

will object to any unanimous consent agreement to consider Mr. JOHNSON's nomination.

I ask that the letter to which I referred be printed in the RECORD.

The letter follows:

U.S. DEPARTMENT OF
HOMELAND SECURITY,
August 1, 2007.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: Thank you for taking time this morning to discuss the Department of Homeland Security's plans for the National Emergency Technology Guard (NET Guard) program. Following my June 29, 2007 letter to you that outlined our program approach, and as a prelude to our discussion, members of the Department's NET Guard team briefed your staff on our proposed plan. The positive feedback from your staff, coupled with your positive feedback this morning and the positive feedback that we have received from State, local, and private sector stakeholders, gives us confidence that we are taking the right approach to implementing this important disaster response program.

Accordingly, the Department is moving forward with plans to implement 12-month NET Guard pilots beginning in September 2007. The recommendation to establish pilots in September is consistent with the NET Guard Scoping Initiative Report, which I will provide to you upon its completion this month. To fund our efforts in fiscal year 2007 and 2008, we will continue to work with Congressional appropriators. I will also submit a request to the White House Office of Management and Budget to fund the NET Guard program in fiscal year 2009. On these and other program matters, the Department's Office of Legislative Affairs will keep your staff apprised of our progress.

I appreciate your interest and support of the Department's disaster response mission and look forward to working with you on this and other issues.

Sincerely,

MICHAEL CHERTOFF. •

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 2892. A bill to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself and Mr. ROCKEFELLER):

S. 2893. A bill to designate the Ludlow Massacre National Historic Landmark in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 2770

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2770, a bill to amend the Federal Meat Inspection Act to strengthen the food safety inspection

system by imposing stricter penalties for the slaughter of nonambulatory livestock.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. RES. 518

At the request of Mr. DODD, the name of the Senator from Tennessee (Mr. AL-EXANDER) was added as a cosponsor of S. Res. 518, a resolution designating the third week of April 2008 as "National Shaken Baby Syndrome Awareness Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 2892. A bill to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this country recently marked the 5-year anniversary of the war in Iraq—a war that the Bush administration refuses to end. The losses in this war have been staggering. More than 4,000 American soldiers have been killed and nearly 30,000 wounded. Hundreds of billions in taxpayer dollars has been spent to fight this war, money which could have been—and should have been—used to help American needs here at home. Estimates for the cost of the President's adventure in Iraq are now into the trillions.

Through it all, the Bush administration has chosen essentially to ignore one of its primary obligations during wartime—to protect American taxpayers from losses due to fraud, waste, and abuse of military contracts. Sadly, these problems are all too common in times of war, and have been particularly pervasive in Iraq.

Over the past year, I have chaired hearings in the Appropriations and Judiciary Committees focused on the billions that have been lost to contracting fraud, waste, and abuse during this war. The testimony at those hearings has exposed the Bush administration's failure to take aggressive action

to enforce and punish wartime fraud. It has also shown how difficult it can be for investigators to uncover and prosecute fraud amidst the chaotic environment of war.

These problems have been exacerbated time and time again by the Bush administration, as tens of billions of dollars in "no-bid" and "cost-plus" contracts have been awarded with little, if any, oversight or accountability. Billions in cash—physical, paper money—have been flown to Iraq and handed out in paper bags, often without records of who received what, and when. Billion dollar contracts for training services cannot be audited because the records are incomplete, lost, or in disarray. The Government has been billed for defective products, like faulty ammunition, unsafe bulletproof vests, and even unsanitary drinking water for the troops.

Too often we do not learn about serious fraud until years after the fact. What we do know is that tens of billions of dollars are unaccounted for, and potentially lost to fraud, and little has been done to hold anyone accountable and recover the lost money.

This problem is not entirely new. Our nation has faced challenges in past wars. During World War II, President Franklin Delano Roosevelt spoke out against "war millionaires" who made excessive profits exploiting the calamity of war. President Harry Truman, when he served in the Senate, held historic public hearings to expose gross fraud and waste by military contractors during the war.

Unlike the current President, however, Presidents Roosevelt and Truman took action to ensure that wartime fraud could be successfully investigated and prosecuted despite the difficulties presented by an ongoing war.

In 1942, President Roosevelt signed the Wartime Suspension of Limitations Act, which made it possible for criminal fraud offenses against the United States to be prosecuted after the war was over. President Truman signed a bill making that law permanent in 1948.

Everyone understood then that it was unrealistic to believe that all contracting fraud could be tracked down immediately in the midst of a war. The law provided for the suspension of the statute of limitations until the war was over. Congress supported this law overwhelmingly, as they had with a similar provision during World War I. President Roosevelt wrote: "The crisis of war should not be used as a means of avoiding just penalties for wrongdoing."

While the provision for post-war enforcement against fraud is still the law today, the ongoing conflicts in Iraq and Afghanistan are exempt from its requirements. This Roosevelt-era law only applies "when the United States is at war." The military operations in Iraq and Afghanistan were undertaken without Congressional declarations of war. In recent decades, Congress has

considered authorizations for the use of the Armed Forces, rather than formal declarations of war. I voted for the authorization to strike back at Osama bin Laden in Afghanistan. I voted against the ill-conceived authorization to go into Iraq.

Today we introduce the Wartime Enforcement of Fraud Act of 2008, which updates President Roosevelt's law for our times. This will allow us better to protect American taxpayers from contracting fraud today, just as we did during World War II. I thank Senator GRASSLEY for his co-sponsorship of this important legislation. He has been a leader in Congress on efforts to investigate and combat fraud against the United States.

This bill would make current law suspending the statute of limitations during wartime applicable to the ongoing conflicts in Iraq and Afghanistan. In doing so, we would allow investigators and auditors to continue their efforts to uncover criminal fraud and for those who commit fraud to be brought to justice after the conflicts end. If left unchanged, under the current statute of limitations, each passing day of the conflicts in Iraq and Afghanistan could amount to immunizing fraudulent conduct by war contractors that has gone undiscovered during the Bush Administration or during the conflicts.

This legislation would make three simple changes to current law. First, it would suspend the statute of limitations not only to when the United States is technically engaged in a declared war, but also when Congress has enacted a specific authorization for the use of the Armed Forces consistent with the War Powers Resolution. In doing so, this language would apply the existing World War II-era law to the ongoing conflicts in Iraq and Afghanistan, and to similar actions in the future. It would not apply, however, to international peacekeeping missions under the auspices of the United Nations or to military actions not specifically authorized by Congress.

Second, the legislation would extend the statute of limitations for five years after the end of the conflict. The statute of limitations today for criminal fraud offense is five years from the time of the offense, and this bill would

just toll the running of the statute during the conflict itself and not a day longer.

Three, the bill would make clear that a Presidential proclamation ending hostilities, and thus ending the tolling of the statute of limitations period, must be a formal proclamation with notice to Congress. Secret proclamation by the President or a self-serving "mission accomplished" speech will not do the trick.

The statute of limitations is an important check on the proper use of government power, and we should not act to suspend it except in extraordinary circumstances. Wars provide exactly such circumstances, and current law recognizes this common sense reality by suspending the statute of limitation for fraud offenses during wartime. It would be wrong to exempt the wars in Iraq and Afghanistan from this law and to allow war profiteers immunity for their illegal and unpatriotic conduct during wartime.

President Roosevelt called upon Congress to act on this important matter during World War II. Today, I echo his concerns and call upon the Senate to pass this legislation to protect the American taxpayers from war contracting fraud. This Congress should pass—and the President should sign—the Wartime Enforcement of Fraud Act of 2008 without delay.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wartime Enforcement of Fraud Act of 2008".

SEC. 2. SUSPENSION OF STATUTE OF LIMITATIONS WHEN CONGRESS HAS AUTHORIZED THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting "or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b))," after "is at war";

(2) by inserting "or directly connected with or related to the authorized use of the

Armed Forces" after "prosecution of the war";

(3) by striking "three years" and inserting "5 years";

(4) by striking "proclaimed by the President" and inserting "proclaimed by a Presidential proclamation, with notice to Congress,"; and

(5) by adding at the end the following: "For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).".

ORDERS FOR MONDAY, APRIL 21, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3 p.m., Monday, April 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business with Senators permitted to speak for up to 10 minutes each. I further ask that the RECORD remain open until 12 noon today, for the purpose of introducing bills, resolutions, cosponsors, and statements.

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

PROGRAM

Mr. REID. As previously announced, there will be no votes on Monday because of the Passover holiday. The next vote will occur at 12 noon on Tuesday, April 22, on the motion to invoke cloture on the motion to proceed to S. 1315, the Disabled Veterans Act.

ADJOURNMENT UNTIL MONDAY, APRIL 21, 2008, AT 3 P.M.

Mr. REID. There being no further business to come before the Senate today, I move we stand adjourned under the previous order.

The motion was agreed to, and, at 10:19 a.m., the Senate adjourned until Monday, April 21, 2008, at 3 p.m.