This administration simply must admit that a U.S. military presence in Iraq will be necessary for a very long time. Last Saturday's edition of the Washington Post quotes GEN Jim Jones, the U.S. European commander and NATO supreme allied commander, as saying U.S. soldiers may pull out of Bosnia in 2004—may. That is 8 years after they went in and were also going to stay for just 1 year. I argue that Iraq is likely a more difficult undertaking than Bosnia. Also, the only reason the U.S. is able to leave Bosnia is because troops from other nations are remaining, a luxury we unfortunately do not have in Iraq today.

Once again, the United States Army Center of Military History has noted: Occupations have required not only manpower but also time to achieve success. In the Philippines, for example, the officers and NCOs of the Philippine constabulary were virtually all continental Americans in 1902. Yet, by 1935, 30 years later, everyone was a Filipino. The Philippines was a challenging proposition with respect to both manpower and time, and it took a generation to achieve a satisfactory outcome. Germany and Japan transitioned from being occupied to being allies in about a decade.

So looking at history, challenging countries take at least a generation to stabilize, less demanding countries perhaps a decade. We are in Iraq for at least 10 years, and we have to have a force structure that will support that deployment. The Army must grow so

they can rotate troops and avoid sending the units again and again to Iraq and Afghanistan.

The second reason the administration is reluctant to increase end strength is that as the New York Times noted in July,

... the concept on increasing troop numbers and its costs contradicts a basic tenet of Secretary Rumsfeld's goal for military transformation, which is to rely on new technology and rewrite doctrine to allow smaller forces to attack with greater speed and deadliness.

I argue that Secretary Rumsfeld was able to test his theories of transformation during the period of conventional war in Iraq, and they were a success. But he risks losing that victory by refusing to see a war of this sort also requires nation building, and nation building requires many more boots on the ground to ensure security and stability.

Retired LTG Walter Ulmer—and General Ulmer was one of the key leaders in the Army who analyzed and predicted the hollow Army of the 1970s—stated recently:

One of the lessons we learned in the past, and we're relearning in dramatic fashion in Iraq and Afghanistan, is that the U.S. military may be able to fight a war with slim forces, but it takes a lot more troops to secure an unruly nation with many diverse interest groups and antagonists.

Ulmer argues the Army is short 40,000 to 50,000 troops. He said:

The Army is a very elastic institution with a can-do culture, and that's a wonderful attribute, but it is not infinitely elastic and its can-do ethos makes it possible for the Army to practically respond itself to death.

Another senior Army official stated:

Essentially, we fought a just-in-time war. A unit would arrive, get a bullet, the enemy would pop his head up and we'd fire the bullet. That puts a lot of stress on a commander who is simultaneously trying to execute the forward battle, carefully balance his resources, pull a company from here to plug a gap over there, all the while looking back over his shoulder at very exposed logistical lines.

He asked:

Why fight a war like that when we could have deployed overwhelming combat forces in a way that would reduce risks and possibly protect lives? We've also seen in Iraq that while lean forces can be successful in combat by focusing on an enemy's finite centers of gravity, in [postwar] stability operations, there are no decisive centers of gravity. You have to spread your forces throughout each city, and that takes more of them.

If we accept the need to increase the size of the Active Duty Army, we need to then focus on what types of forces would be most beneficial. The U.S. Army is the best in the world when it comes to skills and equipment needed to win on the battlefield, but the conventional battle in Iraq is over. Now I argue we need an occupation force, those who must remain to accomplish the U.S. objective once the conventional battle is finished. These forces must have different skills because they have different missions: defending against an insurgency, enforcing law

and order, providing humanitarian relief, and reconstruction of infrastructure. They need the skills required for nation building.

So my amendment directs that the Army should seek 10,000 soldiers who have the skills that are the highest demand in Iraq: military police, special forces, civil affairs officers, and light infantry. These forces travel lighter, so they are less expensive to transport and maintain. These forces will provide maximum effectiveness at minimal cost.

In January, the Center for Strategic and International Studies, or CSIS, released a report called "A Wiser Peace: An Action Strategy For Post-Conflict Iraq." The first recommendation in the report is to:

... create a transitional security force that is effectively prepared, mandated and able to handle post-conflict security needs.

The report states that:

The United States must immediately identify and train a core force of U.S. military troops to perform constabulary duties in Iraq. Working with its coalition partners, the U.S. must also identify and ready other constabulary forces—such as the Italian Carabinieri and French Gendarmerie—to assure their timely arrival in theater.

We have yet to see the arrival of the French Gendarmerie and the Italian Carabinieri. There are Italian forces that are assisting there, but the French have not yet arrived.

But the need the CSIS identified before the war ever began is clearly there, and the U.S. Army is struggling to meet it. Presently, the Active-Duty Army has 19,432 authorized positions for military policemen and there are currently 22,476 MPs serving, well over authorized capacity. There are 22,608 Reserve slots for military police and they are presently at 95 percent capacity. Clearly, there is a need for more military police. This amendment assures we start meeting this need.

In addition, my amendment gives the Army the flexibility to either move Reserve slots to active duty or recruit new soldiers. I should make it clear that the positions move, not necessarily the people. No reservist can be forced to become an active-duty soldier.

Most of the Army's military police are in Reserve units—12,800 are in the Active Force while 22,800 are in the Reserves. Most Civil Affairs Units, those soldiers who provide a link between the military and civilian population in an area of operations, are also in Reserves.

Clearly, there needs to be a redistribution, given the demands on today's Army. In addition, if the Army has the flexibility to move reservists and guardsmen into the Active Force, these soldiers will be ready for deployment much more quickly than new recruits.

The informal CBO cost of 10,000 additional soldiers is \$409 million. That number includes military personnel and operational and maintenance costs

of 10,000 additional troops for fiscal year 2004. I believe this is the most worthwhile expenditure.

This amendment offsets this cost with funding from the Iraqi Freedom Fund. As we all know, the Iraq Freedom Fund was established in the fiscal year 2003 supplemental we passed in March. At that time, \$15 billion was set aside for Secretary Rumsfeld to use on emergency expenses for military personnel, operation and maintenance, procurement, or humanitarian assistance. Most of that funding has been expended. Therefore, an additional \$1.9 billion for the Iraqi Freedom Fund is included in this supplemental for exigencies. I believe the exigency is here and we should pay for these troops now.

Many would argue that while the costs are \$409 million the first year, these troops will have to continue to be maintained in future years, and the actual cradle-to-grave costs are much higher. I would counter that this cost is minimal compared to what it will take if, in just a short time—2 or 3 years—the U.S. Army does not have the fighting force it needs to perform its mission because we squandered its strength.

Let me show another chart, which again contrasts the Army in August of 2000, when some were criticizing it as being unprepared, and the Army in August of 2003.

There were 144,000 soldiers deployed in 2000; in 2003, about 370,000—over 370,000; 7 brigades in 2000, 30 brigades in 2003. No National Guard divisions deployed; 3 years later, 2 National Guard divisions deployed. In 2000, fewer than 25,000 National Guard and Reserve troops on active duty; today, 126,498 troops. This has an impact.

These are the scenarios that are used as a template to plan our military forces, the "two major theater wars" scenario: MTW east, Iraq; MTW west, hypothetically Korea. This is the required order of battle that has been devised after careful study: six divisions here and four divisions for MTW west. The units available in August of 2000, again at a time when our Army was being criticized as not being up to the task of defending the Nation—six divisions and one armored cavalry regiment ready, four divisions at MTW west and one armored cavalry division. Today, only four divisions here for the east scenario and only three divisions here.

There is an impact in terms of our capability to do what we planned for decades to do. We have to ensure that our Army is ready for any mission, and we have to ensure it today.

In his farewell speech, when he was retiring as Army Chief of Staff, GEN Eric Shinseki said:

We must ensure the Army has the capabilities to match the strategic environment in which we operate, a force sized correctly to meet the strategy set forth in the documents that guide us. . . . beware the 12-division strategy for a 10-division Army.

We are rapidly approaching a 12-division strategy with a 10-division Army.

Our Army is fighting on many fronts for us right now. They are doing a magnificent job, as well as the Navy, Air Force, Marine Corps, Coast Guard—all of our Defense Department personnel and related personnel. We are extraordinarily proud of them. But they are overtaxed, particularly so in the Army because of the nature of the Army. It is not only the combat arm of decision but also is the combat arm of duration. It is the Army that typically is charged with the aftermath of the battle as well as the battle.

We have to help them. My amendment will provide a modicum of relief. I urge my colleagues to support the amendment.

As a final point, ultimately we all respond, not just to our colleagues, not just to institutional pressures, but to our constituents. I would find it very difficult, this month or 6 months from now, to go back and to meet my neighbors, who are in the National Guard and the Reserve, and explain to them that we could not increase the size of our Army, that they are being deployed once again, after repeated deployments, because we couldn't find the way or the will to increase the size of our Army. I think we should. I think we must. And I hope we do.

I ask unanimous consent that Senator LEVIN be added as a cosponsor of this amendment.

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

Mr. REED. Mr. President, I yield the floor and 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. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

#### BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2004 budget