

I will work with the leader through the morning and early afternoon, and see if we can get this number whittled down. Also, the majority leader has a few on his side.

I hope we can limit the immigration amendments to very few—I would say, at the most, three on each side, or four at most, and have the others set aside until a time the majority leader has indicated he will give, sometime before we finish work this year, so there can be a full debate on those immigration matters.

As the leader knows, the problem—and he had nothing to do with it—is in this bill. There is immigration material in this bill. They have so-called REAL ID which came about as a result of our trying to get other legislation done last year. An arrangement was made by the House leadership that they would allow, on the first moving vehicle to come along, the chairman of the Judiciary Committee to put his legislation in the bill. It is in this bill. That is the problem we have.

The Republican leader did not want it in this bill, I did not want it in this bill, but it is in the bill. As a result, we do not have the normal objection that is available when we legislate on an appropriations bill.

I will work with the leader. We will get staff working on this, as they have, to see if we can narrow this considerably. The amendments that deal with the subject matter at hand, the funding of this bill, are just a few in number. We dealt with some of the most important ones yesterday.

I hope we can finish this bill in a reasonably good period of time, and maybe, if we are fortunate, we can get something such as the highway bill or something such as that before we finish our work period—maybe the TANF bill, whatever is out there for us to do.

I understand the problems the leader has, and I will be happy to work with him to alleviate his load as much as possible.

Mr. FRIST. Mr. President, I have a few other comments.

#### H2N2 FLU VIRUS

Mr. FRIST. Mr. President, there is one issue I talked about initially Monday and want to bring forth once again.

Nothing is more important than the safety of the American people, and we have a lot of work to do in a particular area. Yesterday we learned that samples of the deadly H2N2 flu virus were accidentally shipped to 5,000 laboratories all over the world. Thankfully, nearly all of the samples have been destroyed.

The H2N2 virus is lethal. It is fatal. Back in 1957, it killed over 70,000 people just here in the United States and as many as 1 million to 4 million people around the world.

This latest news underscores, once again, just how vulnerable we are as an American people, as a world people, because viruses know no borders, they

know no geography. There are no barriers.

On Monday, 3 days ago, I spoke of the need to bolster State preparedness and Federal preparedness in this arena. I mentioned that exotic and deadly viruses, such as the Marburg virus that at this very moment is racking all of northern Angola—the Marburg virus being a virus which is an Ebola-like virus, a hemorrhagic-fever-type virus—those viruses that are racking that country which we do not understand, for which we have no cure, for which we have no vaccine, are literally just a plane ride away from this room or from whoever is listening to me now through the media around the country. It is just a plane ride away.

Avian flu has already killed 50 people. Some say, 50 people, that is not thousands of people. But it is 50 people from a virus that not too long ago we did not know anything about, that began to be harbored in birds, and now is being harbored in other animals and now has killed and jumped to kill 50 people; with just a tiny drift and ultimately a shift in a mutation, it becomes transmissible.

Once again, we have no vaccine for avian flu. It is something for which we have no cure. We only have to look back to 1917, another type of avian flu, but very similar, which killed a half a million Americans, 50 million people around the world.

Meanwhile, as all this goes on, there are only five major vaccine manufacturers worldwide that have production facilities in the United States. That is for all vaccines. Only two of those are actually United States companies. Our manufacturing base for vaccines is woefully inadequate for any of the threats I have just mentioned.

Over the past 2 decades, the number of manufacturers who make vaccines for children has dwindled from 12 down to now just 4, and only 2 of the 4 manufacturers that make lifesaving vaccines for children are here in the United States.

I spoke, as I mentioned, on this topic on Monday. I spoke on Monday because it was the 50th anniversary of the polio vaccine. Yesterday's news about the H2N2 virus is just one more reason why we need to take action. It is imperative we strengthen our domestic vaccine supply, we offer appropriate legal protections, and we encourage and incentivize collaboration between public and private sectors. We need to advance research and development. We need to put all these initiatives together to protect us from a deadly viral outbreak that scientific experts warn could come to our shores any day.

America has been the engine of countless lifesaving discoveries and global health efforts. Once again, we are called upon to lead for the safety of our fellow citizens and, indeed, citizens around the world.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

Mr. FRIST. Mr. President, under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from North Dakota.

#### IMPORTANT ISSUES TO BE FACED

Mr. DORGAN. Mr. President, I wish to make a couple of comments today on some very important issues we will face in the days ahead.

We have the supplemental appropriations bill on the floor of the Senate asking for just over \$80 billion for the cost of the war in Iraq and Afghanistan.

Most of it is to replenish military accounts. A number of amendments have been offered. Immigration amendments are now pending. I intend to offer a couple of amendments as well.

I will describe one of those amendments this morning. It deals with the establishment of a special committee of the Senate, modeled after the Truman Commission, to investigate the waste, fraud, and abuse that is happening with respect to contracting in Iraq.

I also wish to address another amendment I will offer, that would shut down the investigation that has been going on now 10 years by Mr. Barrett, an independent counsel. He started in 1995 to investigate allegations against Henry Cisneros, who was a Cabinet Secretary, allegations that he had given payments to a former mistress and then lied about it.

That independent counsel investigation started in 1995 and has been going on ever since. But Mr. Cisneros pled guilty in 1999. And he was pardoned in 2001 by a Presidential pardon. Yet here it is 2005 and the independent counsel is still spending money, \$1.3 million, I believe, for the previous 6 months. I believe it is time for this Congress to say stop, enough is enough. Stop wasting the taxpayers money. What on Earth could you be thinking about? Four years after the person was pardoned and 7 years after the person pled guilty, the independent counsel is still spending money? If ever there were an example of Government waste and lack of common sense, this is it.

I also wish to mention briefly this country's trade deficit. I wanted to come to the floor the day before yesterday, but I was not able to do that.

There was a small announcement the day before yesterday that in February our trade deficit was \$61 billion in 1

month. This is an example of what is happening to this country's trade deficits: We are choking on red ink. This is serious. It is a crisis, and nobody seems to care. The White House is snoring its way through this issue. The Congress is sleeping through it. Nobody gives a rip about this at all. Nearly \$2 billion a day is the amount we purchase from abroad from other countries in goods and services in excess of the amount we sell to them. That means every single day foreign countries and foreign investors own \$2 billion more of our country, claims against our country, stocks, bonds, assets, or real estate.

This is a crisis that will have a profound impact on future economic growth in this country. It will have a profound impact, and does, on the wholesale export of American jobs all across the world.

Yesterday, I read a piece that General Motors called in its subcontractors and said: You need to start moving your jobs to China to be more competitive.

Evidence is all around us that this trade strategy we have is unsound. It does not work. It injures our country. It is hollowing out our manufacturing sector, and it is moving American jobs overseas. This country had better take notice. This Congress had better sit up and start caring about this, and this President had better start parking Air Force One and providing some leadership on things that are a crisis.

No, Social Security is not in crisis. Social Security will be fully solvent until George Bush is 106 years old. That is hardly a crisis. But the announcement that in February of this year we had a \$61 billion 1-month trade deficit ought to provoke this White House and this Congress, Republicans and Democrats, to take action in support of this country's economic interests for a change.

What do we hear about trade? We do not hear anybody wanting to do anything about this, and I will speak later on about what we should do in some detail. What we hear is we want another trade agreement to be passed by the Congress called the Central American Free Trade Agreement, CAFTA. To me, it is an acronym that means careless and foolish trade agreement.

Along with my colleague from Georgia, Senator LINDSEY GRAHAM, we are going to lead the opposition, and I hope we can round up the votes in this Congress to defeat this trade agreement. The message ought to be to those folks who are negotiating these agreements and then sending them to Congress under fast track, please fix some of the problems that have been created in past trade agreements before negotiating new ones and before asking the Congress to approve new ones. Fix a few of the problems that have been created.

Do my colleagues think this is not a problem? This comes from NAFTA. This comes from GATT. This comes from all of the distant cousins of the

trade agreements that we brought to the Senate floor, almost all of which I have voted against, because I believe they pull the rug out from under the interests of this country. They pull the rug out from under our workers and our businesses. So I hope very much that we can finally get someone's attention. If \$61 billion a month in trade deficits is not a wake-up call that gets someone's attention, my guess is they are permanently asleep.

Now, I wish to speak about the issue of contracting in Iraq. There is massive waste, fraud, and abuse going on in contracting in Iraq, as is the case in many circumstances where a lot of money is being poured out to prosecute a war. If one does not watch carefully, people are going to fleece the taxpayers, and that is what is happening. Nobody seems to care about that, either.

We cannot get aggressive hearings in the Congress about oversight. Why is that? I do not know. So as chairman of the Democratic Policy Committee, we have held four hearings on these abuses.

In a moment, I will read a few newspaper headlines about this waste, and yes, these headlines mention the word Halliburton, and I know that when the word Halliburton is mentioned people think, okay, now this is political, it is partisan, now we are going after Vice President CHENEY because he used to head that corporation. This has nothing to do with Vice President CHENEY. He has been long gone from Halliburton. This has nothing to do with the Vice President, nothing to do with partisan politics. It has everything to do with the American taxpayers being cheated.

So to the extent that Halliburton is in these headlines, it is because they were given very large sole-source contracts without any competitive bidding. Billions of dollars have gone into the pockets of Halliburton and here is the result, with a substantial lack of oversight.

First, let me describe this picture. This does not deal with Halliburton, by the way. This deals with a company called Custer Battles, two guys named Custer and Battles. This picture shows \$2 million in cash wrapped in Saran wrap. This fellow, incidentally, was the guy who was turning over the \$2 million because the company that was owed the \$2 million showed up with a bag. Why did they show up with a bag to collect cash wrapped in Saran wrap? Because they were told in Iraq: When you are contracting, bring a bag, you are going to get cash, by the bagful.

Now, these people got a lot of cash. This is their first \$2 million. They have been accused of substantial fraud. Doing security at airports, they allegedly confiscated the forklift trucks, took them off the airport property, repainted them, and then sold them back to the Coalition Provisional Authority, which was the U.S. taxpayer.

So here is the first delivery of \$2 million in cash in a bag to a company that is now widely accused of fraud.

Now, here are some of the stories of waste that I mentioned, involving Halliburton. I will read some of these headlines. This was a former Halliburton employee who testified before our committee: "Halliburton Manipulated Purchase Orders to Avoid Oversight"—that is a newspaper headline. For purchase orders under \$2,500 buyers only needed to solicit one quote from a vendor. To avoid competitive bidding, requisitions were quoted individually and later combined into the \$2,500 and more. They were told to do that in order to cheat.

In fact, this particular guy held up a towel, and he said: This was a towel we were supposed to order because we were buying towels for U.S. soldiers.

They paid nearly double the price for the towels because instead of ordering the towel that was the plain towel, they ordered one embroidered with their company's logo on it so the American taxpayer could pay nearly double.

"Halliburton Discouraged Full Disclosure to Auditors." "Halliburton Overcharged for Oil." This is from the fellow who used to run the portion of the Defense Department that would purchase oil, yes, even in areas where we were at war, and he said: During my tenure at the Defense Department, we were occasionally forced to pay sole-source prices in some locations, but not even in remote central Asia did we pay close to a gallon for jet fuel of what Halliburton was charging in Iraq. He said that overcharging for oil was simply out of control. This is a former Defense Department official.

By the way, Halliburton ordered 25 tons of nails—that is 50,000 pounds of nails. Do my colleagues know where they are today? They are laying in the sand of Iraq because they came in the wrong size. Somebody made a mistake on the order. If someone wants 50,000 pounds of nails, they are laying in the sands of Iraq someplace. The American taxpayer paid for them, and Halliburton got reimbursed for it.

We had testimony of people driving \$85,000 trucks in Iraq, and those trucks were abandoned just because they had a flat tire or because they had a clogged fuel pump. They were abandoned and torched, and they went and bought new trucks. So much for oversight. Nobody cares because it is a war and because there are sole-source contracts. These are pieces of testimony from whistleblowers, from former employees, who said: Here is what is going on. The truck piece was from a truck driver in Iraq who worked for Halliburton.

It is just unbelievable when one listens to what is happening: Bags of cash, billions of dollars. We say we are going to put air-conditioning in a building near Baghdad, and so our contractor hires a subcontractor, who hires a couple of workers, and we get

charged for air-conditioning and they put in a ceiling fan that does not work. Does anybody care? Can we get anybody in this Congress, any committee, to hold oversight hearings to care about the massive fraud, waste, and abuse? Not on one's life, not a chance. God forbid that we should be critical of anything that is going on around here, despite the fact that the American taxpayer is getting fleeced wholesale.

I offered an amendment in the Appropriations Committee that would have set up a Truman-style investigating committee. Senator Harry Truman from Missouri, at a time when there was a Democrat in the White House, decided there was substantial abuse by contractors at the start of World War II, and he persuaded a Democratic Congress to set up an investigative committee. Yes, a Democratic Congress and a Democrat in the White House set up an investigative committee, and they saved a massive amount of money by uncovering a dramatic amount of fraud and waste.

Now we have one party control, and nobody wants to embarrass anyone else, so they do not look at anything. It is see no evil, hear no evil, speak no evil. Meanwhile, the American taxpayers are completely getting fleeced by massive waste, fraud, and abuse.

We have done four hearings. I mentioned Halliburton, but I also can mention Custer Battles. I can mention other companies. Obviously, Halliburton is the poster child because they received giant contracts without bidding, and then we see that they are charging the American taxpayer to feed 42,000 soldiers a day when, in fact, they are only feeding 14,000 soldiers a day. So they are charging us for 28,000 meals that are not served. Fraud? I would think so. But what happens these days? First, it does not even get investigated. If it does get investigated, they get a slap on the wrist and a pat on the back with another contract.

This Congress needs to start facing up to these issues and getting tough. No, this is not partisan. If we are going to shove \$81 billion out the door in a supplemental defense funding bill, should we not, along with it, provide the appropriate approach to investigate these? That is what my amendment will do.

I offered my amendment in the Appropriations Committee. It was turned down on a partisan vote, regrettably. This is not a partisan amendment. My hope is that perhaps I will see a different result on the Senate floor.

How much time remains on our 30 minutes?

The PRESIDING OFFICER (Mr. COLEMAN). There is 15½ minutes remaining.

Mr. DORGAN. Mr. President, I believe the Senator from Connecticut is going to be coming over to claim parts of our 30 minutes, but the time is running. I see the Senator from Kentucky is on the floor. I know that by previous

consent we have established 30 minutes on our side followed by 30 minutes on the other side. At this point, I will relinquish the floor if I could ask that we would reserve the remaining time for Senator LIEBERMAN from Connecticut because he is not here. If the other side would like to continue to take some of their time and then provided that when Senator LIEBERMAN comes, he would have reserved the additional 15½ minutes? I will make that a unanimous consent request and see if the Senator from Kentucky would agree to that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority whip.

#### FILIBUSTERING OF JUDICIAL NOMINEES

Mr. McCONNELL. Mr. President, we as senators have an enormous amount of work to do for the American people. For example, while our economy is strong, unfortunately gas prices are way too high. People are feeling those costs every time they fill up at the pump. This Senate needs to seriously address a long-term energy policy for this country, and reduce our dependence on foreign oil.

We have serious work to do to reform America's tax code, so it is fairer for all Americans, and leads to a more robust economy.

We have undertaken a debate on how to reform Social Security so it is stronger and more secure for future generations, as it has served millions so well already over the last 70 years.

Our road system needs improving. Millions of Americans take to the roads everyday to get to work and keep this country moving. It's critical the Senate pass a highway bill. In short, we have a formidable agenda before us. We welcome that challenge. I think that our constituents sent us here to get things done, not just to sit in these fancy chairs. But the Nation's business may soon come to an abrupt halt.

In the face of so much important work to be done, sadly, my Democratic friends on the other side of the aisle are promising to pull the plug on this chamber, and thus shut down the Government. Just because a majority of Senators want to restore the 200-year-old norms and traditions of the Senate, by granting a President's judicial nominees who have majority support the simple courtesy of an up-or-down vote, my colleagues on the other side of the aisle are threatening to stop this Senate dead in its tracks.

An energy bill to begin to address the high cost of gasoline and reduce our dependence on foreign oil? They would say: Forget it.

A highway bill, to begin desperately needed repairs on bridges and roads across the country? They would say: Not a chance.

These and other priorities will not happen if the Democrats shut down the Government. Because they cannot have

what no Senate minority has ever had in 200 years—the requirement of a supermajority for confirmation—they threaten to shut the Government down.

The American people by now must rightly be asking, "How did we get in such a mess?"

It was not by accident. The Democrats did not stumble into this position. It was carefully conceived.

Four years ago, in May of 2001, the New York Times reported that 42 of the Senate's then-50 Democrats attended a private weekend retreat in Farmington, PA, to discuss a plan of attack against the President's judicial nominees.

According to this article, the unprecedented obstruction by the other side is not based on checks and balances, or the rights of the minority. It is about ideology. The Democrats invited speakers to their retreat who warned them that President Bush was planning to, "pack the courts with staunch conservatives."

Now, here's the clincher. According to the New York Times, one participant said:

It was important for the Senate to change the ground rules, and there was no obligation to confirm someone just because they are scholarly or erudite.

Let me make sure that last part came through loud and clear. The Democrats are accusing the Republicans, who merely want to restore the 200-year-tradition of giving judicial nominees with majority support an up-or-down vote, of some kind of power grab. Yet here is a 4-year-old admission that it is the Democrats who are clearly out to "change the ground rules." They knew what they were doing. This was thoroughly premeditated.

That quote says it all. If a minority of the Senate does not get its way in obstructing judges from serving on our Nation's Federal courts, they will "change the ground rules." They will shut down the Government. I say to my friends, I wouldn't take the extreme step of shutting the government down.

I ask unanimous consent to have this New York Times article of May 1, 2001 printed in the RECORD.

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

[From the New York Times, May 1, 2001]

DEMOCRATS READYING FOR JUDICIAL FIGHT

(By Neil A. Lewis)

President Bush has yet to make his first nominee to a federal court and no one knows whether anyone will retire from the Supreme Court this summer, an event that would lead to a high-stakes confirmation battle.

Nonetheless, the Senate's Democrats and Republicans are already engaged in close-quarters combat over how to deal with the eventual nominees from the Bush White House. Democrats in particular are trying to show some muscle as they insist that they will not simply stand aside and confirm any nominees they deem right-wing ideologues.

"What we're trying to do is set the stage and make sure that both the White House and the Senate Republicans know that we