

Bank recently warned that, while the global economy is expected to more than double over the next 25 years, Africa is at risk of being "left behind."

Many children who have lost parents to HIV/AIDS are left entirely on their own, leading to an epidemic of orphan-headed households. When they drop out of school to fend for themselves and their siblings, they lose the potential for economic empowerment that an education can provide. Alone and desperate, they sometimes resort to transactional sex or prostitution to survive, and risk becoming infected with HIV themselves.

I believe that in addition to our own national security concerns, we have a humanitarian duty to take action. Five years ago, HIV was a death sentence for most individuals in the developing world who contracted the disease. Now there is hope. We should never forget that behind each number is a person—a life the United States can touch or even save.

At the time the Leadership Act was announced, only 50,000 people in all of sub-Saharan Africa were receiving antiretroviral treatment. Through March of this year, the act has supported treatment for more than 1.1 million men, women, and children in 15 PEPFAR focus countries. During the first three and a half years of the act, U.S. bilateral programs have supported services for more than 6 million pregnancies. In more than 533,000 of those pregnancies, the women were found to be HIV-positive and received antiretroviral drugs, preventing an estimated 101,000 infant infections through March 2007.

Before the advent of PEPFAR, there was little concerted effort to meet the needs of those orphaned by AIDS, or of other children made vulnerable by it. We have now supported care for more than 2 million orphans and vulnerable children, as well as 2.5 million people living with HIV/AIDS, through September 2006.

Effective prevention, treatment, and care depend to a large extent on people knowing their HIV status, so they can take the necessary steps to stay healthy. The United States has supported 18.7 million HIV counseling and testing sessions for men, women and children.

Our financial investment in this fight has been critical to our success, and thanks in large part to the flexibility of the Leadership Act, we have been able to obligate more than 94 percent of its available \$12.3 billion appropriated through this fiscal year.

PEPFAR, led by its coordinator, Ambassador Mark Dybul, has utilized the existing Leadership Act authorities well and has listened to the Congress and many other stakeholders. We should maintain the flexibility to respond to the changing dynamics of the epidemic, rather than locking in particular approaches that might be appropriate for 2007, but that might prove problematic for future years. As the In-

stitute of Medicine said, the Global Leadership Act is a "learning organization." We should pass a bill now that allows PEPFAR to expand and evolve its program implementation utilizing the experience of these past 3½ years.

I believe that we will save more lives and prevent more infections if we reauthorize this remarkable program this year. I ask my colleagues to work with me to achieve a truly bipartisan triumph of which we can all be proud.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

#### IRAQ

Mr. DORGAN. Mr. President, I am going to make a few comments this morning about a hearing we just completed in the Democratic policy committee, but I am waiting for some charts. While I am waiting for those charts, I want to talk a moment about what is happening with respect to the debate here in this Chamber dealing with the war in Iraq. It relates to some things I said on the floor of the Senate yesterday but I think really bear repeating.

We are talking about the war in Iraq, the need to attempt to change course in Iraq, and yesterday I described again what the latest National Intelligence Estimate tells us. Now, all of us have access to this. There is a classified version, a top-secret version, and a nonclassified version, but all of us have access to this information. Here is what it says in the context of protecting this country and providing security and safety for this country. Here is what the National Intelligence Estimate says:

Al-Qaida is and will remain the most serious terrorist threat to the homeland. We as-

sess the group has protected or regenerated key elements of its homeland attack capability, including: a safe haven in the Pakistan federally administered tribal areas, operational lieutenants, and its top leadership.

Here is what it says. It says the greatest terrorist threat to our homeland is al-Qaida and its leadership, who even now are plotting attacks against our country and who have a safe haven in the Pakistan region. Now, if that is the case, it is quite clear that the central fight on terrorism is not going door to door in Baghdad in the middle of a civil war. Yet that is what we are doing.

I have asked this question, and I have repeatedly asked it: Why should there be 1 square inch on the planet Earth that is secure or safe for Osama bin Laden and the leadership of al-Qaida? Yet our National Intelligence Estimate says they are in a safe haven. A "safe haven." These are the people who boasted of killing Americans on 9/11. They boasted about engineering 19 terrorists aboard airplanes full of fuel and passengers, and they ran them into buildings, killing innocent Americans. And 6 years later, our National Intelligence Estimate tells us that those who engineered that attack have regrouped, are developing new training camps for terrorists, and are in a safe haven and developing new plans to attack America. That is unbelievable to me.

We are debating the war in Iraq, which our National Intelligence Estimate also says is largely sectarian violence, or a civil war. Yes, there is some al-Qaida in Iraq, but that is not the central front, and that is not the central war on terrorism. If, in fact, our role as a responsible country is to protect our citizens, then it seems to me we would change course and change strategy so that we are taking the fight to the terrorists and fighting the terrorists first.

We have been bogged down—longer now than in the Second World War—in what has become a civil war in Iraq. Meanwhile, the greatest terrorist threat to our homeland is in a safe haven. Osama bin Laden, al-Zawahiri, and others, the leadership of al-Qaida, in a safe haven.

What are the consequences of that safe haven? Let me show a newspaper report from last week. All of us understand this because we heard about it. They picked up terrorists in Denmark, they picked up terrorists in Germany. The terrorists in Germany were plotting attacks against the largest U.S. military base in Europe. Where did those terrorists train? In Pakistan. In terrorist training camps in Pakistan.

We are now seeing the fruit of what has been allowed to happen—the leadership of al-Qaida in a safe or secure place, operating or developing new training camps, training new terrorists to launch attacks against our country. Meanwhile, we are going door to door in Baghdad in the middle of sectarian

violence. If ever there is a description of a need for a change of course, that is it. I do not understand why some fail to recognize what has happened.

You can go back to February, you can go to June, you can go to the disclosures and read them. This one is June:

"Al-Qaida regroups in new sanctuary in Pakistan border."

While the U.S. presses its war against insurgents linked to al Qaida in Iraq, Osama bin Laden's group is recruiting, regrouping and rebuilding in a new sanctuary along the border between Afghanistan and Pakistan, senior U.S. military, intelligence and law enforcement officers said. The threat from the radical Islamic enclave in Waziristan is more dangerous than from Iraq, which President Bush and his aides called the central front of the war on terrorism, said some current and former officials. Bin Laden himself is believed to be hiding in the region guiding a new generation of lieutenants and inspiring allied extremist groups in Iraq and other parts of the world.

I don't, for the life of me, understand the failure to recognize a set of facts. This reminds me of the period prior to the invasion of Iraq—a set of information that on its face later turns out to have been wrong.

We don't need to be told what is right or wrong in terms of the set of facts—read the facts, understand the facts. If the central threat to our country, the greatest threat to our country, according to National Intelligence Estimates, is al-Qaida and its leadership and its reconstruction of its system of terror and the development of new terrorist camps, if that is the case then, that is where America has to be to wage the fight against that kind of terrorist group. Instead, we are in the middle of a civil war. That is why we need a change in course, a change in strategy.

It is not as some of my colleagues talk about, a plan for surrender. It is simply deciding we are going to attack and launch an effort to destroy that which represents the greatest threat to our country. It is surprising to me that 6 years later there is anyplace on the planet Earth that should, by our national intelligence officials, be declared safe or secure for the leadership of al-Qaida. Yet that is exactly what we read and what we hear and what we see in official reports. That is not something we should accept.

I wish briefly today to talk about the results of a hearing that the Democratic Policy Committee held this morning. The hearing was about the subject of contractors in Iraq and also the subject of what are called whistleblowers, those are people who are, in many cases, very courageous people who blow the whistle on waste, fraud, and abuse on behalf of the taxpayers of America; to say this is wrong and it must stop.

We had some very disturbing testimony this morning. We had eight witnesses. Four of them were whistleblowers. They have paid dearly for having the courage to come forward.

Let me read the testimony of a Donald Vance, U.S. Navy veteran; 30-year-

old U.S. Navy veteran. When leaving the Navy, he chose to go to Iraq as a civilian to help American efforts to rebuild the country. He worked for a couple of private military contractors in Iraq. Here is what happened to him.

What he saw with respect to the last contractor he worked with was the sale of weapons, the sale of stolen weapons to interests who should not have weapons, insurgents and others. So he began to report it. It was something he believed very seriously. He reported it to his superiors. He reported it to the FBI. He reported it to U.S. military officials.

As a result, this U.S. Navy veteran found himself in big trouble. Here is what he said.

Because of the information I possessed and because of my unwillingness to condone the corruption in the company that I saw, I became a target within the company. They took measures to ensure that I could not leave their compound in the Red Zone in which [they] were located. When I called the United States government for help, [the U.S. Government] came to the compound to rescue me. But what started as a rescue ended up as a nightmare.

That night I was taken to the United States Embassy and debriefed. I told the agent that questioned me everything I had witnessed [about the sale of illegal guns and illegal activity that had gone on.] I also told him that I was informing for the FBI. Instead of contacting the FBI to verify the information I provided, these U.S. government officials blindfolded me, handcuffed me, and took me into detention. According to the Department of Defense spokesperson, they did not bother to contact the FBI until three weeks into my detention. To this day [he said] even though the Freedom of Information Act requests [have been made] no government official has explained what was asked of the FBI regarding myself and what the FBI said in response.

I spent 97 days in . . . isolation. I was denied food and water. I was denied sleep. I was also denied requested, and much needed, medication. There was intolerably loud heavy metal and country music blaring into the cells. The lights in the cells were always on. The guards would threaten me and physically assault me. For example, the guards would walk me into walls while I was blindfolded and handcuffed, "shake down" my cell for contraband, threaten to use excessive force if I did not obey all of their orders. Finally, for the first few weeks I was [in this prison] I was denied a phone call. No one in my family knew where I was, if I was alive or if I was dead.

During [that] time I was interrogated constantly. Before each session, I would ask for an attorney. The request was invariably denied. Instead, I was interrogated by a host of United States government personnel, including FBI agents, Navy Criminal Investigative Service officers, as well as possibly CIA and DIA agents. . . .

According to the government, I was being held as a security internee because of my affiliation with [the private security firm], certain members of which the government believed were selling weapons to insurgents.

Three months after I was detained, and after alleged subsequent "re-examination" of my case, the government released me. Before I was released, however, I had one final interrogation. The main focus of that interrogation was what was I going to do when I got home: Was I going to write a book? Was I

going to tell the press? Was I going to get an attorney?

When they released me, he said, they "gave me a \$20 bill and dumped me at the Baghdad airport to fend for myself without the documentation I needed to return to the United States."

A whistleblower who saw illegal activity, saw the selling of improper guns in Iraq, some to insurgents, he felt, went to authorities. His country, the United States of America, held him prisoner for 97 days. No habeas corpus—which is in the Constitution, by the way. No right of habeas corpus for an American citizen here. No right to contact an attorney. If this doesn't disturb the American people, I don't know what will disturb the American people.

We heard today from other witnesses talking about two things. One was the abuse of the taxpayer by contracting firms in Iraq—waste, fraud, and abuse that represents I think some of the worst waste, fraud, and abuse in the history of this country. I have held, I believe, 10 or 12 hearings on this subject as chairman of the Policy Committee over the last 3 years. The evidence is unbelievable: \$40, \$45 for a case of Coca-Cola. It doesn't matter, the taxpayer is going to pay for that. You order 50,000 pounds, 25 tons of nails, and they deliver the wrong size, it doesn't matter, throw them on the sand of Iraq, the taxpayers will pay for it. Or a \$7,000-a-month lease payment for an SUV.

Henry Bunting over in Kuwait, working for Halliburton—KBR, a subsidiary of Halliburton—he had a job as a purchaser. He said, as a small example, I was supposed to order hand towels for the American troops so I filled out an order to order white hand towels. My supervisor said: No, we don't want those white hand towels. We want hand towels with KBR, the logo of our company, embroidered on the towels. Henry says: But it will triple the cost. The supervisor says: It doesn't matter, the American taxpayer is paying for this. It is a cost-plus contract; don't worry about it.

These are small items, but there are large items. It is unbelievable the amount of waste, fraud, and abuse we have uncovered. The fact is, there seems to be an attitude in some parts of this Government to sleepwalk through it all. It doesn't matter. It just doesn't matter.

Can you imagine a circumstance where a contractor, in this case Halliburton, KBR, is charging us for 42,000 meals a day it is providing American troops, American soldiers—42,000 meals a day, and it turns out they are only giving 14,000 meals a day? They overcharged by 28,000 meals a day, according to Government estimates. How do you miss 28,000 meals a day?

The evidence is unbelievable when you go through this. This morning we had a hearing about contracting abuse. We had testimony. I read some from Donald Vance, who worked for a contractor in Iraq and was imprisoned by

his Government for 97 days, not given the right to an attorney, not given the right to contact anybody on the outside at any time during the early stages of that confinement. That is unbelievable.

Bunnatine Greenhouse testified once again this morning, the highest ranking civilian official in the U.S. Army Corps of Engineers. She said the abuse related to the awarding of contracts—here is what she said exactly. This is the highest ranking civilian official in the U.S. Army Corps of Engineers.

I can unequivocally state that the abuse related to the contracts awarded to KBR—

that is a subsidiary of Halliburton—represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

Do you know what happened to this woman for that? She lost her job. That is unbelievable, when you think about it. I talked to Secretary Rumsfeld about this case. I talked to Secretary Gates about this case. I talked to Deputy Secretary England about this case—nothing. Oh, we are all looking at it, we are all investigating. They have been doing that for 2 years.

I called the commanding officer of the Army Corps of Engineers when Bunnatine Greenhouse was given this job. This is a woman with three master's degrees, judged by everyone from outside the Government who deals with contractors as outstanding, given outstanding references on her performance reviews all along, until somehow she got into a situation where she said: I saw things going on with sole-source contracting, awarding big contracts, billions of dollars of contracts and doing it improperly, abusively. "I blew the whistle," she said, and all of a sudden she got into trouble and they demoted her.

I called her former commanding officer, General Ballard, now retired. I called him at home one night and I said: Tell me about Bunnatine Greenhouse, because she has paid for her courage to speak out with her career. Here is what her boss said: "She did an outstanding job." This is an outstanding employee. But because she had the courage as a whistleblower to stand up and report things that were wrong, abusive behavior, behavior that abuses the American taxpayer, she paid for it with her job.

We can't let that continue to happen. That is why I held this hearing. The best disinfectant for bad behavior is sunlight, and I hope, as we continue to expose more and more of this, I hope we can put an end to it. Those who have the courage to come forward and report wrongdoing, to report waste and fraud and graft and corruption—in my judgment, we ought to thank them. There is a story, I don't have a copy of it here, a story in the USA Today newspaper, written by an investigative reporter, that deals with these issues, the issues of oversight of contractors and the oversight of contracts that are let with respect to the war in Iraq. What

we have found—Senator WYDEN and I have worked on this in the Senate—the Pentagon wants to hire companies to oversee other companies. You can't do that. You can't delegate that responsibility. Who is looking out for the taxpayer here?

We had testimony today from Robert Isackson. Robert Isackson is a patriotic American. He was someone who saw criminal activity with a company called Custer Battles. He reported it. For that, he and others who were with him were surrounded by people with guns, threatened. He came today and expressed profound disappointment at the way the Federal Government has responded or failed to respond. As a person who had the courage to be a whistleblower, who saw something wrong and decided to try to right it, as a person who stood up for the best interests of this country and its taxpayers, we owe him a debt of gratitude.

And yet we see today that what has happened, systematically—the Associated Press wrote a big article about this, exposing it. What has happened systematically under this administration to whistleblowers is they are abused, not protected; not thanked, but abused. I would hope whoever in this administration is responsible and listening and understanding might decide that has to stop.

I will speak more at some point soon about the results of this hearing. My colleague Senator GRASSLEY from Iowa I know has spent a lot of time on whistleblower issues, and other colleagues have as well. It is very important for us that when people come forward to report acts of wrongdoing, fraud, waste, abuse, that this country says thank you and follows up and will not allow those people to be abused and penalized. Yet, all too often, that has not been the case. It has to change.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Utah.

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

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

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to speak, and then the Senator from Alaska, Ms. MURKOWSKI, be able to speak.

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

#### NOMINATIONS

Mr. HATCH. Mr. President, I want to address my colleagues for just a few minutes on the subject of nominations to the Department of Justice and to the Federal judiciary.

Our obligation is the same for each, to focus on the qualifications of nomi-

nees through a process that respects the separation of powers.

First, let me say that the President has made a first-rate nomination by choosing Judge Michael Mukasey as the next Attorney General of the United States. He will bring to this vital leadership post 16 years of private legal practice, 4 years as a Federal prosecutor, and 19 years as a Federal judge.

He headed the Official Corruption Unit during his service as Assistant U.S. Attorney in the Southern District of New York. And he served as Chief Judge during his last 6 years on the U.S. District Court for the Southern District of New York.

By any reasonable or objective measure, Judge Mukasey is clearly qualified to lead the Justice Department.

I want also to draw attention to an aspect of Judge Mukasey's experience and record that makes him particularly qualified to lead the Justice Department at this challenging time in our history.

The U.S. District Court is divided into 94 geographical districts. These districts' caseloads vary widely, reflecting the characteristics, demographics, and realities in those districts.

The Southern District of New York, where Judge Mukasey served for 19 years and which he led for 6 years, is no different.

Serving in that key judicial district led Judge Mukasey to confront the terrorist threat to America long before the 9/11 attacks. He presided over the prosecution of Omar Abdel Rahman and sentenced him to life in prison for his role in the 1993 plot to blow up the World Trade Center.

When the U.S. Court of Appeals for the Second Circuit affirmed Judge Mukasey's decision, it took the unusual step of commenting specifically on how he had handled the trial. The appeals court said Judge Mukasey "presided with extraordinary skill and patience, assuring fairness to the prosecution and to each defendant and helpfulness to the jury. His was an outstanding achievement in the face of challenges far beyond those normally endured by a trial judge."

That is a remarkable statement. Appeals courts review lower court decisions, but very rarely do they comment in this manner on lower court judges.

That case occurred before the 9/11 terrorist attacks.

Ten years later, after those attacks, Judge Mukasey ruled that the President had authority to designate Jose Padilla as an enemy combatant against the United States and that, even as an enemy combatant, he must have access to his lawyers. Padilla was eventually convicted of providing material assistance to terrorists.

Legal analyst Benjamin Wittes wrote about this case in the journal Policy Review and said that Judge Mukasey's decision was "the single most compelling judicial opinion yet written on the