

the following amendments; provided further that no second degrees be in order to the mentioned amendments prior to the votes; further, that there be 2 minutes equally divided for debate prior to each of the votes. The amendments are: Byrd No. 3845; Warner No. 3877, as modified; Stevens No. 3829; Stevens No. 3903; Stevens No. 3826; Stevens No. 3827.

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

## AMENDMENT NO. 3705

Mr. FRIST. I now ask for the regular order with respect to Collins-Lieberman amendment No. 3705.

The PRESIDING OFFICER. That amendment is now pending.

Mr. FRIST. Mr. President, I thank the chairman and ranking member for their tremendous work today, really over the course of the last week, especially on the amendments that we have addressed over the course of the whole week. They have worked diligently. It has been a productive week. It has been a long week, but we have had good debate on an issue that is complex, an issue that we have all studied for a long period of time but an issue on which I believe debate and the amendment process contributes even greater to our understanding.

It has been very important for Members to come to the floor and debate their different views and their thoughts with respect to our intelligence agencies, their relationships one to another.

We have a number of amendments now pending. As the preview order provides, we will begin voting on some of those amendments at 4:15 on Monday.

I come to the floor at this time with the concern that the clock is still ticking and is working against us on the bill, in part because of the large number of potential amendments. People have submitted amendments and put them in language and begun talking about them, but we clearly need to pick up the pace in order to finish the bill early next week.

Following the completion of this bill, the Senate still must address the internal reform, the internal intelligence oversight reform that goes on in this body. We will begin that on the Senate floor after we complete the Collins-Lieberman bill.

Having said that, I will file a cloture motion in a moment. I do this to ensure that we will bring the Collins-Lieberman bill to conclusion at a reasonable time next week, still giving us time to address the other aspect of reform, and that is the internal oversight reform in the Senate.

This is done in consultation with the managers and with the Democratic leadership. The purpose is not in any way to cut off Senators' rights, but I do remind my colleagues that when cloture is invoked there is still an additional 30 hours of consideration if we need that.

I hope all of that time will be considered but not be necessarily used. Rule

XXII provides for that postcloture time.

## CLOTURE MOTION

Mr. FRIST. Mr. President, on behalf of Senator DASCHLE and myself, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2845, Calendar No. 716, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

Bill Frist, Tom Daschle, Susan Collins, Lamar Alexander, Orrin Hatch, Lindsey Graham, John Warner, Judd Gregg, Saxby Chambliss, John Cornyn, Kay Bailey Hutchison, George Allen, Gordon Smith, Jim Talent, Norm Coleman, Ben Nighthorse Campbell, Mitch McConnell, Joseph Lieberman.

Mr. FRIST. I now ask consent that the live quorum under rule XXII be waived.

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

Mr. FRIST. This vote will occur Tuesday morning. I will announce on Monday the precise timing of the vote on Tuesday, but I will anticipate an early vote on that morning.

## MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there 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.

Mr. STEVENS. Mr. President, Tuesday, September 14, was National POW/MIA Recognition Day. American citizens in towns and communities all across our Nation commemorated this occasion by pausing to remember American prisoners of war, those who continue to be missing, and their families.

A national observance was held on the River Parade Field at the Pentagon with an honor guard parade consisting of units from the Army, Marine Corps, Navy, Air Force and Coast Guard. Guests included the families of former POWs and MIAs and representatives of veterans' organizations.

The guest of honor for this occasion was our distinguished colleague and our dear friend, Senator DAN INOUE of Hawaii. Senator INOUE spoke eloquently about the significance of this remembrance as did Gen Richard Myers, chairman of the Joint Chiefs of Staff, and Deputy Secretary of Defense Paul Wolfowitz.

Secretary Wolfowitz's statement included an introduction of Senator INOUE that captured the life and legacy of this great patriot. The eloquent remarks of General Myers, Secretary

Wolfowitz and Senator INOUE deserve the attention of the Senate. I ask unanimous consent that the speeches of General Myers, Dr. Wolfowitz and Senator INOUE be printed in the RECORD.

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

REMARKS BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF, GENERAL RICHARD B. MYERS, AT POW/MIA RECOGNITION DAY CEREMONY

Thank you so much for joining us as we remember our Prisoners of War and those still Missing in Action.

A special thanks Senator for joining us today. In my view, Senator Inouye embodies our nation's commitment to service and sacrifice—from his decorated military service during World War II to his dedicated public service over the last 40 years. Sir, thank you so much for your support of our military family and for taking the time to be with us today.

This past Saturday, as you know, marked the 3-year anniversary of September 11 terrorist attacks. The tragedies of that day, as well as our ongoing combat operations in the War on Terrorism, serve as a solemn reminder that service and sacrifice are really a part of our lives.

Those who take the oath of office, and put on our Nation's uniform, make a commitment to put the interests of others ahead of their own, and set aside their personal safety and comfort for the well being of others. They become part of our military family, dedicated to protecting all our families.

Today we remember those who embraced this quality to the fullest. When one of our own is killed in action, taken prisoner or missing, we lose a member of our military family. Certainly, I've experienced the loss of friends and squadron mates during my time in Vietnam and in the years since. I expect and know most of you here have experienced similar pain and similar grief.

When one of our own becomes a POW or is missing, their families, both the immediate family and the larger military family, endure the tragic pain of not knowing where they are or if they will ever return.

So it is for both the immediate family, and our larger military family, that today's ceremony carries really so much meaning. We gather to formally remember our loved ones and their service, and to renew our pledge that we shall never, never forget them.

The character of our Nation, in many respects, is reflected in the character of those who serve. Those we remember today reflect the very best of our Nation.

Our Deputy Secretary of Defense is also passionate about the welfare of our servicemen and women, and their families. And there is no one who fights harder on their behalf. He's demonstrated a selfless commitment to the ideals of freedom and democracy as Assistant Secretary of State, as our U.S. Ambassador to Indonesia, and teaching at some of our Nation's finest institutions.

It's a privilege and an honor to introduce our Deputy Secretary of Defense, the Honorable Paul Wolfowitz.

REMARKS OF DEPUTY SECRETARY OF DEFENSE PAUL WOLFOWITZ—INTRODUCTION OF SENATOR DANIEL INOUE AT THE NATIONAL POW/MIA RECOGNITION DAY

Thank you, General Myers, for those inspiring words. And thank you for your strong leadership and faithful service to our country.

We are joined today by more than a few others who have served our nation: members of America's magnificent Armed Forces, and

many of our brave veterans, including the many former POWs who join us, and our special guest, Senator Dan Inouye.

I want to take this occasion to say thank you to Jerry Jennings, the President's point man for accounting for America's missing; and the dedicated men and women on his team. The recovery and return of our missing Americans can mean years of painstaking effort. And some 600 men and women, both military and civilians, around the world take part in everything from diplomatic negotiations and field operations to forensic analysis. They are tireless and dedicated. And through their latest efforts, the remains of fallen Americans have just been recovered in North Korea and are now headed home.

A special welcome to those of you who serve as leaders and volunteers of POW/MIA family groups. We appreciate your tireless devotion in keeping the home fires burning for those Americans still missing or unaccounted for. Your devotion to loved ones who have yet to return helps our nation to honor its commitment to those we must never forget.

We're here today to honor your commitment and your courage.

We're here to remember and honor the courage of America's POW's and missing countrymen who risked everything, facing the worst of war to preserve the best of America.

And we are here—above all—to reaffirm our commitment to keep the pledge President Bush has made to achieve “the fullest possible accounting of our prisoners of war and those missing in action.” The brave men and women who serve today—whether in Afghanistan or in Iraq or in other theaters of the war on terrorism—can do so with the full confidence that if they are captured, become missing or fall in battle, this nation will spare no effort to bring them home. That, too, is our solemn pledge. However long it takes, whatever it takes, whatever the cost.”

As General Myers reminded us, on Saturday, we observed the third anniversary of September 11th. I was with Secretary Rumsfeld and General Pete Pace and family members in Arlington Cemetery. We'd gathered at the burial spot for the Americans who died at their Pentagon posts just a few hundred yards away on that horrific day.

The serene beauty of their final resting place reminded us all that Americans are reluctant warriors. But, as Secretary Rumsfeld said, that September 11th three years ago was America's call to arms. And as they've always done, brave Americans have once again taken up arms to defend our safety, our security and our liberty.

I recently met one young soldier who was wounded grievously in Iraq. Yet, he described how ravaged Iraq had been before the Americans arrived, and how much good he had been able to do in the time he'd been there. Then, he put his own enormous sacrifice into this selfless context. He said: “We're fighting for everything we believe in.” He said: “Something had to be done.”

We have with us today a man who embodies that same love for America, that same selfless devotion to preserve what America stands for. As a soldier and a senator, he has spent a lifetime fighting for everything America believes in. When something had to be done, he was there to do it. Ladies and gentlemen, Daniel Inouye is a true American hero.

On December 7, 1941, 17-year-old Dan Inouye stood beside his father outside their home in Honolulu, watching as dive-bombers attacked Pearl Harbor. As Japanese Americans, father and son were especially pained and stunned—as the Senator would later recall, they'd worked so hard to be good Americans. Dan jumped on his bicycle and rushed

to the Red Cross station, where he taught first aid. There were so many injuries, it would be five days before he would return home.

Dan Inouye wanted to do more. But because he was of Japanese descent, he was classified as 4-C—meaning he was considered a—quote—“enemy alien.” That made him—and all Japanese-Americans—ineligible for the draft.

Dan Inouye wasn't discouraged by the pain of this prejudice. Instead, he signed petitions that went to the President, asking for the opportunity to serve. And in the meantime, he went to medical school.

In 1942, President Roosevelt authorized a combat team of Japanese American volunteers. Senator Inouye has recalled what Franklin Roosevelt said when he authorized the unit. It was a phrase, the Senator has said, “that meant a lot to the men of the regiment: ‘Americanism is not and has never been a matter of race or color,’ said FDR. ‘Americanism is a matter of mind and heart.’” And Dan Inouye proved the truth in those words. He immediately quit medical school to enlist in the Army.

On the day young Dan Inouye left for Army training, his father went with him to the pickup point. He'd been silent for most of the ride. Then he cleared his throat, and looking straight ahead, he said to his son: “America has been good to us... We all love this country. Whatever you do, do not dishonor your country. Remember; never dishonor your family. And if you must give your life, do so with honor.” Senator Inouye later recalled: “I knew exactly what he meant. I said, ‘Yes, sir. Good-bye.’”

Dan Inouye shipped off to Europe, part of the 442nd Regimental Combat Team, made up mostly of Japanese Americans. As the Italian peninsula came into view, Dan Inouye asked some of his comrades what they'd been thinking on their last night aboard ship. Most said the same thing: they hoped they wouldn't dishonor their families. Senator Inouye would later say: “We knew very well that, if we succeeded, their lives—the lives of the little brothers and sisters and parents back home—“would be better.”

The 442nd's motto was “Go for Broke.” Its men would prove they were prepared to risk everything they had to win. Prepared to match prejudice with bravery of the highest order.

Senator, you once told me about a particular day in Italy. You sensed that the war was probably coming to an end, and you told one of your sergeants—for you'd received a battlefield commission by then, because the losses in your unit had been so great—you told that sergeant that the war was probably coming to an end soon, that he should be careful and not become one of the last men killed. What you didn't tell me was that you never intended to follow your own advice.

The war ended in Europe on May 8, 1945. Just 18 days before, on April 21, 1945, near San Terenzo, Lieutenant Inouye's unit was ordered to attack a heavily defended ridge. As the lieutenant crawled up the slope, he was hit by machine gun fire. But he kept going, destroying one machine-gun nest, then a second one, before he fell to the ground. He dragged himself toward a third bunker, and as he was about to pull the pin on his last grenade, a German grenade tore into his arm. He pried the grenade out of his lifeless hand, and threw it at the bunker. Another bullet hit him in the leg. Finally a medic gave him a shot of morphine, but Lieutenant Inouye wouldn't let them evacuate him until the area was secure . . . until he knew his men were safe.

Dan Inouye didn't play it safe. He risked everything to protect his men.

Uncommon valor was a common virtue throughout that unit. Based on their num-

bers and length of service, the 442nd became the most decorated unit in the history of the U.S. Army. And Daniel Inouye was one of the most decorated heroes among them . . . to include a much-belated Medal of Honor.

Dan Inouye's story of valor in battle would be more than enough to secure his place in history. But, it was merely prologue to an amazing story of service to our country.

The story continued when the people of Hawaii voted Daniel Inouye into office in 1954, as a member of the Territorial Legislature. In 1959, when Hawaii achieved statehood, he became its first member of the U.S. House of Representatives. In 1962, he was elected to the Senate. He is now in his seventh term.

Fifty years after entering public service, the man best known to Hawaiians simply as . . . “Dan” . . . is a legend on the Islands. I think Dan Inouye's an American legend, too.

Maybe there's a sort of irony that public servants from our nation's farthest outposts—Hawaii and Alaska—stand at the center of America's political life. I have had more than a passing interest in America's relations with Asia, and I can tell you how fortunate we are to have in Hawaii a state that extends America's reach so deeply into the Asia-Pacific. How fortunate we are to have a senator like Daniel Inouye, a man informed by the wisdom of his years, who looks only to the future. He gazes west, sees possibilities, and understands how important our relations with that great region of the world are for the future of this country. And he has done great service to this nation to build and strengthen those key relationships.

And we are fortunate in how great a friend Senator Dan Inouye has been to America's Armed Forces.

There is no one who understands better what the men and women of our Armed Forces want for this country and what they are prepared to give.

No one who understands better how important the unstinting support of the American people is for our troops as they undertake their difficult and dangerous work.

No one who understands better than Dan Inouye the kind of devotion to our nation the American soldier takes to war . . . and how important is the pledge we make to them that we will leave no man or woman behind.

Dan Inouye shares this nation's commitment . . . that we will not rest until we have the fullest possible accounting of each American who has risked it all in service to our country.

We thank you, Senator, for your support of our men and women in uniform, including on this critical issue.

Fifty years in public service is an impressive milestone. And just last week, Senator Inouye celebrated another significant milestone—his 80th birthday.

He spent that day as he spends most others . . . at his desk, working for America and America's men and women in uniform. It's a privilege, Senator, to have you here to wish you “Happy 80th Birthday.” . . . And many more.

Ladies and gentlemen, it's an honor to present to you Senator Daniel Inouye.

SENATOR DANIEL INOUE

Secretary Wolfowitz, General Myers, former prisoners of war, family members of our missing in action, fellow veterans, and the men and women who proudly wear the uniform of our Armed Forces who are with us here today.

It is an honor for me to stand with you this morning as our Nation pauses to recognize those who have gone before us, those who have sacrificed so much, and continue to do so.

Grateful Americans are holding events such as these in cities and towns across this great land of ours, to express their gratitude to those who sacrificed their freedom to ensure ours, our American POWs, and to those who have never returned from foreign battlefields, our MIAs.

Americans honor their POWs and MIAs, their comrades, and their families through our worldwide commitment to account for our missing warriors, to bring our heroes home from distant lands, and to reunite them once again with their loved ones.

American POWs and MIAs have honored their Nation through their service and sacrifice, much like the magnificent young men and women standing so proudly on the parade field before us today. As I marched the line this morning, I was inspired beyond words by their professionalism. You honor all of us with your presence this morning.

Those who wear the uniform today, and those who went before them know—better than most—why bringing our missing Americans home is a sacred commitment. That mission rests squarely on the shoulders of those of us to whom you have entrusted some measure of leadership.

Your support and encouragement will continue to hold us accountable. Though this effort is ingrained in the hearts and minds of Americans, it is you who ensure this mission continues.

I want to say especially to the families of the missing and to you—their comrades—that your government will not rest until all come home.

More than 140 years ago, President Lincoln, desperately seeking to hold our Nation together, spoke of “. . . those brave men who are now on the tented field or nobly meeting the foe in the front . . . that they who sleep in death . . . are not forgotten by those in highest authority . . . and should their fate be the same, their remains will not be uncared-for.”

At the dedication of a grand, national cemetery near the battlefield—at Gettysburg, Pennsylvania, in perhaps the most eloquent 272 words in American history, the President spoke to the families of those lost and to the soldiers still in combat.

He spoke of the honor that we must pay to those who have made the ultimate sacrifice to ensure their sacrifices were not in vain to ensure that this Nation will never forget.

We are equally committed today to the families of the missing from past conflicts, and to the soldiers still in combat.

More than 600 men and women are working around the world on that commitment—that mission. In my home State of Hawaii we have the headquarters of the Joint Task Force on Full Accounting that carries out these searches and the Combat Identification Lab which goes through the painstaking process of identifying the remains which are discovered.

I am very proud of their work and the small contribution that my state makes to this effort.

You are aware of the monumental effort to account for the missing from all wars. But the commitment goes much further than that.

While we seek to bring home the warriors of the past, we must also ensure that you warriors of the present—should you go into harm's way—your Nation will bring you home. “Whatever it takes . . .”

The results of this mission can be seen on distant battlefields where numerous personnel in Afghanistan and Iraq have been recovered.

In Iraq alone, our heroic rescue forces have recovered more than 75 of our warriors alive. But in spite of our commitment to recover today's service members from today's battle-

fields, our challenge remains to account for those who fell in past conflicts.

I am told that more than 1,800 are unaccounted for from the Vietnam war—730 others have been identified and returned to their families since the end of that war.

Just last week, our troops from the Joint Task Force on Full Accounting brought home the remains of more American soldiers from the Korean war.

Throughout the world—from North Korea to Southeast Asia, in the South Pacific, and even in Europe and Russia, with the cooperation of the people and governments of many nations, the work goes on around the clock.

My fellow Americans, this past weekend the Nation commemorated the third anniversary of the terrorist attack on the United States. The horrifying memory of the attack remains fresh in our minds.

Less than one week after 9-11, Senator TED STEVENS and I were sent by the Senate to New York to assess the damage as we prepared our first supplemental appropriations measure to respond to the tragedy. As we circled the smoldering ruins I was struck by the devastation that lay below us.

The day before, we had toured the wreckage here at the Pentagon.

Let me tell all of you that those two experiences are etched in my brain never to be forgotten.

Today we recognize that the world remains a dangerous place. As much as we desire to live in peace we understand that there is likely to always be a need for a strong military to defend this country and to fight our Nation's wars.

Our obligation is both to future generations of those who go in harm's way, and to those of the past, as Lincoln said, we will assure all of you and them that we shall never forget.

That, my fellow Americans is our solemn pledge. Thank you.

#### ABUSE OF FOREIGN DETAINEES

Mr. LEAHY. Mr. President, almost five months after learning of the atrocities that occurred at Abu Ghraib, several of the investigations into U.S. detention policies are now complete. I commend Chairman WARNER for his efforts to investigate this scandal, but he remains hampered by the leadership of his own party and an administration that does not want the full truth revealed. While the investigations provide new insight into how the abuses occurred, they frequently raise as many new questions as they answer. Despite calls from a small handful of us who want to find the truth, Congress and this administration have failed to seriously investigate acts that bring dishonor upon our great Nation and endanger our soldiers overseas.

The Bush administration circled the wagons long ago and has continually maintained that the abuses were the work of ‘a few bad apples.’ I have long said that somewhere in the upper reaches of the executive branch a process was set in motion that rolled forward until it produced this scandal. Even without a truly independent investigation, we now know that the responsibility for abuse runs high up into the chain of command. To put this matter behind us, first we need to understand what happened at all levels of government. It is the responsibility of

the Senate to investigate the facts, from genesis to final approval to implementation and abuse. However, this Senate, and in particular the Judiciary Committee, continues to fall short in its oversight responsibilities.

Democrats on the Judiciary Committee attempted in June to force the disclosure of policy memos on the treatment of detainees, but were defeated by a party-line vote. Recently, a Federal judge, recognizing the importance of public examination of such documents, ordered the Bush administration to comply with freedom of information laws and release a list of all documents on the detentions at Abu Ghraib prison by October 15. I commend this decision, but even that list would not tell the entire story.

A recent Washington Post column addressed the administration's attempt to whitewash this scandal. Jackson Diehl wrote:

Cynics will not be surprised to learn that senior military commanders and Bush administration officials are on the verge of avoiding any accountability for the scandal of prisoner abuse in Iraq and Afghanistan—despite the enormous damage done by that affair to U.S. standing in Iraq and around the world; despite the well-documented malfeasance and possible criminal wrongdoing by those officials; despite the contrasting prosecution of low-ranking soldiers.

Allowing senior officials to avoid accountability sets a dangerous precedent. It is time for Congress, even this Republican Congress, to do its job and take action. We must send a message that no one in the chain of command—from an enlisted private at Abu Ghraib to the Commander-in-Chief—is above the laws of our Nation.

The investigations completed thus far provide additional insight into how the prison abuses occurred, but their narrow mandates prevented them from addressing critical issues. The reports by the Army Inspector General, Maj. Gen. George Fay, and Lt. Gen. Anthony Jones all suffered from structural limitations. The Army IG report was designed as “a functional analysis” of operations, not an investigation into any specific incidents. The Fay and Jones reports, tasked with reviewing the role of military intelligence at Abu Ghraib, were limited in scope to the military itself despite acknowledging that relationships between military intelligence, military police, and outside agencies were significant to the breakdown in order. Overall, these investigations collectively suffered from a lack of scope and authority, leaving key inquiries into issues like contractor abuses and “ghost detainees” unexplored.

The panel led by former Defense Secretary James Schlesinger was similarly limited to the role of the military and could not investigate the role of the CIA. The Schlesinger panel had no subpoena power and lacked true independence. Its loyalty to the Secretary of Defense is betrayed by its acceptance of a policy that is proving to be one of the root causes of this scandal. In August 2002, Assistant Attorney General