

from—as I understand, the Senator from New Mexico had intended to offer an amendment. As the floor managers remember, I tried to follow that Senator, considering the fact we had the Lott amendment, and then the Domenici amendment, that we might have an amendment from over on this side.

I want to try to work it out, but I do want to try to at least find out if we can get in the queue on this issue so we can notify our Members. I am inquiring from the manager if we cannot at least get the amendment pending after the disposition of the amendment of the Senator from New Mexico, before we go into morning business.

Mr. WARNER. Mr. President, in reply to my distinguished colleague on the Armed Services Committee, at this time I am not in a position to suggest how we proceed tomorrow, other than to say we, as a matter of comity, will rotate one amendment to another. The pending business, of course, at this time on this bill is the Lautenberg amendment. I would presume if that is disposed of tomorrow, then we would go to an amendment on our side, and we would then come back to your side.

But at this time I would not be able to participate in trying to line up with certainty any amendments other than the fact that the Lautenberg amendment is the pending amendment.

Mr. KENNEDY. Mr. President, I will not object, although it is perfectly satisfactory with the Senator from New Jersey for us to move ahead in the way I have outlined here, but if the chairman, the Senator from Virginia, wants to proceed in that way, it is obviously his right to do so. I am going to ask at least that my amendment get sent to the desk, not that it be in order but that it be sent to the desk prior to the time we go into morning business, if that is agreeable with the Senator, so it can be printed in the RECORD.

Mr. WARNER. Mr. President, at this time I am not prepared to enter into any unanimous consent request.

Mr. KENNEDY. Well, Mr. President, then I object.

Mr. WARNER. Filing is a Senator's right.

Mr. KENNEDY. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia has the floor.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. He can file, but I did not hear the word "file."

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. There is no quorum call.

Mr. REID. I apologize. I thought there was. Will the Senator yield so the Senator can send his amendment to the desk?

Mr. WARNER. The Senator participates in the withdrawal of the quorum

call. Yes, the quorum call can now be withdrawn. I ask unanimous consent that the quorum call—

The PRESIDING OFFICER. There is no quorum call. The Senator from Virginia has the floor.

Mr. REID. Mr. President, there is a unanimous consent request pending?

Mr. WARNER. That is correct.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I ask unanimous consent that my amendment to this legislation be printed at the appropriate place at the end of the discussion on this legislation here today.

Mr. WARNER. No objection.

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

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

AMENDMENT NO. 3174

(Purpose: To require a report on the efforts of the President to stabilize Iraq and relieve the burden on members of the Armed Forces of the United States deployed in Iraq and the Persian Gulf region)

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. REPORT ON THE STABILIZATION OF IRAQ.

Not later than two weeks after the date of the enactment of this Act, the President shall submit to the congressional defense committees an unclassified report (with classified annex, if necessary) on the strategy of the United States for stabilizing Iraq. The report shall contain a detailed explanation of the strategy together with the following information:

(1) A description of the efforts of the President to work with the United Nations and the North Atlantic Treaty Organization to provide relief for the nearly 150,000 members of the Armed Forces of the United States who were serving in Iraq as of May 2004, including efforts to ensure that—

(A) more military forces of other countries are deployed to Iraq;

(B) more police forces of other countries are deployed to Iraq; and

(C) more financial resources of other countries are provided for the stabilization and reconstruction of Iraq.

(2) As a result of such efforts—

(A) a list of the countries that have committed to deploying military and police forces;

(B) with respect to each such country, the schedule and level of such deployments; and

(C) an estimate of the number of members of the Armed Forces that will be able to return to the United States as a result of such deployments.

(3) A description of the efforts of the President to develop the police and military forces of Iraq to provide relief for the nearly 150,000 members of the Armed Forces of the United States who were serving in Iraq as of May 2004.

(4) As a result of such efforts—

(A) the number of members of the police and military forces of Iraq that have been trained;

(B) the number of members of the police and military forces of Iraq that have been deployed; and

(C) an estimate of the number of members of the Armed Forces of the United States that will be able to return to the United States as a result of such training and deployment.

(5) An estimate of—

(A) the number of members of the Armed Forces that will be required to serve in Iraq during each of the first five years following the date of the enactment of this Act; and

(B) the percentage of that force that will be composed of members of the National Guard and Reserves.

MORNING BUSINESS

Mr. WARNER. Mr. President, I repeat, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

ORDER OF BUSINESS

Mr. WARNER. Mr. President, I would like to say, with regard to our distinguished colleague from New Mexico, he had an amendment, and I would hope tomorrow in the course of the day, that amendment could be cleared. I do not believe it would require a rollcall vote. I wish to give that assurance to the Senator from New Mexico.

Am I correct on that?

Mr. LEVIN. Mr. President, if I could respond to my good friend from Virginia, we are hoping to clear that amendment. I believe it can be cleared. I hope it can be cleared. But apparently—

Mr. DOMENICI. Mr. President, I was going to say, frankly, I never withdrew it. We had a discussion about it, and you asked me something, but I do not think I ever formally said it. They said at 3:05 it was withdrawn. I do not remember at 3:05 being on the floor.

Mr. WARNER. Anyway, I say to the Senator, you have my assurances I will endeavor tomorrow to have that amendment adopted.

Mr. DOMENICI. Fine. And I have no doubt you will.

Mr. WARNER. Mr. President, I say to the Senator, thank you very much. I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PROMPT TRIAL OF SADDAM HUSSEIN

Mr. SPECTER. Mr. President, I have sought recognition to discuss a matter which I have talked to executive officials about, and my colleagues in the Senate about, and that is to urge consideration for a prompt trial of Saddam Hussein.

The judgment, I think, is correct to try Saddam Hussein in Iraq so the people of Iraq and the people of the world will have confidence in what happens at a trial. It has obviously been difficult to constitute a judicial tribunal to try Saddam Hussein. But now, as we are approaching June 30 and the prospect of the transfer of sovereignty—and there is proceeding for an interim government and a constitution—I think

the time has come to lay the groundwork for a trial of Saddam Hussein.

I believe it would be very salutary to have on the public record the atrocities where Saddam has been charged: crimes against humanity; genocide; murder; torture; embezzlement; public corruption; conspiracy to murder Israelis by soliciting suicide bombers and paying their families once the suicide bombing was completed.

There is no doubt the United States and the coalition of the willing—Great Britain and others who have supported the United States—have been subjected to a great deal of criticism in world public opinion, and especially in the Arab world. It is my thought that much of that criticism would be dissipated if there was presented in a public trial the evidence of Saddam Hussein's atrocities.

We have had a great deal of speculation on the issue of weapons of mass destruction. Just yesterday, a casing was found which contained chemical substances, a question as to whether that weapon of mass destruction was in Saddam's hands immediately before the war began.

We know with certainty that Saddam Hussein had weapons of mass destruction in December of 1998 before he kicked out the United Nations. This may have been an old shell or it may have been a recent shell. The issue of weapons of mass destruction is still subject to speculation. Yet evidence may be established that Saddam did, in fact, have weapons of mass destruction when the United States and Great Britain and the coalition of the willing moved against Saddam Hussein. Once the evidence is submitted of the atrocities of Saddam Hussein, I believe the issue of weapons of mass destruction, while still important, will recede into the background.

We have had the issue raised, and properly so, of the abusive treatment of Iraqi prisoners. Those investigations have to be pursued and the guilty have to be punished. We have seen the brutal assassination, murder and beheading of Nicholas Berg, and we have seen the Secretary of State Colin Powell roundly criticize the Arab world for not condemning that brutal assassination.

I have had an opportunity recently to view a video which purports to be atrocities by Saddam Hussein on film, the ghastly, ghoulish beheading of a man purportedly in Saddam's custody. I say "purportedly" because I haven't seen the authentication of the tape as acts committed by Saddam's henchmen or Saddam's subordinates. But a trial would bring out the evidence as to what Saddam did on genocide. A trial would bring out the specifics of the use of weapons of mass destruction against the Kurds, Saddam's own people. A trial would bring out the use by Saddam Hussein of chemical weapons against Iran in the Iran-Iraq war. I had occasion to talk to a man, an Iranian who recounted an incident where he was the victim of a chemical attack by

Iraqi forces under the control of Saddam Hussein. A trial of Saddam Hussein would disclose the specifics on the torture he committed and the embezzlement and secreting of vast wealth which belonged to Iraq, deposited in foreign accounts, great sums of cash which were found by U.S. forces when Iraq was invaded.

It would be my hope that plans would be made now for the prosecution of Saddam. A prosecution will take some time to prepare. We couldn't proceed to have a trial realistically before June 30. But if we set in motion now the works to establish a court, security would be a matter of considerable concern. Judges have to be designated. Prosecutors have to be designated. There would be the opportunity for defense counsel. There has been some speculation as to some counsel already having been designated or in the process of being designated. But this would be something that ought to be accomplished at a very early date.

I have had some experience in the criminal process. From the experience I have had, it would not be all that complicated, once you have the provisional government established, a court, give it criminal jurisdiction, which it could be granted under the appropriate Iraqi procedures, and the designation of the trial judge or the designation of prosecutors, to move on with the trial.

I think once the details of Saddam's brutality are put on the public record, it would have a very profound effect on world public opinion, including Arab public opinion. I think it would put in an understandable light the action by the United States in toppling Saddam Hussein in the interest of stability in the Mideast and in the interest of bringing a violent perpetrator to justice. There is no doubt that it is very painful to see the casualties and fatalities of our service men and women in Iraq, the brutal assassination yesterday of the Iraqi leader, but I submit that if we are able to succeed with establishing a democracy in Iraq, it will be a historic achievement.

It will put great pressure on Iran, where there is an interest in developing nuclear weapons, which is a separate subject that we have to move against on the international front with the United Nations. Hopefully when the G-8 meets in the near future, they will take action to impose international safeguards, standards, and inspections to be sure Iran does not develop nuclear weapons. It will put a lot of pressure on Saudi Arabia to stop the tyranny on the Saudis and the terrible degradation of Arab women throughout the entire region, lend security to the Mideast. It would be very helpful to security for Israel, and that is a lofty goal worth our very resolute efforts.

But in the interim, I would like to see consideration started and a debate progress and thought given to the trial of Saddam Hussein, which would be very helpful to reinforce the position of the United States and influence world

public opinion, especially the Arab world, of the justification for U.S. military action to bring down Saddam Hussein.

Mr. DOMENICI. Will the Senator yield?

Mr. SPECTER. I do.

Mr. DOMENICI. I want to take a minute to compliment the Senator. Actually, a lot is going on with reference to Iraq, but it seems that somehow or another, once Saddam was captured—whatever is happening to him, I hope it is humane, and we have every reason to think that it is—it seemed to pale in the background. It kind of went away—I am sure not in your mind, I am sure not in many minds, but in a sense because other things have happened that are somewhat gruesome. The enormity of Saddam Hussein's actions versus those kinds of events is actually inconceivable.

We talk about a prison. We talk about, even from their standpoint, Berg being decapitated. We talk about those four people they drug down the road. But imagine what he did to his people in comparison. I think the Senator is right. To put in perspective the conduct in that part of the world and the difficulty in changing things and the difficulty in bringing people together, which we are trying to do, would begin to put itself together. If we had him there with adequate prosecutors and evidence and people, I would assume some witnesses—you would have a lot of pictures—as to what he did, it would be a tremendous improvement in balancing what is going on. I commend the Senator.

I wish we had a way—this body—of expediting that.

But we don't. I think what you are doing helps. I commend you for it. I don't think a resolution here urging it would have much effect. It might have the reverse effect. I don't know. I thought maybe we would have one saying what we think. But in a sense they want to do their thing, and I think that is correct.

I do believe, while we turn their government over to them, turn over the governance, we ought not forget the issue of a judiciary and a criminal jurisdictional court for that purpose.

That is big enough to be considered even in the transfer of governance because it has to happen. We do not want to do it, but we want it done right.

I understand what the Senator from Pennsylvania is saying. They can do it right. Actually, we ought to be able, in the transfer, to in some way indicate the gravity of the situation and how we feel about it.

I thank the Chair.

Mr. SPECTER. Mr. President, I thank the Senator from New Mexico for his support and comments. I have considered and still am considering the possibility of a Senate resolution on this subject. We pass resolutions with some rapidity around here, and it may well be that most of the resolutions do not accomplish a whole lot. But it is

time, in my judgment, that we spoke out on this issue.

The Senator from New Mexico is exactly right. Saddam was captured in mid-December. Five months have passed, and it is time to proceed. Mr. President, 9/11 has occurred and thousands of Americans were killed in that brutal attack by flying hijacked planes into the World Trade Center, the Pentagon, and one probably was headed for the Capitol but went down in western Pennsylvania.

While many of us are worried on a daily basis, the President receives a CIA briefing every morning, and there is great concern about homeland security. In the public mind, the threat recedes. Understandably, it is human nature to have a short attention span. But what is going on in Iraq today is enormously problematic.

The United States is taking it on the chin in world public opinion and especially in the Arab world. When you have the brutal assassination of Nicholas Berg—his head was cut off in public view—and the Secretary of State has to remonstrate, criticize the Arab world for not condemning that act of brutality, and meanwhile we are subjected to all sorts of criticism—and the criticism on the mistreatment of Iraqi prisoners is well placed, it is justified. But we are acting on it, and we acknowledge the problems, the President has and the Secretary of State has—people forget why we are there. It is very painful to have the casualties and fatalities, but we are dealing with large stakes in establishing a democracy there.

If Saddam's defalcations and crimes were put on the public record, people would understand why we are there and how important it is to change. When the Iraqi resistance comes up and the Iraqi terrorists come up, let them understand that when there is a change in sovereignty, that they are acting against their own people, a duly constituted Iraq Government which would bring Saddam to trial. We cannot bring him to trial. Nobody would trust a trial by the United States, as good and fair as our system is, and as just as we are with procedural due process.

We ought to let it be known that it is our recommendation that the Iraqis will have to make the final decision.

I would like to start consideration, which is why I have taken a few minutes of our time today, not that there is any rush on the Senate floor. The Senator from New Mexico and I are the only ones here.

I thank my colleague, Senator DOMENICI, for his support and comments. I yield the floor, Mr. President, and in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. ALLARD. 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 Senate is in a period for morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. ALLARD. Mr. President, I ask unanimous consent that I be allowed to speak for 35 minutes.

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

DEPARTMENT OF DEFENSE AUTHORIZATION

Mr. ALLARD. Mr. President, I rise today in support of the Defense authorization bill and ask that we proceed quickly to pass this legislation.

I thank Chairman WARNER for his leadership throughout this session. Clearly, the outcome of the bill reflects his commitment to our military men and women. We live in a very complicated world, and our national security depends on understanding that complexity, reacting to it appropriately when we must, and keeping ahead of it when we can. I commend Senator WARNER for a job well done, both during the committee markup and with the full committee in responding to the recent prisoner abuses in Iraq.

I also wish to take a moment to thank the ranking member of the Strategic Forces Subcommittee, Senator BILL NELSON, for his efforts on our portion of the bill. While we do not always see eye to eye, there is much on which we agree, and I appreciate the opportunity to work with Senator NELSON on important issues that confront us.

I am also pleased by the work the Armed Services Committee has done on both sides of the aisle and fully support the passage of the Defense authorization bill.

At the very beginning of his administration, President Bush made it a priority to rebuild and transform our military after 8 years of operation and maintenance funding shortfalls under the previous administration. Those of us in the Senate have heeded this call, and I am pleased that we are about to take the next step in maintaining a military fully capable of defending our Nation and meeting our foreign policy goals.

I continue to support the President's plan to transform our military, and this authorization bill builds on the work we in the Congress have already accomplished toward that end.

In fact, since 2001, President Bush and Congress have given the Department of Defense the tools to accomplish the following: Fight the war on terror on the offensive; remove threats to our security in Afghanistan and Iraq; liberate nearly 50 million people; provide a more than 21-percent pay raise to our service men and women; expand the use of targeted pay and bonuses; begin to transform our Nation's defenses; improve readiness rates; increase research and development funding by 56 percent; improve the quality of housing for military personnel and

their families through privatization and new construction; double investments in missile defense systems; and deploy the first ever land- and sea-based system this fall.

Overall, the Committee tackled the difficult task of simultaneously maintaining the transformational efforts in the department, while ensuring enough resources are available to guarantee success for our deployed soldiers overseas. The defense authorization bill includes more than \$422 billion in budget authority for Defense programs and represents an increase of 3.4 percent in spending over the last fiscal year. I believe that this bill helps to maintain the high state of readiness that is expected of our military, and also focuses the Department on the future in terms of research and development programs and technologies.

Specifically, the more than \$68 billion in research and development and the \$11 billion directed toward science and technology programs will continue to ensure that our military is the best equipped and prepared force in the future. These increases over fiscal year 2004 have supported a wide range of new systems including the F-22 and the Joint Strike Fighter, the destroyer DDX program, unmanned aerial vehicle programs, the Army's future combat system, satellites, communications equipment, and intelligence systems designed to accelerate the availability and capability of future weapons programs. We must continue to make these research and development investments in order to skip a generation of weapons and transform our military into the 21st century fighting force it must become. Investing 3 percent of the budget toward science and technology has long been our goal and with the bill before us, we move a step closer to that goal.

While I am pleased at the focus on the weapons and technology available to our warfighters, it is heartening that the committee has not neglected our most valuable resource—the service members themselves.

The authorization includes a 3.5 percent pay increase across the board, and also permanently authorizes family separation and imminent danger pay created originally for Operation Enduring Freedom and continuing to Operation Iraqi Freedom.

The men and women in the military make great sacrifices for us all as do their dependents and families. The continued progress of improving their quality of life, compensation, and family housing programs should not be overshadowed by any weapons program. As I stated before, our most valuable resource is the personnel in the armed forces, and we must continue to provide the best possible environment for them.

In addition to the resources available for personnel and their families, the authorization also provides the near-term readiness and protection equipment needed for the war on terror. Specifically, force protection measures for