

children of Iraq can inherit a nation safer, stronger, and freer than that of their parents.

Too often, the contributions of our Guard members and reservists have gone unrecognized. But today, the brave soldiers in our Guard and Reserve have become indispensable to protecting our national security.

With the end of the Cold War and the decision to draw down active duty forces, the Nation has dramatically increased its reliance on reservists. Guard and Reserve soldiers have been called up to active duty more frequently, and have been taken away from their families and communities for longer periods of time, than perhaps at any other time in our history. As a result, the line between active and reserve duty has become blurred.

The service of the South Dakota National Guard and Reserve provides a perfect illustration. Two-thirds of South Dakota's National Guard members have been called up since September 11. On a per capita basis, South Dakota has had more of its Guard members activated than any other State. These call-ups have fallen heavily on South Dakota's Army Guard units. According to Governor Michael Rounds, nearly 8 of every 10 South Dakota Army Guard members have already been called up for active duty.

The South Dakota National Guard has six units and 1,200 soldiers in the Iraq theater, including the 740th Transportation Company, the 842nd Engineer Company, the 2nd Battalion of the 147th Field Artillery, the 153rd Engineer Battalion, the 1742nd Transportation Company, and the 216th Engineer Detachment. These soldiers have the gratitude and admiration of our State and our Nation.

Late last week, we were reminded of the dangers they face each and every day. As I noted on the floor Monday, Army Specialist Dennis Morgan, a member of the South Dakota National Guard, was one of the 12 American soldiers killed in Iraq this past weekend. Specialist Morgan was the sixth South Dakota soldier to die in this war, and the first member of the South Dakota National Guard. While South Dakotans' thoughts and prayers are with Specialist Morgan's family and, indeed, the families of all of those who have lost loved ones in Iraq, we also pray for the safety of the soldiers who remain in Iraq.

Two South Dakota units have received the most public attention as of late—the 740th Transportation Company of Milbank and Brookings and the 842nd Engineer Company of Spearfish, Belle Fourche, and Sturgis.

Unfortunately for the soldiers of these units and their families, the reason these units are in the news is not a happy one. Last week, nearly 300 soldiers from the 740th Transportation Company and the 842nd Engineer Company learned that they would not be coming home when they complete their year-long tour of duty.

According to Jay Brozik, husband of 1LT Sally Brozik who serves in the 740th, members of this unit had been informed they would be heading home soon. Their personal belongings had been packed for the trip home. The troops had completed the medical briefing required prior to leaving the Iraq theater. Their equipment had been transferred to a replacement unit. Their families were eagerly awaiting a joyous return.

All that came to a crashing halt late last week, when the Department of Defense announced that the tours of duty for this unit had been extended at least three months longer than promised.

The story is similar for the 842nd Engineering Company and about 20,000 other active and reserve troops who were informed that the administration had broken its commitment of one-year, "boots on the ground" in Iraq.

Although I am confident all involved will continue to serve their country in the same exemplary fashion they have to date, the administration's decision was difficult to bear for the soldiers and families involved. In the words of Spearfish Mayor Jerry Krambeck, "I don't know what I can say without putting tears in my eyes. All I can do is continue as we are and continue to support the families even more at this point."

Jay Brozik said, "I was thinking my wife would be back for our son's birthday, May 4. Now it's changed everything." And Ryan Lovrien spoke of his girlfriend, SGT April Semmler of the 740th: "[April] had mentioned hoping after a year to be home and spend time with the family in the summertime and just be out of there. Now they're going to do three or four months."

Mr. President, the cost of failure in Iraq is beyond comprehension. Given the stakes involved for the people of Iraq, the region, and the world, we have no choice but to maintain our commitment and do all we can to bring about a safe, secure, and democratic Iraq. But we do face a choice about how we fulfill this commitment.

I urge the President to redouble his efforts to expand the international presence on the ground. We have the finest forces in the world. Breaking our commitment to these forces is not only unfair, it is shortsighted. Already we see soldiers re-enlisting at lower rates than in the past. Considering that the demands placed on our already over-extended forces are unlikely to fall in the future, failure to at least sustain current force levels would undermine our national security.

Mr. President, I know the Senate joins me in commending the service of the men and women in the South Dakota Guard and indeed all of our troops involved in the current conflict in Iraq. I particularly want to express my appreciation for the sacrifices made by the troops of the 740th and the 842nd and their families. They came when they were called, performed as requested, and, under any circumstances,

will continue to perform magnificently.

But the burden should be shared—so that we can sustain our current forces and give those who've already sacrificed so much a well-deserved rest.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time not yet used will be reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee.

ORDER OF PROCEDURE

Mr. REID. Mr. President, will my friend yield for a unanimous consent request?

Mr. McCONNELL. Yes.

Mr. REID. Mr. President, I ask unanimous consent that, under the Democratic-controlled time, Senator BOXER be recognized for 15 minutes, Senator JEFFORDS be recognized for 7½ minutes, and Senator HARKIN be recognized for 7½ minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

PATRIOT ACT

Mr. McCONNELL. Mr. President, in October of 2001, the Senate passed the PATRIOT Act by a near unanimous vote of 98 to 1. The PATRIOT Act has been a vital tool in our ongoing efforts to prevent future attacks of terrorism against Americans at home. Terrorist cells across the country have been broken up from Buffalo, to Detroit, to Seattle, to Portland. Over 300 criminal charges have been brought. Over 515 individuals linked to the 9/11 investigation have been deported. Hundreds more suspected terrorists have been identified and tracked throughout our country. It is no wonder, then, that the biggest hero to emerge from the hearings before the 9/11 Commission has been the PATRIOT Act. Witnesses from both the Clinton and Bush administrations, and from both political parties, have praised its efficacy in fighting the war on terror.

Unfortunately, we are in the middle of an election year and some Washington politicians would rather demagog the PATRIOT Act and the Attorney General for his use of it. For example, the junior Senator from Massachusetts voted for the act. But since becoming his party's presumptive nominee, he has taken an entirely different

tack. For example, last month, he said: It is time to end the era of John Ashcroft. That starts with replacing the PATRIOT Act with a new law that protects our people and our liberties at the same time.

It is quite puzzling how Senator KERRY and his Democratic colleagues who voted for the PATRIOT Act can now do an about-face and raise such serious questions about its effects on civil liberties. It is even more puzzling to make such charges in light of how instrumental the PATRIOT Act has been in safeguarding Americans, and in the absence of evidence that the PATRIOT Act is being misused.

Sixteen key provisions of the act will expire on December 31 of next year. It is crucial that law enforcement not be deprived of these tools. While I cannot prevent election year politics, I can try to disabuse my colleagues of erroneous assumptions about some of these provisions.

Let's take a look at section 201 of the act. That section allows law enforcement to use existing electronic surveillance authorities to investigate certain crimes that terrorists are likely to commit.

Now, the myth about section 201 is as follows: Some contend that the Government already has the authority to investigate cases of suspected terrorism and, therefore, section 201 is completely overkill. But the fact is, before section 201 of the PATRIOT Act, law enforcement had the authority to conduct some electronic surveillance when investigating ordinary nonterrorism crimes. But law enforcement could not use wiretaps to investigate all of the crimes that terrorists will commit.

Now, as an illustration of this odd dichotomy, law enforcement could use wiretaps to investigate mail fraud but not for chemical weapons offenses or cases involving the use of a dirty bomb or cases involving killing Americans abroad or cases of terrorism financing. Let's go over that one more time. Law enforcement could use wiretaps to investigate mail fraud but not for chemical weapons offenses or offenses related to dirty bombs, killing Americans overseas, or terrorism financing. That is an absurd position for the law to be in.

So it seems to me that if law enforcement can use a wiretap to bust up a failed mail-in sweepstakes ring, it should be able to use wiretaps to stop the use of a dirty bomb.

Let's make one final point about section 201. To obtain a wiretap under this section, all the preexisting safeguards for wiretaps must be complied with, including establishing probable cause before an impartial Federal judge and getting that judge to sign off on the use of a wiretap.

Another section that has been misunderstood is section 206. This provision allows roving wiretaps in national security investigations. But it only allows them when the FISA court finds

that a suspect may thwart surveillance. In a roving wiretap, the tap attaches to a suspect rather than to a device so that the suspect cannot defeat surveillance simply by changing cell phones, for example. The myth is that section 206 is a broad expansion of power without privacy protections.

But the facts are that those assertions are incorrect. For over a quarter of a century, law enforcement has used roving wiretaps to solve ordinary crimes such as drug offenses. How can that be terribly expansive, to allow in national security matters what has been occurring in ordinary criminal matters for 25 years?

Second, as I said, a roving wiretap can only be obtained after a court finds that a suspect might thwart surveillance. A number of courts, including at least three circuit courts, have ruled that roving wiretaps are perfectly consistent—perfectly consistent—with the fourth amendment. So it is pretty clear that privacy protections are not being eviscerated.

In sum, we should renew the parts of the PATRIOT Act that will expire. We should not take away from law enforcement needed weapons in the war against terrorism.

THE 9/11 COMMISSION

Mr. MCCONNELL. Mr. President, I wish to make a couple of observations related to the proceedings of the 9/11 Commission, which have been in the news recently.

Specifically, I am troubled by the partisanship that some Commissioners have displayed, such as by cross-examining public officials as if they were common criminals.

I am not the only one who is troubled by the proceedings. Former National Security Adviser under President Clinton, Tony Lake, has said that the hearings are "a sad spectacle that has become so partisan." That is the National Security Adviser under President Clinton.

Max Holland, a former fellow at the University of Virginia who is writing a history of the Warren Commission, notes that, "in some respects," the proceedings of the Commission are "definitely a new low." He added that "this is a commission charged with establishing facts and the truth rather than posturing for political gain. But some of the hearings amounted to lecturing and posturing."

Still others, such as Professor Juliette Kayyem of the Harvard's Kennedy School of Government who served on a congressional terrorism panel to investigate the 1998 African embassy bombings, have questioned why 9/11 Commission members have granted so many interviews. She notes that "they have become too public" and that "tempts Commissioners into making assessments and conclusions prematurely," she suggests.

My understanding of the 9/11 Commission was that it was to impartially

determine the facts and make non-partisan recommendations on how to move forward. I am trying to be fair-minded and positive about this, and I hope the Commission holds to its mission. I think it has strayed somewhat off into the political arena. It has received, I think, justified criticism for so doing. They still have an opportunity to move back in the direction they know and we know they should go and produce a report that we will all feel will pass the smell test and stick to the goal we all thought the 9/11 Commission had in the first place.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from New Mexico. Does the Senator yield time to himself under the standing order?

Mr. DOMENICI. I did not hear the Chair.

The PRESIDENT pro tempore. Does the Senator yield time under the existing order for allocation of time?

Mr. DOMENICI. Yes. I understood I was going to speak next. How much time do I have?

The PRESIDENT pro tempore. There are 20 minutes remaining.

Mr. DOMENICI. I thank the Chair.

Mr. President, I followed with interest the media comments and partisan criticism of the President in light of testimony from a variety of individuals before the 9/11 Commission. I find the criticism almost laughable, in some cases. Here is what I gather is the essence of the criticism prior to the attacks on 9/11:

One, President Bush didn't care about terrorism, didn't care about it enough, but if he did, he didn't want to know about it.

Second, President Bush didn't know about terrorism, but if he knew, he didn't know enough to do anything.

Third, President Bush didn't do anything about terrorism, but if he did, it wasn't enough.

Finally, President Bush and the agencies of Government knew about the pending attacks on September 11, 2001, but didn't do anything about it.

Or President Bush and the agencies of Government didn't know in advance about terrorism plans for September 11, but they should have.

Just laying out this summary of the charges shows the contradictory, almost ludicrous nature of these attacks. How outrageously partisan this all has become.

Let me talk a minute about the way I see it.

First, let's for a minute assume that 9/11 did not occur. Remember, I am going to talk for a minute about the President, America, and the Congress as if 9/11 did not occur.

Mr. President, 9/11 did not occur, but the President got a report from the CIA, FBI, NSA, and others, telling him al-Qaida was getting anxious, they were a little bit worried about things; the group is moving around a little bit too much; they may be thinking about attacking America. But no 9/11 has