

I suggest the absence of a quorum and ask unanimous consent that the first half hour of morning business run against our side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Will the Chair announce the morning business hour? I don't believe it has been done.

The PRESIDENT pro tempore. The Chair did announce that.

Mr. REID. Under the Democratic time, the first 15 minutes will be for Senator LAUTENBERG. The next 10 minutes will be for Senator HARKIN. The time for Senator LAUTENBERG has already started to run. I ask unanimous consent that be the case.

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

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ORDER OF BUSINESS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I have 15 minutes to make my presentation in morning business, and if my time extends beyond the time allocated, that it be equally available to the Republican side as well.

The PRESIDENT pro tempore. On behalf of the Senate leadership, the Chair objects until we are so informed that they have cleared that process. The Senator's time is running.

Mr. LAUTENBERG. Mr. President, I was unaware of that. Be that as it may, may I ask from the Parliamentarian or the Chair, what is the business that follows immediately after morning business?

The PRESIDENT pro tempore. The Senate will resume consideration of S.J. Res. 40, which is the marriage amendment.

Mr. LAUTENBERG. I just want to be sure. We are going to be discussing whether we put into the Constitution a ban on gay marriage. As a consequence, we are not going to be able to discuss issues that affect Halliburton or this war or the condition of our country. I assume that is correct, Mr. President.

The PRESIDENT pro tempore. The Chair is not in a position to debate with the Senator.

Mr. LAUTENBERG. It is no debate; it is a question of what is generally ap-

propriate and available on the floor of the Senate, and when courtesies are extended.

The PRESIDENT pro tempore. The Senator's time is running.

#### HALLIBURTON CONTRACT

Mr. LAUTENBERG. Mr. President, I rise to discuss unanswered questions regarding the no-bid contract that the administration awarded Halliburton last year to operate Iraq's oil infrastructure.

As my colleagues know, I have been outspoken in my criticism of this no-bid contract awarded by the Bush administration to the company that the Vice President led for 5 years as CEO. This one contract alone has cost the U.S. taxpayers \$2.2 billion. That is \$2.2 billion in public funds that were given to a company through a contract on which no other companies were allowed to bid.

Recognizing this condition, we had a unanimous vote one night in the Senate, when it was decided that we would no longer ever, in connection with the Iraq war, issue any no-bid contracts. We forced that out into the open, even though it was the intention of the Republican majority to keep it from being discontinued, the no-bid contract business.

To make matters worse, the Vice President maintains a continuing financial relationship with Halliburton, even as the company reaps the benefit of multibillion-dollar contracts from the Bush-Cheney administration. I believe it is ethically inappropriate, but the Vice President's response to criticism has been to dismiss the concerns with questionable statements.

For example, on September 14, 2003, the Vice President was asked about his relationship with Halliburton and the no-bid contract on "Meet the Press." Vice President CHENEY told Tim Russert:

I've severed all of my ties with the company, gotten rid of all of my financial interest. I have no financial interest in Halliburton of any kind and haven't had, now, for over three years.

The problem with that statement is that when he said it, he held over 400,000 Halliburton stock options and continues to receive deferred salary from the company.

But that is not all the Vice President said that day. Look at his other statement on this placard:

[A]s Vice President, I have absolutely no influence of, involvement of, knowledge of in any way, shape or form of contracts led by the [Army] Corps of Engineers or anybody else in the Federal Government.

September 14, 2003.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. LAUTENBERG. I will.

Mr. REID. We have 5 extra minutes. Mr. President, I yield that time to the Senator from New Jersey, Mr. LAUTENBERG.

Mr. LAUTENBERG. Mr. President, I appreciate that very much because

they want to shut down the debate on Halliburton, whose receivables were \$161 million larger than the Pentagon wanted to pay because they knew there were overcharges, but they do not want to let that debate happen here. I thank the Senator from Nevada for those extra 5 minutes.

For months, the Vice President's allies pointed to this statement saying that he made it clear that he stays out of all issues relating to Halliburton's contracts. But now an e-mail from March 2003 has become public, and it seriously challenges Vice President CHENEY's claim of a hands-off policy. In fact, the e-mail message suggests that the Vice President's office had an active role in Halliburton's no-bid contract.

Look at this e-mail:

Feith—

Feith was Under Secretary of the Department of Defense.

Feith approved, contingent on informing the WH tomorrow. We anticipate no issues since action has been coordinated with the VP's office. Expect PA press release and Congressional coordination tomorrow AM and declass action to us early in PM. . . .

They are saying go ahead, fellows, don't worry about anything, this is cleared with the Vice President's office, perhaps even including the knowledge that maybe there would be some overcharges, but so what. What about profiteering during the war? We have lost over 800 people in Iraq, but the fact that the taxpayers are being cheated in the process, well, that is kind of normal business, and they don't want that aired on this floor of the Senate.

This e-mail tells a very different tale than what the Vice President has been saying. The date of this e-mail is a mere 3 days before Halliburton was given the no-bid contract. The e-mail says that Under Secretary of Defense for Policy, Douglas Feith, approved, giving the no-bid contract to Halliburton contingent upon the White House giving the green light. Browning then says that he or she "anticipates no issues" because the awarding of the contract has been "coordinated with the Vice President's office."

This is damning information. Despite the signs of misconduct, the Senate has done nothing to investigate this matter. I have written to Attorney General Ashcroft asking for a special counsel to be appointed, similar to that action taken in the Valerie Plame case. Several laws may have been broken in the awarding of the Halliburton contract, including the Competition in Contracting Act and criminal conspiracy. I have also asked the chairman of the Governmental Affairs Committee to issue subpoenas to the Pentagon and the Vice President's office regarding communication between those two offices on Halliburton contracts.

In my view, the credibility of this institution is at stake, not that anybody seems to care. Here we are seeing the

top level of the executive branch arranging sweetheart billion-dollar procurement deals for the former employer of the Vice President, an employer with whom the Vice President has a continuing financial interest. Are we not even going to look into it? I guess, based on what I have seen this morning, it does not seem we are going to be permitted to do so, but we are going to continue to bring this to the public. They deserve to know, even if our colleagues on the other side are not interested in hearing it.

The Vice President has a financial interest in Halliburton, and it is, indeed, significant. The Vice President holds 433,000 unexercised Halliburton stock options, and even though most of the exercised prices are above the current market price, the majority of the options extend to 2009.

In addition to the stock options, Vice President CHENEY continues to receive deferred salary from Halliburton, and it is a significant sum. In fact, the Vice President's salary rivals his Government pay. He is looking at salaries that are very competitive to his Government salary. The Government salary is \$186,000, going to \$198,000 over a period of time, and the Halliburton salary is \$205,000. It starts out almost \$20,000 higher, and then it sinks to \$30,000 in the middle but creeps back to where it is a \$20,000 differential. Not much when we are talking about the kind of moneys Halliburton has paid the Vice President.

With these revelations concerning the Vice President's involvement in the no-bid contract, it is time for this Senate to act. In the last administration, someone would sneeze and it would be investigated around here. Remember Whitewater? That was a \$203,000 investment 15 years before President Clinton took office. Not only was there nothing to the charges, but it had nothing to do with Government conduct. Yet here we are talking about \$2.2 billion in taxpayer funds that were possibly illegally awarded, and we have done nothing to investigate it.

I urge my colleagues to uphold our constitutional duties and investigate this critical issue.

What does it say to the public at large if you want to overcharge the Government and you have the right connections, perhaps you can do it or perhaps you can arrange it. The fact is, people out there are sweating to make a living, sweating to pay their bills, sweating to educate their kids, and sweating to pay the prices that prescription drugs now cost. But when we have an item such as a \$160 million overcharge, in wartime, that is called profiteering, and in the war I served in a long time ago, World War II, profiteering would hold you out for scorn across this country. It never would be tolerated. It would be brought to the courts, it would be brought to the Congress, and it would be shut down promptly.

Halliburton's \$85,000 maintenance plan: Needed an oil change but bought

a new truck; \$85,000 was spent because they did not want to take the time out to change the oil in the truck. So they went ahead and bought a new one. What the heck, the taxpayers are paying for it, and no one is going to get excited here. It is obvious, as we see this morning and every day.

It is with regret that I bring this to our attention, but I think it must be done. I am not doing this for political reasons; I am doing this because the citizens of the United States are entitled to a fair break. I will tell you, if it were in the local hardware store, or something such as that, and they were overcharging you and not telling you the price in advance, we would hear about it in our offices. But, no, after all, this is only a \$2.5 billion contract; what is there to get excited about?

I thank my colleagues for the attention they have given me this morning, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

I ask the minority leader, is he using leader time?

Mr. DASCHLE. I will be using my leader time.

#### MANY ISSUES NEED SENATE DEBATE

Mr. DASCHLE. Mr. President, I come to the floor again not to pose a unanimous consent request, because we attempted that again last night, but to remind my colleagues that we have proposed to our colleagues on the majority that we would be happy to agree to a unanimous consent that would allow us an up-or-down vote on the amendment that is now the subject of a motion to proceed. We had said we were prepared to do that last Friday. We had said that it is important for us to have a good, vigorous debate about the amendment, but now there is a debate among the majority apparently about several versions of the amendment they want to use.

Usually, when someone is in the majority, they come to the floor with a majority draft, hopefully a draft that has been passed out of the committee with careful consideration and thoughtful debate. That has not happened in this case. This amendment never came out of the committee. It was simply put on the calendar and now it is the subject of a debate on the motion to proceed.

Even with all of that, we said if they want to have a debate on that amendment, that is fine. Unfortunately, because the majority cannot agree among itself and because it has several versions that it now wants to present to the Senate, versions all to amend

the U.S. Constitution, and because, of course, we cannot be limited just to those provisions, there are other amendments that would be offered subject to a simple majority, amendments that could deal with any 1 of the other 17 amendments that are pending.

There are 67 different proposals for amending the Constitution currently pending in the 108th Congress. Any 1 of those 67 proposals would be fair game. There are many that have to do with gay marriage. There are many that have to do with flags, victims' rights, freedom of speech, campaign finance. There are a lot of amendments. We could be on amendments for the rest of this month. So this is not what I would imagine most people would prefer, but that is where we find ourselves today.

We are prepared to accept the unanimous consent agreement to go to the amendment that has been proposed to the Senate, but that is not apparently what our friends on the other side prefer to do. So we will have the vote on the motion to proceed.

The sad thing is there are so many other things that ought to be done. We were briefed just last week in a very sober setting in 407 about our circumstances involving homeland security and the possibilities of additional new threats to our country. Yet the Homeland Security bill languishes. There have been suggestions within our caucus to make a motion to proceed to homeland security, and at some point, I will say now that is a very real possibility that we will move to homeland security because the majority refuses to do so.

It is difficult for us to understand why we ought to be in this situation. This is the middle of July. We have yet to take up the Homeland Security appropriations bill, in spite of these warnings of new threats to our country. Why would we not take up that bill? That is just one of the questions, one of the issues, that trouble many of us.

The majority leader has promised to vote on reimportation. I do not know when we are going to take up reimportation. We are now through the middle of July. He has indicated that after the vote on the constitutional amendment we are likely to go to the free-trade agreements.

So I am not sure when we squeeze in a good debate about whether we can provide lower drug prices to seniors. That, too, could be the motion that could be the subject of debate on a motion to proceed. That is already on the calendar. The majority leader has promised a vote on mental health parity. We thought it would be January or February, then maybe March. Well, here it is now with fewer than 30 days remaining, and in spite of that promise there is no commitment to go to mental health parity.

Many of us would love to see a debate and a vote on whether we should negotiate lower prices with the drug companies for seniors.