

for humanitarian relief and reconstruction of Iraq, in the event we choose to use force to disarm that country. Senator LUGAR, the Chairman of the Committee did a superb job of assembling a panel of experts to talk about the various issues associated with that subject, including what such initiatives are likely to cost and how much assistance we can expect from other governments, international relief agencies and non-governmental organizations.

The Committee learned a great deal from our witnesses. We had a very good discussion of the range of costs we may be looking at to pay for not only U.S. military action, but humanitarian relief and the longer term reconstruction of Iraq—and the costs are likely to be substantial—even under relatively optimistic assumptions.

I was very disappointed that no administration representatives were present to take part in the Committee's deliberations. While the witnesses we heard from today were excellent and are certainly well qualified experts who could credibly speculate on the costs of these operations and other related matters, they aren't the people who are planning the U.S. operations in Iraq.

Let me say, that my comments are not meant as a criticism of Senator LUGAR, the Chairman of our Committee. He rightly identified the two key administration officials who are most knowledgeable on this matter—Andrew Natisos, USAID Administrator, and retired General Jay Garner, Director of the newly established Office of Reconstruction and Humanitarian Assistance at the Pentagon—two key individuals in any humanitarian relief and reconstruction effort in Iraq. The administration declined to make them available this morning.

That is deeply troubling to me.

I have to believe that the administration's reluctance to make its representatives available to the Committee was because they would have been asked some hard questions, including the range of cost estimates that they have been working with as they plan for military action, humanitarian relief and the longer term reconstruction of Iraq.

I don't think the Committee would have found it very credible to hear from these witnesses that such a range of costs has yet to be developed, when we are just days away from war with Iraq. Nor would we have found it credible to hear that national security concerns prohibited them from sharing this information, particularly as USAID has just sought public bids from five major U.S. construction firms for \$900 million in contracts for reconstruction projects in Iraq—including for restoration of water systems, roads, ports, hospitals and schools.

Mr. President, are we saying that private American construction companies can be privy to details of U.S. reconstruction plans, but the Congress and the American people cannot? Who is paying the bills here anyway?

Perhaps the administration's unwillingness to provide these witnesses had something to do with the timing of the hearing. Could it be that the administration did not want to make public those cost numbers just as the Senate and House are about to begin debate on the FY 2004 Budget Resolution?

How can this body or the House have a credible debate on the FY 2004 budget without knowing what war and the aftermath of that war with Iraq is likely to cost?

How can this body have a credible debate about the FY 2004 budget without knowing what the total cost of our so called diplomatic efforts to persuade governments to allow the U.S. to station military troops within its territory, or cast favorable votes at the U.N. Security Council will reach?

The answer quite simply is, we cannot.

Mr. President, it would appear that we are on the eve of going to war. This is a very solemn moment for our Nation. The Congress and the American people need to have a full understanding of all that is involved in doing so, including what it will cost and the sacrifices that may be required in other areas. It is time for this administration to stop playing games and politics with this critically important issue.

I would say to the administration it is time to come clean and tell the American people what they are going to have to pay for our military actions in Iraq and for nationbuilding in the aftermath of that conflict.

#### THE NATIONAL AQUATIC INVASIVE SPECIES ACT OF 2003

Mr. DEWINE. Mr. President, last week, I joined several of my colleagues in introducing the National Invasive Species Council Act, which addresses how the Federal Government would coordinate itself in combating aquatic and terrestrial and aquatic invasive species. I was also pleased last week to join my colleagues in introducing the National Aquatic Invasive Species Act of 2003, NAISA.

The National Aquatic Invasive Species Act of 2003 would reauthorize the Non-indigenous Aquatic Nuisance Prevention and Control Act, which Congress first passed in 1990 to better deal with the invasion of zebra mussels in the Great Lakes. The Great Lakes are still plagued by invasive species. In fact, over 160 non-indigenous species have been established in the Great Lakes since the 1800s.

The economic damage that invasive species, like the zebra mussels, Eurasian Ruffe, purple loosestrife, sea lamprey, and so many more cause to the Great Lakes is quite high. The zebra mussel has raised the cost of doing business for raw water users in the Great Lakes region by \$24 million per year, and the Fish and Wildlife Service estimates that the economic impact to industries nationwide from

zebra mussels over the next 10 years will be \$5 billion dollars. The Eurasian Ruffe, another invasive species that fortunately has been found in just a couple ports in the Great Lakes, is estimated to cost the Great Lakes fishery \$119 million if it spreads throughout the system. Considering that the value of the Great Lakes fishery is approximately \$4 billion per year, I believe that Congress needs to take the next important steps to minimize the risk of new invasions into the Great Lakes.

NAISA would improve the Great Lakes aquatic invasive species program by authorizing the State Department to pursue a reference to the International Joint Commission, IJC, to analyze the prevention efforts in the Great Lakes. Last fall, the IJC released its 11th biennial Great Lakes Water Quality Report, and in that report, the IJC recommended this reference. Because controlling invasive species in the Great Lakes is an international effort, it is necessary for the IJC to review, research, conduct hearings, and submit to the United States and Canada a report that describes the success of current policies of governments in the United States and Canada having jurisdiction over the Great Lakes.

Our bill also would improve and expand upon the dispersal barrier project in the Chicago Ship and Sanitary Canal. The dispersal barrier was originally authorized in the National Invasive Species Act of 1996, and the project became operational in 2002. The electric barrier is proving to be effective in preventing the movement of carp up and down the canal, but this barrier is imperfect. This canal supports maritime commerce, and finding a permanent solution to preventing the inter-basin movement of invasive species is important. Therefore, NAISA would authorize the construction of a second barrier in the canal and mandate other improvements to this project so that if an invasive species breeches one barrier, there would be a backup barrier. Additionally, NAISA expands the barrier authority so that the Corps and the Fish and Wildlife Service would study additional waterways that would be good candidates for a dispersal barrier.

To address the largest pathway of invasive species introduction—ballast water—NAISA would establish a nationwide mandatory ballast water management program that would apply to ships entering the Great Lakes system. Because these ships still contain small amounts of unpumpable water that may contain organisms, ballast water management practices would help address the problem of “No Ballast On Board” or “NOBOB” vessels, which are ships that enter the Great Lakes reporting no ballast on board. By encouraging the regular flushing of sediments from ballast tanks in Great Lakes ships, management practices can further reduce the likelihood of new invasions.

Ships operating exclusively in the upper four Great Lakes, Superior, Michigan, Huron, and Erie, do not introduce invasive species into the Great Lakes, so it would be unnecessary to expect the lake carriers to comply with the mandatory ballast water management program. However, all ships, including those in the Great Lakes, would be required to have an Invasive Species Management Plan on-board outlining ways to minimize transfers on a "whole ship" basis and to abide by best management practices. Also all ships constructed after 2006 must have ballast technology on-board.

Finally, NAISA would include new authority to set up procedures for screening importations of live aquatic organisms to ensure that potential invasive species are not intentionally introduced into the Great Lakes System. I was very surprised to learn that currently, there are no processes for screening aquatic organisms that are shipped to this country. Our bill would direct the Invasive Species Council to develop a set of screening guidelines for federal agencies to use to determine whether a planned importation of a live organism from outside the country into the United States should proceed, and if so, whether that importation should be conditioned.

This is a very good bill with bipartisan, bicameral support. Though it is national in scope, the bill improves upon the existing authorities relating to the Great Lakes, which is vital to my home State of Ohio. Aquatic nuisance species are a threat to biodiversity, an economic burden, and a danger to human health. So I urge my colleagues to support the quick passage of this legislation.

#### FBI'S RECENT FAILURES IN CHILD PORNOGRAPHY ENFORCEMENT

Mr. LEAHY. Mr. President, I rise to speak about an unfortunate string of events that may set back the Department of Justice in fighting child pornography. Unfortunately, it appears that recklessness by DOJ prosecutors and FBI investigators may result in child pornographers being set free all over the Nation. We cannot afford such mistakes in our efforts to protect our children.

The fight against child pornography is an important and laudable goal. Child pornography victimizes real children and scars them for life. That is why I joined Senator HATCH in introducing the PROTECT Act, S.151, which passed the Senate this month by a vote of 84-0 and now awaits action in the House. I urge the House to pass this bill swiftly as we wrote it and as it unanimously passed the Senate. That way we can quickly get prosecutors the tools they need to win these cases.

The scars of the children who are victimized by child pornography can be that much longer in healing when the power of the internet is misused to spread their images to a worldwide au-

dience with the click of a mouse. The internet also provides child pornographers with greater anonymity, allowing them to exploit children from the perceived safety of their bedrooms and basements. It is crucial to pierce this veil of safety to deter child pornography. Those who victimize our children must be made to understand that they will be held accountable when they are caught.

With that accountability comes deterrence, and only through deterrence will our children actually be safer. By the same token, the failure to make a conviction stick when the FBI does catch a child pornographer emboldens all child pornographers in carrying out their criminal activity. Whenever child pornographers see one of their own "beat the rap," their perception that they can victimize the innocent with impunity is reinforced.

Last March, the Attorney General and FBI Director announced with great fanfare the "Operation Candyman" initiative. This investigation was billed as one of the most extensive child pornography stings in history. According to the FBI's March 18, 2002 press release, it involved all 56 FBI Field offices, nearly every U.S. Attorney's Office across the country, and the DOJ's Criminal Division. A major part of the investigation was accomplished by the FBI's completion and dissemination of a centralized search warrant affidavit that was slightly adapted and used in numerous jurisdictions to search the residences of suspects in the case. Thus, most all the Operation Candyman searches—and the admissibility of the evidence obtained through them—depend on the validity and accuracy of this centralized FBI affidavit.

Many arrests resulted from these searches. As the Attorney General said at the time he announced the operation, he wished this case to serve as an example "to others that we will find and prosecute those who target and endanger our children."

Unfortunately, this case may set the wrong kind of example. The DOJ has now admitted that its key affidavit—the one that it sent all over the country to conduct searches and gather evidence—contained false information. Two judges so far, one in Missouri and one in New York, have thrown out the evidence obtained from searches in this case. Because of the DOJ's admitted false statements, more cases are in peril within Operation Candyman. More importantly, as the Attorney General acknowledged at the time he announced the operation, other child pornographers may well take their cue from the FBI's failures in this case.

We all want to stop child pornography, but we must do so within the bounds of the Constitution. Otherwise, dangerous predators end up back on the street and our children are still at risk. In this case, two separate judges have found that the FBI acted recklessly and DOJ admitted that it provided false information in its nationally circulated affidavit.

It is all well and good to have press conferences and give catchy names to investigative efforts, but public relations is not enough. Press releases must be accompanied by an effective law enforcement campaign. Otherwise, instead of trumpeting success, we highlight failure. If we concentrate on the fundamentals and bring successful cases, there will be enough credit for everyone. That course alone will make our children safer.

Mr. President, I ask unanimous consent that a copy of a New York Times article discussing this matter be printed in the RECORD.

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

[From the New York Times, Mar. 7, 2003]  
 JUDGE DISCARDS F.B.I. EVIDENCE IN INTERNET CASE OF CHILD SMUT  
 (By Benjamin Weiser)

A federal judge in Manhattan has thrown out the government's evidence in an Internet child pornography case involving a Bronx man, in a ruling that could imperil scores of related prosecutions around the country.

The judge, Denny Chin of Federal District Court, ruled that the F.B.I. agents who had prepared a crucial affidavit had "acted with reckless disregard for the truth." The ruling, dated Wednesday, was released yesterday, the same day that a federal judge in St. Louis, Catherine D. Perry, ordered evidence suppressed in a related case. Judge Perry, too, cited false statements in the affidavit.

The F.B.I. affidavit claimed that anyone who had signed up to join the Internet group at the center of the investigation automatically received child pornography from other members through an e-mail list.

This claim was used to obtain search warrants for the homes and computers of people who had joined the group, known as Candyman. The bureau later conceded that people who had signed up for the group—which also included chat sites, surveys and file sharing—could opt out of the mailing list and did not automatically receive pornography.

As a result, Judge Chin ruled, investigators would not have been justified in searching the home and computer of the Bronx man, Harvey Perez, who had signed up for the Candyman group but did not send or receive e-mail messages containing images.

"In the context of this case, a finding of probable cause would not be reasonable," Judge Chin wrote. Most subscribers to the group—part of a larger site known as eGroups—elected to receive no e-mail. Judge Chin said. The eGroups site, which was acquired by Yahoo, and the Candyman group are no longer in operation.

Operation Candyman was announced with great fanfare a year ago by Attorney General John Ashcroft.

Thus far, more than 1,800 people have been investigated, and more than 100 arrested, an F.B.I. spokeswoman said. There have been around 60 convictions, many as a result of guilty pleas, she added. Some defendants have admitted to molesting children, officials have said.

A Justice Department spokeswoman, Casey Stavropoulos, said yesterday that the two court rulings were being reviewed. "The department remains committed," she said, "to vigorously investigating and prosecuting the purveyors and distributors of child pornography."

Defense lawyers in the cases praised the rulings. Nicole Armenta, who represents Mr.