

Defense Artillery Brigade stationed in Fort Bliss, Texas, took a wrong turn near An Nasiriyah, a key battle ground city on the Euphrates River in southern Iraq. Iraqi forces ambushed their unit. Five soldiers, including Riley, were taken prisoner of war. The remainder were most likely killed, although their deaths have not been confirmed. Subsequently, Iraqi state-run television aired a gruesome videotape of interviews with Sgt. Riley and the other POWs, and displayed chilling shots of four murdered American servicemen and women. This videotape was then broadcast by television networks all over the world, including the influential Qatar-based Al Jazeera.

Sgt. Riley's family, including his parents Athol and Jane Riley, are waiting anxiously for information on their son's condition. The Rileys have experienced a tremendous loss this week; their daughter, age 29, died last Friday after suffering from a rare neurological illness that had left her in a coma since late January. My heart goes out to the Rileys and their friends and family during this painful time.

James Riley moved to New Jersey from New Zealand when he was 10 years old. He attended West Field Friends Grade School and he graduated from the Pennsauken High School in 1990. According to his parents, he had always dreamed of serving in the Army and he enlisted immediately after he graduated from high school.

I am confident that our superior military will find and rescue the American POWs. In the meantime, I pledge my support for all service men and women serving in the Persian Gulf and for their anxious families at home.

I ask unanimous consent to have printed in the RECORD a moving story about James Riley printed in the New York Times on April 2, 2003. This story illuminates the quiet courage displayed by the Rileys as they wait for news of their son, as well as the communal support extended to them by their neighbors.

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

[From the New York Times, Apr. 2, 2003]

A.P.O.W. BRINGS WAR CLOSE TO HOME
(By Matthew Purdy)

PENNSAUKEN, N.J.—In the 10 days since he was taken prisoner in Iraq, Sgt. James Riley has become something of a symbol in this working-class town where he grew up—a homegrown argument for or against the war, depending upon who is talking.

Joseph McCollum, a maintenance worker who lives next to the Rileys, said that when he heard the news, "I said 'Maybe we should go over there and drop the bomb and suffer the consequences.'"

"Since 9/11, I think we needed the war," Mr. McCollum said. "This makes me feel like we really have to get them."

Around the corner, Charlene Walls, a school aide, said the capture of Sergeant Riley, 31, perfectly illustrated why she opposed invading Iraq: "It's just people losing people."

"We've already lost too many people for something no one can tell you why we're in there," Ms. Walls said.

If people are being made to think twice by the war's unexpected difficulties, they seem to be coming down even more firmly where they were already standing.

Antiwar protests are growing in vigor, while polls show the country supports the war as much as ever. Everyone is rallying around the flag, or a banner.

When Sergeant Riley's maintenance company was ambushed outside Nasiriya, yellow ribbons blossomed amid the red, white and blue in this South Jersey town. Even the giant water tower that rises behind the houses has a yellow bow on it.

There's also a big yellow bow outside the local tavern Bryson's Pub. Inside, Tom McVeigh, a landscaper, said that Sergeant Riley's capture only brought home the cost of the war in people and world opinion. "We look like a bully," he said.

But few people in the neighborhood appear to question the war.

Ed Russell, who works in finance for I.B.M., trusts what the Bush administration says about Saddam Hussein. "I don't think it's in the nature of the American people to go out and start a war," he said. "They must have critical evidence that something bad was about to happen and they needed to stop this guy."

Mr. Russell said he hardly knew the Rileys, but Pat Dimter, who grew up down the street from James Riley, sees her friend's capture as more justification to fight. The United States treated the Iraqis "like they're our own people," she said. "And it's not fair what they're doing to us with 9/11 and how they're treating our P.O.W.'s."

Greg Sassone, an eighth grader, was walking through the neighborhood park on Monday when he picked up a piece of yellow ribbon from the ground and tied it to a tree. One of Sergeant Riley's sisters was his babysitter, and the ordeal has hit too close to home.

Greg's father is in the Air Force Reserves. "If my dad gets called, he could get captured," he said. And his 20-year-old brother could get called if there were a draft, he said. "My mom says she would move him to Canada."

At school, students fear another terrorist attack, Greg said. That's why, despite Sergeant Riley's capture, he supports the war against Saddam. "We have to get rid of him before it's too late," he said.

It's hard to find someone without an angle on Sergeant Riley's capture.

Monday night, at the close of a stirring vigil detected to Sergeant Riley, the Rev. Guenther Fritsch pulled out a Bible to show what the enemy "is all about." He read a passage about Ishmael, from whom Arabs are said to be descended: "He will be a wild donkey of a man; his hand will be against everyone."

The only people who seemed to find no larger significance in Sergeant Riley's capture were his parents.

Athol Riley, a building inspector, was calm and simple when he addressed the crowd. He said that in addition to his son's being captured, a daughter had died on Friday after a long illness. Mr. Riley thanked the township that employs him, the publishing company where his wife works, the store where his surviving daughter works, and the family that runs the McDonald's where his deceased daughter had worked. "I would like to thank everyone for the show of support," he said.

Afterward, mobbed by television cameras and reporters, he was asked how he felt about the course of the war. Mr. Riley expressed no thoughts about Saddam Hussein or George Bush.

A stout man in a dark coat, Mr. Riley obliged the cameras only when he was asked if he had a message for his son. A sad smile

on his face, Mr. Riley had no angle, only words from the heart: "Hang in there, and hurry home."

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in the absence of the arrival of the chairman of the Appropriations Committee, I ask unanimous consent to speak for up to 5 minutes.

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

Mr. SPECTER. First, I thank the distinguished Senator from Texas for her comments and recognition of the valor of our troops. There was very good news yesterday concerning the rescue of a female soldier. There was great pursuit by her fellow comrades to bring her back. I think it is very important, as the war proceeds, to put the Iraqis on special notice that war crimes will be prosecuted and that when the war ends, it will not be over for those who have violated the requirements of the Hague and Geneva Conventions.

Last Saturday, when four U.S. soldiers were murdered with a car bomb by an Iraqi soldier masquerading as a civilian, that constituted a war crime. Then Tariq Aziz, the Deputy Prime Minister, appeared on international television boasting about the incident and saying there would be many more who would come forward, with reports of some 4,000 volunteers willing to engage in such suicide bombing. It is important to put Tariq Aziz on notice that such conduct is a violation of international law, and it will be prosecuted. Similarly, it is important to put Iraqi Vice President Taha Yasin Ramadan on notice that this is a violation of international law.

Today in the Hague the former President of Yugoslavia, Slobodan Milosevic, is on trial. In an international jail, the former leader of Rwanda is serving a life sentence for violation of international law. On Monday, I filed a resolution at the first available date to put the Iraqi leaders, as well as the Iraqi followers, on notice they will be liable for prosecution as war criminals. It is not a defense for the followers to say they have been operating under orders.

I see the distinguished President pro tempore, the chairman of the Appropriations Committee, is in the Chamber.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 762, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 762) making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

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

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

The Senator from Alaska.

Mr. STEVENS. Mr. President, before we start this supplemental, these are difficult times so I will take this opportunity to recognize all of those in uniform who are serving our country both at home and abroad during these wars, the war against terrorism, the war in Afghanistan, and the war in Iraq. I especially want to ask the Senate to keep in mind those who have given their lives in the defense of our country and in our opposition to these terrible scourges that beset us now.

We do have a war going on, and the President, as our Commander in Chief, has asked for our help to provide vitally needed funds in the most expeditious manner possible. I have spoken to each of the Joint Chiefs of Staff and they tell me that their money will start running out. For most of them, that will start in May. For the Navy, it will start in June. In any event, the only way to ensure these funds will be available and get to the services in time to meet their needs is to send this bill to the President before we leave Washington for the usual Easter recess. If we do not have it done before then, I am going to do my best to insist we stay here and forego the recess until we get this bill done. I believe that will not be necessary, and so far I have seen good bipartisan support to meet the objective of getting this bill to the President so that funds will be available to our troops. I hope that attitude will continue on the floor.

The House Appropriations Committee completed its work on the version of this bill yesterday. They will begin consideration on the floor very soon. We all know that they act first on a bill of this type so we will have to wait. It is my hope I can ask the Senate to get this bill to third reading by no later than tomorrow evening so it will be ready and our staffs can work over this next weekend to get ready for a conference. I will propose that the Senate actually take this bill to the point where it is actually sent to conference as soon as the House has passed its bill so we can go to conference early next week. It is my sincere hope the Senate and the House will act together to get this bill, as I said, to the President as quickly as possible.

The President of the United States asked for \$74.7 billion in new budget

authority in the supplemental request he sent to us. The bill before us provides \$76.7 billion in new authority. It also contains an aviation relief portion that will provide both new budget authority and other benefits. The budget authority is \$2.025 billion, and other benefits are \$1.475 billion. The total for this bill, including the airline relief portion, in both new budget authority and other benefits then totals \$78.7 billion.

This supplemental responds to the immediate needs of the troops in the field, provides important international assistance to our allies, and tries to deal with the most vital homeland security and defense needs facing our Nation.

We fully funded the President's request of \$62.6 billion for defense efforts in prosecuting the war with Iraq. These funds will be used to conduct military operations in Iraq, support our coalition partners, and replenish crucial munition and other vital military procurement funds that have already been consumed in getting our troops to the war zones. The President's request included \$30.3 billion for costs that were already committed or incurred. The sealift, the airlift, and equipping our combat forces has come at great expense.

Last week in our hearing with Secretary of Defense Rumsfeld, Senator BYRD and others raised concerns with respect to the Department's request that these funds be appropriated to what we call the Defense Emergency Response Fund.

We will hear the acronym DERF on the floor. That means Defense Emergency Response Fund. In developing the bill before the Senate, Senator BYRD, Senator INOUE, and I have tried to strike a proper balance between congressional oversight and providing the Department with the necessary flexibility to prosecute the ongoing war in Iraq. Senator BYRD, I am sure, will speak for himself with regard to the flexibility in this bill. There is some flexibility for the President.

In this bill we provided \$11 billion to the Defense Department in the Defense Emergency Response Fund. It can be spent in response to the Commander in Chief's directions. It is an account to give them the enhanced flexibility they need to manage the conduct of the war. The House has provided a larger amount. I am sure we will meet in conference to decide what is the proper amount of flexibility necessary for the present Department of Defense.

We also are proposing that the great majority of the defense funds, totaling nearly \$51.5 billion, be appropriated into specific accounts for the services so that wherever possible they meet the needs directly. We have provided \$35 billion for operation and maintenance activities; \$13.7 billion for military personnel to maintain critical operation capability and readiness; and \$3.7 billion to replenish munitions expended in combat operations.

We have also included \$500 million for the Defense Health Program to provide adequate care for both Active and military Reserve personnel and their families.

There is another \$550 million for fuel costs and \$489 million for the Department's efforts to combat the oil well fires started by the Iraqi forces so far.

This bill appropriates \$1.7 billion to cover costs associated with classified activities undertaken in Iraq and in the global war on terrorism.

We have also responded to the President's full request for \$7.8 billion for international relief and recovery efforts in Iraq, international support for allies in the region, and other critical needs to continue the fight on global terrorism. The committee's recommendation includes \$2.4 billion for the Iraqi relief and reconstruction fund. That is over \$2 billion for the Foreign Military Financing Program, which we call FMF. The bill also provides up to \$9 billion in loan guarantees to Israel, \$300 million in assistance to Egypt, and \$1 billion in assistance for Turkey. It includes the request for \$150 million for the U.S. emergency fund for complex foreign crises, a new account that enables a quick response to unforeseen global challenges.

Finally, the bill reimburses fiscal year 2003 foreign assistance accounts that Congress authorized the President to borrow from to pre-position humanitarian assistance for Iraq.

The bill also reflects the commitment of Congress to address homeland defense requirements by providing \$4.6 billion, roughly \$400 million above the President's request, for key homeland security requirements.

We have provided the President's request of \$2 billion for the Office of Domestic Preparedness to assist State and local governments in federally coordinated terrorism readiness and other security enhancements during this time of heightened threats.

The committee recommendation also included \$1.1 billion for the Department of Homeland Security for counterterrorist activities. Secretary Ridge has given the flexibility in this account to allocate funds both within and outside the Department of Homeland Security for terrorism preparedness and response.

The bill also includes \$580 million for the Coast Guard operations to enhance the protection of our ports and borders and in support of the Department of Defense activities in Operation Iraqi Freedom and Operation Liberty Shield. We have also supported the recommendation of \$34 million to provide compensation to individuals who have sustained injuries due to our smallpox vaccination program.

As I mentioned earlier, the bill includes a package of targeted relief to address the dire situation facing the aviation industry.

I highlight the main provision in that package and I will speak at greater length later. In this bill is a total of

\$2.9 billion in relief for air carriers, the airlines. Specifically, the bill suspends the fee that both passengers and carriers pay for the 6 months of the balance of this current fiscal year. It will suspend this fee that is currently charged on the ticket taxes, but it is actually currently being borne by the industry because the cost of flying is so low due to competitive factors of the economy. It also provides \$1 billion to reimburse the carriers for the costs incurred with the new security mandates of the Transportation Security Administration imposed following the terrorist attacks on September 11. These were unfunded mandates, and in this bill we fund those that have been completed since September 11 until the end of this fiscal year.

The bill extends for 1 year the war risk provisions included in our bill in previous years. Specifically, we passed last November a bill to establish the Department of Homeland Security or specific insurance provisions for war risk in that bill. The result of this provision in this bill is we anticipate will save the airlines about \$800 million.

The package also includes \$375 million to address security-related costs at our airports. I congratulate my colleague from Washington for bringing up this issue. Those are also unfunded mandates. They were funds expended by the airports to meet the requirements of the Transportation Security Administration, and the funds in this bill should reimburse airports for security readiness operating expenses and provide additional funding for the modification of airports necessary to the installation of bomb detection equipment for the balance of the fiscal year.

Finally, this bill also extends unemployment benefits for an additional 26 weeks for qualifying aviation workers who have lost their jobs because of the downturn in the economy that affected the airlines.

I see my friend is here. I don't want to speak too long, but I believe this bill is very important. There is no question we need the funds to sustain our vital military operations around the world. There are really three wars still going on: The war against terrorism, the war in Afghanistan, and the war in Iraq. This is a very serious problem for those overseas and for those who manage our Department of Defense. I think the worry over where funds are coming from to meet the increasing demands in the three different wars is pressing upon our military commanders and civilians in charge of the Department of Defense.

It is my hope the Senate will be considerate in the number of amendments that are offered and the issues before the Senate.

I thank the former chairman from West Virginia, Senator BYRD, for the insight and advice he has given to me. I do not represent that this bill reflects entirely his point of view, but he has been a partner, once again, in working

with me as I tried to work with him. I do think he has been very instrumental in seeing to it that this bill is before the Senate at this time.

I have stated to others, and I say it again publicly, one of the reasons I am trying to get through this bill tomorrow night is I hope to be with my good friend from Hawaii when he receives the recognition he deserves in his home State on Saturday.

I recommend the bill to the full Senate. I urge Senators to come forward and identify their amendments so we can see what we can work out, if there are subjects that can be worked out. I admit readily there may be some items we have not addressed in this bill so far. I would very much like to do that.

I do hope as the Senate proceeds with this bill, we keep in mind the fact that within instantaneous communication, I am informed that some of the forces that are overseas in both Afghanistan and in the Iraqi war watch us almost as much as we watch them. This is one bill they are going to watch. They are very astute young people. They understand this country. They understand the risks they are taking. They understand in particular they want this country's economy to be healthy when they come back.

We must keep in mind what we are doing, continuing the expenditures that are extraordinary expenses brought upon this country by the events of September 11. During this period, I will recite some of those amounts that we put forward already.

There has been a tremendous strain on our economy because of these three different types of wars, but they are wars that I personally believe we must fight. We must provide those who are fighting those wars everything they need to be successful and to be safe.

I recommend this bill to the full Senate and hope we will finish it by tomorrow night.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I consider it an honor, I consider it a great honor to be able to work with the very distinguished Senator from Alaska, the senior Senator, the President pro tempore of the Senate, in bringing this bill to its present status.

I laud the distinguished chairman of the committee for his extraordinary knowledge of the subject matter here that we are going to discuss. He has been on the Appropriations Subcommittee on Defense for a long time, where he has worked arm in arm and hand in hand with our very distinguished senior Senator from Hawaii, DANNY INOUE, who is my hero. Together, these men have brought their wisdom, their dedication, their knowledge to great usefulness, and I thank Senator STEVENS for his work. He also is a hero of mine. I am proud to serve with him.

The Senator has stated that we are fighting three wars: the war in Afghan-

istan, the war on terrorism here at home, and the war in Iraq. I support the appropriations that we are going to recommend for all three wars. I do not support the policy that brought us where we are today in Iraq. I have no hesitancy in saying that. I can defend that position any time, anywhere. I am sure not everybody will agree with me, but I have reasons for my position. So, although I do not support the policy that puts our men and women in Iraq, I do support the appropriations for those, for the support of and the safety of those men and women in Iraq, and I do so wholeheartedly.

In a short time I will speak of one young West Virginian by the name of Jessica Lynch. I will have more to say about her shortly.

The Senate Appropriations Committee, under the very able leadership of the chairman, the distinguished President pro tempore of the Senate, Mr. STEVENS, has unanimously reported the fiscal year 2003 supplemental appropriations bill. The Senate committee-reported bill totals \$78,736,600,000 in benefits and appropriations; \$4,011,600,000 more than the President's request. In that proposal, the President sought an unprecedented level of flexibility in the use of these funds. I was astounded at the request that the President put forth with respect to these "flexibilities." While I understand the unique circumstance in which the Nation finds itself, the situation is not unprecedented—not unprecedented. We have been at war before many times.

I served in this Senate and in the House in several of these wars, so we have been at war before. This isn't something new, the matter of being at war. But these "flexibilities," so-called, have startled me, in a way. But I am not so startled either, keeping in mind the whole of our experience with this administration. Yes, we have been at war before, but the Nation never wandered—never sought to wander away from the Constitution, never sought to impinge upon the congressional power of the purse as we have seen in this instance.

In World War II, for example, Congress passed eight supplemental bills to respond to the needs of our Armed Forces. This is what I said the other day during the appropriations hearing, the Appropriations Committee hearing on this bill, when Secretary of Defense Rumsfeld was before the committee. I said: Why all these flexibilities?

I called them "flexibilities" because the Secretary of Defense, in his opening statement, used the word "flexibility" seven times.

I said: We fought previous wars. Why do we need these "flexibilities" now? I said: Congress can pass additional supplementals. That has been done before.

In World War II, for example, Congress passed eight supplemental bills to respond to the needs of our Armed Forces and there is little reason, in my

view, why this war in Iraq should require more flexibility for the administration than was granted during World War II to administrations.

This Republic rests on a system of checks and balances: three branches, two legislative Houses, and separate powers—shared powers, mixed powers. Our system reflects the hundreds of years of history behind it.

I said hundreds—yes, Yes, Mr. President, you didn't hear me wrongly. Our system reflects the hundreds of years behind it, going back to the Revolutionary War; going back to colonial days; going back to the history of the Englishmen who fought and bled and gave their lives in the struggle against tyranny, in the struggle against a monarchy that sought to gather all power unto itself.

The roots of our Constitution go back even to the Magna Carta, 1215. This is not a Constitution that came about just in 1787. Its roots go back 1000 years—and the blood of Englishmen is on it, as is the blood of our forefathers here in this, our country.

In our Madisonian system, divided power may not be as expedient as some would like. That is stating it well: not as expedient as some would like. I say it again. I will state it more loudly: In our Madisonian system, divided power may not be as expedient—hear me now down at the White House—may not be as expedient as some would like, but it guarantees the American people's liberties. Quite simply, our representative form of democracy depends upon power divided and power shared.

The Constitution grants to the Congress the authority to appropriate funds and the solemn responsibility to exercise that authority wisely. And for us to agree to the many sweeping grants of new, so-called "flexible" authority sought by this administration would be to abdicate—to abdicate—that heavy constitutional responsibility. We have a duty to the American people to exercise the authorities granted to Congress in our Constitution, and we have a duty to those Framers, those men who wrote the Constitution, to keep faith with them and to honor and respect and uphold and support and defend that Constitution against all enemies foreign and domestic.

In the case of this bill, and for the many years ahead, it will take maximum effort to preserve the prerogatives of the legislative branch. I hope my colleagues will understand that. I hope they will hear that. And the RECORD will be there for those of our future colleagues to read.

Let me say that again. I say it to my colleagues. I hope my colleagues will remember: In the case of this bill, and for the many years ahead, it will take maximum effort on the part of our colleagues today, and those who will serve in this Chamber in the future, to preserve the prerogatives of the legislative branch.

Now, when it comes to the executive branch, we will always find those in

the executive branch who will uphold, who will extol, and who will seek to add to the powers of the executive branch. The same can be said for the judicial branch. The judicial branch will always speak out for the protection of the constitutional authorities given to it.

But what about the legislative branch? This is the one branch in the three in which we will find increasingly—I might say, based on my 50 years in Congress—we will find increasingly those in the legislative branch who are always ready to stand up for the executive branch for whatever power grabs it may have in mind, and they will seek to defend that executive branch and to push its desires. I am sorry to say, it is usually about half of the legislative branch that is willing to do that, depending on what party is in power and what party controls the two Houses of the legislative branch. And I regret this.

As I look back over my 50 years here, I have seen great, great changes in the way the Members of the legislative branch view their role under the Constitution. Sometimes I wonder if they have read the Constitution lately. I am sorry to say I don't think our Constitution means a great deal to some of those who have served in this branch. They seem to think this is a monarchy and that we have a king. I look at the future with grave concerns, as I think about the changes I have seen sweep over this branch of Government.

Twenty-four hours a day, 365 days every 3 years, 366 days the 4th year, out there always is the executive branch. And it is awake. It seeks power. It seeks to aggrandize the authorities to itself. It is always awake. It is never sleeping.

Members of the legislative branch are here, they recess, they go to the four points of the compass. They are not always here. They are not always alert to the protection of the authorities of this branch of Government. And at this time, and under this administration, I have to say, I have seen more of that than ever before.

Members must understand their institutional role. Citizens must understand their Constitution and value the congressional role in protecting their freedoms. This is another thing that gives me concern—sorrow in many ways. All too few citizens think about the role they play and the responsibilities that are theirs under the Constitution.

Leaders in the Congress itself must guard its prerogatives. I have been a leader in this body. I have been majority leader. I have been minority leader. I have been President pro tempore and chairman of the Appropriations Committee. And I have never lost sight of the fact I must help to guard the prerogatives, the authorities, the powers that are enumerated in the Constitution, the powers that devolve upon this body, its duties, its responsibilities.

So leaders in the Congress itself must guard its prerogatives and resist suc-

cumbing to expediency, to political expediency, and to partisanship.

While I fully support the funding in this legislation for the men and the women engaged in battle in Iraq, I do not support additional grants of authority to this administration, or to any other administration, that would infringe upon the congressional power of the purse. That is the greatest power. The power of the purse is the greatest power in existence under this constitutional system.

As Cicero, that great Roman Senator, said: "There is no fortress so strong that money cannot take it." "There is no fortress so strong that money cannot take it"—the power of the purse.

Senator STEVENS and I, together with the subcommittee chairmen and ranking members, have worked, in most cases, to improve the President's supplemental budget request.

We have eliminated or significantly reduced most of the sweeping grants of new authority requested by this administration while still providing very limited flexibility where appropriate.

More specifically, for defense the bill includes \$62.6 billion, the full amount of the budget request, to cover the costs related to military operations against Iraq and to sustain the continuing global war on terrorism. The budget request proposes that \$59,863,200,000 of the amount for national defense would be included in the unallocated Defense Emergency Response Fund. The Defense Appropriations Subcommittee, the full Appropriations Committee, and the Congress rejected this type of transfer account in the fiscal year 2002 supplemental, rejected it in the fiscal year 2003 Defense appropriations bill, and rejected it in the defense chapter of the fiscal year 2003 omnibus appropriations bill.

In this supplemental, the amount allocated to the Defense Emergency Response Fund has been reduced from the request of approximately \$59.9 billion to \$11,019,000,000. The remainder of the funds, some \$49 billion, have been allocated to the specific appropriations accounts. This is an improvement over the budget request, but I call the attention of my colleagues to the fact that on an annualized basis, it amounts to a blank check for more than \$20 billion—on an annual basis. Because the taxpayer has a right to know how this \$11 billion will be used, this so-called flexibility gives me great concern. I hope we will get away from these DERFs. I am concerned about them.

The administration's supplemental request sought \$1.4 billion for the Department of Defense to allow the Secretary of Defense to allocate funds to reimburse and otherwise pay nations that have provided support primarily for the global war on terrorism. Most of the funding is anticipated to be for Pakistan. In the past, the Senate Appropriations Committee has taken a position that such reimbursement could take place only in response to

vouchers presented to the Department of Defense for reimbursement for activities conducted on behalf of the global war on terrorism. This supplemental bill again includes this provision. In addition, we require 15-day advance notification prior to obligation.

The President sought \$150 million to be paid at the discretion of the Secretary of Defense to indigenous forces abroad. We have one Secretary of State; we don't need two. A similar proposal was rejected by Congress last year. It has been rejected again in this legislation.

The administration wanted to increase the Department of Defense reprogramming authority from an annual amount of \$2 billion to 2.5 percent of its total budget, a staggering sum which would exceed \$9 billion. I expressed opposition to this large new grant of authority to the Department of Defense. I expressed my appreciation and compliments to the chairman, Senator STEVENS, for the fact that he has brought us a bill that reins in the administration, tightens up the limitation so that rather than provide an unprecedented \$9 billion transfer authority, the legislation before us includes a \$3.5 billion transfer authority.

The administration also sought authority to expend any funds from the defense cooperation account that may be received from other countries for the prosecution of the war against Iraq or the reconstruction of Iraq without first having these funds appropriated by Congress. The administration wanted to get away from that. They wanted a free hand with no strings attached.

During the first gulf war, Congress appropriated those funds after they were received. Let me repeat that. During the first gulf war, Congress appropriated those funds after they were received. The legislation before us takes the same approach and preserves the prerogatives of the Congress and of the people. No new authority is granted. Any funds collected from foreign countries for reconstruction of Iraq or for any other purposes will remain in the Treasury under this bill, unless appropriated by law. That is the way it should be.

The administration requested similar extraordinary grants of authority for the Secretary of Homeland Security, for the Attorney General, and for the Office of the President. More specifically, the Secretary of Homeland Security would receive \$1.5 billion for a new counterterrorism fund for transfer to any Department of Homeland Security agency. The Attorney General would receive \$500 million for transfer to any Justice Department organization for terrorism-related activities. The President would receive \$2,443,300,000 for Iraq reconstruction and relief, without even as much as a reporting requirement. So they not only want no strings attached, they don't want to have to make any report—an absolutely free hand in expending the taxpayers' money.

We must all remember, we are having to borrow all this money. The taxpayers are going to have to pay interest on all this money. When our soldiers and sailors and airmen and marines get home, they are going to be paying interest on the money that has been borrowed to send them across the ocean. Each proposal, if the administration had its way, would leave the Congress out of the decisionmaking process in the allocation of the funds—no details, no explanation.

In the case of the Iraq reconstruction funds, the President proposes to spend the money “notwithstanding any other provision of law.”

With regard to the funds to be provided to the President for the reconstruction of Iraq, the supplemental before the Senate stipulates that funds may not be transferred to the Department of Defense, and that all funds available under this appropriation shall be subject to the regular prior notification procedures of at least 5 days in advance of the obligation of the funds. The funds will be used for feeding and food distribution, water and sanitation infrastructure, electricity, transportation, telecommunications, and other such humanitarian activities.

With regard to the \$500 million for the Attorney General, the legislation has been improved to require that these funds be subject to the regular reprogramming process. Likewise, the funds provided to the Secretary of Homeland Security also require prior approval notification of the committee under the usual reprogramming procedures, which are long-established and long-respected by the Congress and the executive branch.

Overall, the President requested over \$9 billion for aid to foreign countries and for the State Department. Yet his request for homeland security programs is only \$3.8 billion, \$3.8 billion for homeland security he requested; while, on the other hand, he requested over \$9 billion for aid to foreign countries and for the State Department. The Secretary of Homeland Security has said that another terrorist attack in America is inevitable. He has said attacks, such as the attacks of September 11, are long-term threats that will not go away. If there is one lesson we should learn from 9/11, it is that terrorist attacks on our Nation can no longer be viewed as distant threats from across the oceans. The enemy may attack our troops or citizens overseas or it may attack civilians here at home. So we must provide all of the necessary resources to support our troops overseas. But we must also provide significant homeland security resources now to meet the real needs that have been overwhelmingly authorized by Congress and signed into law by the President for port security, airport security, border security, and nuclear security.

When it comes to funding homeland security initiatives, partisan politics

has no place. Protecting a vulnerable nation is a duty that we all must shoulder together. Congress knows the needs at the local level, and Congress has tried time and time again to address those needs. The administration's request takes a step in the right direction, but at this time, when the Nation is acutely aware of the increased threat of terror attacks at home, one step is not enough. We must do more to address the critical vulnerabilities all across the country. We live under an orange alert, a heightened concern for terrorist attack. The American people are nervous about safety at home. I know I am nervous about safety here at home. That apprehension ripples through our economy. We read about it every day in the Wall Street Journal, the New York Times, the Washington Post. We should all have an interest in doing what we can to secure obvious vulnerabilities and allay citizen concerns.

To that end, I hope to work on a bipartisan effort, as this bill moves forward, to responsibly invest in first responders, in protections at our airports and seaports, and in other areas to better ensure the safety of Americans at home.

Let me again congratulate the chairman of the committee, the distinguished President pro tempore, and let me thank all the members of the Appropriations Committee, especially the ranking member of the Defense Subcommittee, Mr. INOUE, for their cooperation in bringing this bipartisan legislation to the floor of the Senate. I expect its speedy passage, and I hope for its speedy passage. I join with the chairman in hoping to complete this bill in the Senate by tomorrow evening, or sometime tomorrow.

I congratulate the excellent staff we have for their hard work, especially Jim Morhard, the newly appointed staff director for the majority. Let me also thank my own two excellent staff persons, Terry Sauvain, and Charles Kieffer, for their dedication, hard work, and the long hours.

For certain, this legislation is not perfect and it is susceptible to improvement. I expect and hope to assist in such improvement over the next few days as the Senate proceeds to work its will on this important legislation, as it goes to and returns from conference. I thank all Senators.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Alaska.

AMENDMENT NO. 435

Mr. STEVENS. Madam President, I want the Senate to be on notice—this is an issue we have to face. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 435.

SEC. Section 3101 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(d) The National Debt Ceiling of the United States shall be increased by the total amount of funds appropriated by Act of Congress for the Department of Defense, Department of Homeland Security or any other Agency of government to prosecute the war against terrorism, the war in Afghanistan, the war in Iraq, since September 11, 2001.

AMENDMENT NO. 436

Mr. STEVENS. Madam President, I ask unanimous consent that the amendment be temporarily set aside. I will discuss it soon. I have another amendment at the desk.

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

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. INOUE, proposes an amendment numbered 436.

At the end of chapter 3 of title I, add the following:

SEC. ____ (a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking “\$150” and inserting “\$225”.

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking “\$100” and inserting “\$200”.

(c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

MODIFICATION TO AMENDMENT NO. 436

Mr. STEVENS. Madam President, there is a typing error in the first line of amendment No. 436. It should be “chapter 3,” and it appears “chapter 2.” I ask that the typing error be amended.

The PRESIDING OFFICER. The amendment is so modified.

Mr. STEVENS. Madam President, I raise this subject of combat pay, or pay for imminent danger. Having received such combat pay in World War II, I have been interested in this issue. During the gulf war in 1991, when combat pay was \$110 a month, we raised that to \$150 a month. Right after that war, the imminent danger pay was made permanent at \$150. It has gone up 40 percent since 1991. We suggest it go up 50 percent to \$225 a month. With regard to family separation and allowance, it is currently \$100. We recommend it go up 100 percent to \$200.

That is an expensive proposition. The cost of this for the balance of the year is \$375 million, and the cost for a full year will be \$650 million. This is a reachback amendment. It covers everyone from the time they were exposed to imminent danger. For family separation, it is the same, from the time they were separated.

I know there is a controversy, and I have had a little discussion with the Senator from Illinois. As I told the Senator, there are probably—I believe this is the case—more families in Alaska connected with the military than any other State in the Union, as the current occupant of the chair knows.

On the other hand, the moneys we have to have for modernization, for

munitions, and for many other items come out of the same account. This is the operations and maintenance account. This bill already contains a massive amount, \$30.3 billion, to replace in that account what has already been spent in mobilizing the military, including, by the way, the amount that has been spent so far for paying imminent danger pay at the rate of \$150 a month. It is an issue we should address, but we ought to keep in mind that what is going to happen after this war is this will become permanent. It is a new base and it is a staggering increase in cost for personnel. I fully support it. As a matter of fact, I wish I could say we have nothing but billionaires in this country, and we could pay these people what they really deserve for being overseas, what their families really deserve when one or both parents are overseas.

As a practical matter, there has to be a reasonable balance in what we are doing. This subject can be reviewed by the Armed Services Committee later. We have the 2004 bill coming, and we can have this discussion again. I believe we ought to take this action and be as reasonable as possible in doing it.

I know there is a difference of opinion. I hope the Senate will agree to this amendment.

I ask unanimous consent that Senator WARNER be added as an original cosponsor to this amendment.

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

Mr. STEVENS. Madam President, I ask the distinguished Senator of the Armed Services Committee to review it. I raised this at one of the first hearings we had before the Appropriations Committee. I raised the question of what to do about imminent danger special pay. The Department has not given us a recommendation yet. I think they have other things in mind right now, but we have in mind the families in particular.

I spent some time with families in Alaska this last weekend, an enormous number of military families. Not one of them raised the question of imminent danger pay. Not one of them raised the question of their family separation pay. I was with literally 200 or 300 members of the armed services over the weekend at a special recognition in Fairbanks, AK, for the members who serve in the armed services.

I think this is the right thing to do, and I think this is the right time to do it, but I hope the Senate will do it right and not just have a figure that is pulled out of the air. These are figures that represent an increase, again, of 50 percent for imminent danger pay and a 100-percent increase for the family allowances on a monthly basis. I think that is very reasonable under the circumstances.

If there are additional amounts that should be provided, I welcome the Department of Defense so informing me. I do believe the Senate ought to agree with it without debate. As I said, if the

Armed Services Committee and our Appropriations Committee believe more is needed as we go on, if this war goes on, God forbid, into fiscal year 2004, then we should address it.

Again, I say, in all sincerity, we are doing a lot of things for our military families, and I think they are all wonderful. When I was overseas, I did not talk to my family for over 18 months. Now a military person can call his or her family every day, thanks to Senator MCCAIN. They have absolute assurance of instant communication whenever they can get to a phone.

I remember seeing one young man who was wounded, and the embedded journalist had a satellite phone. He asked: Would you like to call home and tell them you are all right? And we all watched him call his family. That is the wonder of technology.

These are the realities of money, and our job is to manage the money of the United States. The first amendment I put in was to raise the debt ceiling of the United States because of what we have had to do since September 11. I want people to think about—and Senators should think about—the hundreds of billions of dollars of taxpayer money we have spent so far because of September 11.

Let's stay reasonable as we continue to increase that spending. We have to pass that amendment. We are going to have to raise the debt ceiling of the United States. Other people want to pick a figure out of the air. I say let's raise it by the amount of what we have already authorized to be spent in these three wars and homeland security. That seems to me to be reasonable. I will debate that one later, but right now I think this is a reasonable request in the Senate: Increase the imminent danger pay by 50 percent, increase the overseas allowance for families and the family separation allowance by 100 percent. I hope the Senate will support this move. It is a reasonable thing to do.

I call on the Department of Defense to come up with some basic studies as to what is necessary. It may be that portions of that family separation allowance should be bifurcated. These are all volunteers now. In the past, we went to war with draftees. Most of us did not have families. During World War II, it was a rare thing to meet somebody who was a married person. Now, practically all of them are married. As a matter of fact, in some instances, such as the families I visited over the weekend, I remember distinctly talking to three different couples who are both in the armed services. When they go overseas, they get two family separation allowances, and necessarily so. This may not be enough in some of these circumstances, but I think it is the duty of the Department of Defense to come up with a recommendation for a permanent solution to this problem. There is no question that the \$150 we had in place has not been adjusted now since 1997, and it

should be. This is the time to adjust it. I think this is a reasonable adjustment, 50 percent for the imminent danger pay, \$100 for the family separation allowance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 437 TO AMENDMENT NO. 436

Mr. DURBIN. Madam 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] proposes an amendment numbered 437 to amendment No. 436.

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

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

The amendment is as follows:

In the amendment strike all after the first word and insert the following:

(a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking “\$150” and inserting “\$250”.

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking “\$100” and inserting “\$250”.

(c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

Mr. DURBIN. Madam President, as copies of the amendment are being made, I say to my colleagues that my amendment raises the combat pay, imminent danger pay for the soldiers, sailors, airmen, marines, and coast-guardsmen presently in combat from the figure of \$225 a month suggested by Senator STEVENS to \$250 a month, and the family separation allowance from \$200 a month to \$250 a month.

I have spoken to my colleagues, whom I respect very much and whom I acknowledge to be certainly doing the very best they can with an extraordinary bill at an extraordinary time, and urge them to consider this new figure. I have not pursued my original request, which was \$500 a month for both, nor a modification of it of \$400 a month. I have come down to what I consider to be a reasonable increase in light of the reality of the circumstances.

I do not know that any person in the Senate will stand before us and argue that he is going to find complaints from military families about this family separation allowance or even about combat pay. Thank God we have the very best people in America serving in our military. Their families are at home keeping the families together, praying for their safe return. They are not importuning and begging this Congress for more money. That has not happened. God bless them for not put-

ting pressure on us to deal with that. But let us accept the reality of our responsibility. We have a responsibility not just to pass resolutions in support of the troops. We have a responsibility beyond the kind words which we offer in debate in this Senate. We have a specific responsibility to these men and women in uniform and their families.

Look at what they are facing. They are facing the separation of families, which undoubtedly has to be traumatic and difficult. They are trying to raise their children in a circumstance that may be more challenging than ever because of the need for child care costs, which certainly are extraordinarily large even under the best circumstances. They are dealing sometimes with activated reservists and guardsmen who have left a good paying job and are now on military pay, taking a substantial economic cut. That is why I have started this debate. That is why I offered the amendment on the budget resolution. And that is why I bring this issue up today.

I hope when my colleagues consider what I am offering today, they will remember the vote we cast last week. Last week, I asked my colleagues, with the support of Senator WARNER, Senator CHAMBLISS, and Senator LANDRIEU, to entertain an increase in combat pay and an increase in family separation allowance. I asked that \$2 billion be set aside for that purpose in the budget resolution, and the record vote in this Senate was 100 to 0. That is a rare unanimous vote of the Senate in support of something that everyone agreed needed to be done.

Now let's look at what I am offering today. The cost of \$250 a month in combat pay and the cost of \$250 a month in family separation allowance comes to barely \$500 million for the remainder of this year. That shows that I am really coming with a request that is a little more than one-fourth of what the Senate approved by a 100-to-0 vote last week.

So why would we stand here and say unanimously, by a 100-to-0 vote, that we are willing to spend four times as much in support of military personnel and now a week later, when the bill comes before us, we are saying, no, we will not?

I say to my friend from Alaska, I thank him for acknowledging the need for an increase but I want him to seriously consider the second-degree amendment which I have offered. This amendment does not reach my original goal of \$500 or a compromise of \$400 a month but comes to \$250 a month, which we are offering the families of servicemen who are struggling with childcare costs, additional medical expenses, the need to deal with additional family pressures. That is not too much for us to give. The current reimbursement of \$100 is inadequate. Going to \$250 is not extravagant at all. It is important that we do it.

For combat pay, let me quickly add, there is no amount of money we could

pay our men and women in uniform that would compensate them for putting their lives on the line for our country, but I hope what we do today will be an important message and symbol to them that we not only stand with them when it comes to holding our flag and saying kind words on the Senate floor but we stand with them when it comes to combat pay and imminent danger pay.

When we look at the images of men and women on the television risking their lives, the prisoners of war, and all the horrors they face, \$250 a month in combat pay seems like something this Senate should approve without controversy, and \$250 a month for their family back home should not be controversial. It is, in fact, an effort to accept the reality of family obligations.

Senator DANNY INOUE, one of my heroes in the Senate, last year gave a speech which I recall today as we stand and talk about this issue. He reminded us that back in World War II, when he served with such great distinction, over 80 percent of the men and women in uniform were not married, they were single. Today, we know that 60 percent of those serving in the Iraqi war, Afghanistan, and in combat zones have families back home. The face of the military has changed. Where family separation allowance used to apply to a very small group for very limited expenses, families today have additional expenses.

A year or two ago, I had a detailee in my office from the U.S. Army, MAJ Pat Sargeant, who works with medical evacuation now and is currently serving our country with his wife. He recently sent an e-mail to my office. He noted an article in the Army Times, which said: “Legislators set out to boost war pays.”

The article stated I had sponsored an amendment to include an increase in monthly imminent danger pay from \$150 to \$250 and family separation allowance from \$100 to \$250.

Pat Sargeant—wherever you are—sent me the greatest note and said: You cannot believe what it did to morale for us to hear that the Members of Congress were going to try to help our families and try to help the individuals involved.

Let's stand together today on a bipartisan basis for all the States, as we did last week; 100 to 0 should be the vote in favor of \$250 a month for combat pay, \$250 a month for family separation allowance. That is a reasonable amount. It is not an exorbitant amount.

Some have argued that is just for the remainder of this fiscal year; we may have to face this expense in the future. I say, so be it. So be it. If we are going to activate guardsmen and reservists, if we are going to ask the men and women in uniform in this country to risk their lives, the first obligation we have is to them and their families before we discuss the myriad of other issues that will come before the Senate.