This USAID worker was traveling in a clearly marked four-vehicle convoy on a road that was considered safe and secure. The convoy was ambushed, and the 26-year-old aid worker was shot in the face. As a result of that attack, she has lost vision in her right eye and has had and will continue to have to undergo facial reconstruction.

First and foremost, our thoughts and prayers go out to this courageous and compassionate young woman and to her family whom we all know must be in tremendous grief. What happened is a tragedy that deeply troubles us all.

I am informed that the shooting was not random. The attackers intentionally targeted the humanitarian convoy in order to intimidate the people. With the backing of the Government, these criminals have killed nearly 50,000 innocents from the beginning. The United States has provided over 70 percent of the supplies going to the survivors now in Darfur and eastern Chad, and the United States has been providing assistance to the region, indeed, for years.

Robert Zoellick, our Deputy Secretary of State, is currently traveling in the region to observe the situation on the ground. What he will see when he is there and what he will report back, I am sure, when he comes back to us, no one here will dispute him, as it did me and others in this body who have traveled to that region.

In the last Congress, I worked with a number of our colleagues—Senators Brownback, Feingold, Biden, Lugar, and many others—to enact a bill called the Sudan Peace Act. That bill provided the framework for the peace negotiations in Sudan between the northern and southern regions.

In addition, last year, we in this body voted unanimously to urge the Secretary of State to take appropriate actions within the United Nations to suspend Sudan’s membership on the U.N. Human Rights Commission.

While I am heartened by the aid pledges made this week by the international community, a lot more work absolutely must be done. Global pressure must be brought to bear.

I urge the United Nations to formally recognize the reality of the crisis in Darfur. What is happening there is genocide. The Khartoum Government will not stop this killing until it is faced with stiff international pressure. Every day the world fails to act, Khartoum gets closer to its genocidal goal, and every day the world fails to act, it compounds its shame. We must not let this happen. We cannot fail the Darfur people. They are pleading for our help and, indeed, they are pleading for their lives.

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

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

Mr. FRIST. Mr. President, I ask unanimous consent the pending amendments and Nationality Act, to increase access to the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

Bayh amendment No. 406, to prohibit the financial condition of members of the reserve components of the Armed Forces who are ordered to long-term active duty in support of a contingency operation.

Durbin amendment No. 427, to require reports on Iraqi security services.

Plasko amendment No. 331, to express the sense of the Senate that the earned income tax credit provides critical support to many military and civilian families.

Krug amendment No. 399, to prohibit the continuation of the independent counsel investigation of Henry Cisneros past June 1, 2005, and request an accounting of costs from GAO.

Reid amendment No. 445, to achieve an acceleration and expansion of efforts to reconstruct and rehabilitate Iraq and to reduce the future risks to United States Armed Forces personnel and future costs to United States taxpayers, by ensuring that the people of Iraq and other nations do their fair share to secure and rebuild Iraq.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

AMENDMENT NO. 432

(Purpose: To simplify the process for admitting temporary alien agricultural workers under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act, to increase access to farm workers, and for other purposes.)

Mr. FRIST. Mr. President, I ask unanimous consent the pending amendments be set aside. On behalf of Senator Chambliss and others, I call up amendment No. 432.

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

The legislative clerk read as follows:

The Senate from Tennessee [Mr. Frist], for Mr. Chambliss, for himself, and Mr. Kyi, proposes an amendment numbered 432.

Mr. FRIST. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is printed in today’s RECORD under “Text of Amendments.”

Mr. FRIST. I ask unanimous consent the amendment be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.
Mr. Frist. I now send a cloture motion to the desk to the underlying bill. The ACTING PRESIDENT pro tempore. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion. The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 67, H.R. 1288.

Bill Frist, Mitch McConnell, Elizabeth Dole, Ole Bech Eide, Pat Roberts, Orrin Hatch, John Cornyn, Craig Thomas, Michael Enzi, Larry E. Craig, Trent Lott, George V. Voinovich, Bob Bennett, Pete Domenici, Richard Burr, James Talent, and Chuck Hagel.

AMENDMENT NO. 375

CLOTURE MOTION

Mr. FRIST. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is printed in today’s RECORD under “Text of Amendments.”

AMENDMENT NO. 340

CLOTURE MOTION

Mr. Frist. I call for the regular order on the Chambliss amendment. I now send a cloture motion to the desk to the Chambliss amendment.

The ACTING PRESIDENT pro tempore. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion. The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Chambliss amendment to Calendar No. 67, H.R. 1288.

Bill Frist, Saxby Chambliss, Mitch McConnell, Larry Craig, Jim Jeffords, Norman Coleman, Trent Lott, Arlen Specter, George V. Voinovich, Bob Bennett, Pete Domenici, Pat Roberts, Orrin Hatch, Richard Burr, John Cornyn, James Talent, and Chuck Hagel.

AMENDMENT NO. 375

CLOTURE MOTION

Mr. FRIST. I ask the regular order on the Chambliss amendment. I now send a cloture motion to the desk to the Craig amendment.

The ACTING PRESIDENT pro tempore. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion. The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Craig amendment to Calendar No. 67, H.R. 1288.

Bill Frist, Larry Craig, Mitch McConnell, Elizabeth Dole, Judd Gregg, Saxby Chambliss, Trent Lott, George V. Voinovich, Arlen Specter, Bob Bennett, Pete Domenici, Pat Roberts, John E. Sununu, Richard Burr, John Cornyn, James Talent, and Chuck Hagel.

AMENDMENT NO. 340

CLOTURE MOTION

Mr. DeWINE. Mr. President, I call up amendment No. 340 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DeWINE], for himself, Mr. Domenici, Mr. Voinovich, Mr. Specter, Mr. Bennett, Mr. Cornyn, Mr. Hagel, Mr. McConnell, Mr. Dole, Mr. Eide, Mr. Roberts, Mr. Hatch, Mr. Burdick, Mr. Johnson, Mr. Talent, and Mr. Hagel, propose an amendment numbered 340.

Mr. DeWINE. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days.)

(a) PERIOD OF ELIGIBILITY.—Section 1079(g) of title 10, United States Code, is amended—

(1) by inserting “(1) after “(g);” and

(2) in subsection (2)(A) by striking the second sentence and inserting the following:

“(2) in subsection (2)(A) by striking the second sentence and inserting the following:

“(2) In addition to any continuation of eligibility for benefits under paragraph (1), when a member dies while on active duty for a period of more than 30 days, the member’s dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days. The dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits during a period of more than 30 days.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 2001, and shall apply to deaths occurring on or after such date.

Mr. DeWINE. Mr. President, this amendment is cosponsored by Senator...
I ask unanimous consent that two letters of support be printed in the RECORD.

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

**RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES**

Washington, DC, April 11, 2005.

Hon. Mike DeWine, U.S. Senator, Washington, DC.

Dear Senator DeWine:
The Reserve Officers Association, representing 75,000 Reserve Officers and Enlisted, supports your amendment to the emergency supplemental appropriation, SR 109—092, to increase the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days.

The Department of Defense (DoD) has relied heavily on the Guard and Reserve to provide almost half of the troop support for Iraq and Afghanistan and this does not even take into consideration the number of members who volunteered for duty during this time. It has been announced that this level of Reserve Component support has become the norm. Your bill seeks to provide a limited entitlement, in keeping with business case principles, that allows a member to serve their country knowing that their family will be taken care of if they give the ultimate sacrifice—their life.

The Active and Reserve Components, are entering into a new phase of protracted warfare, and we need to update our outdated personnel practices to reflect this new environment. Congressional support for our nation’s military men and women in the Guard and Reserve is and always will be appreciated.

Sincerely,

Robert A. McIntosh, Major General (Ret), USAF, Executive Director.

**NATIONAL MILITARY FAMILY ASSOCIATION**

April 10, 2005.

Senator Mike DeWine, U.S. Senator, Washington DC.

Dear Senator DeWine:
The National Military Family Association (NMFA) is a national nonprofit membership organization whose mission is to support the seven uniformed services through educational nonprofit membership. NMFA’s mission is to serve the families of the seven uniformed services through education, information, and advocacy. On behalf of NMFA and the families it serves, I would like to thank you for introducing important amendments in The Emergency Supplemental War Appropriations Act, to enhance benefits for survivors of those servicemembers who have made the supreme sacrifice for their Nation.

NMFA strongly believes that all servicemembers deaths should be treated equally. Servicemembers are on duty 24 hours a day, 7 days a week, 365 days a year. Their death benefit package should not create inequities by awarding different benefits to families who lose a servicemember in a hostile zone versus those who lose their loved one in a training mission preparing for service in a hostile zone. To the family, there is no difference. Your amendment to increase death gratuity payment proposed by the Administration to survivors of all active duty deaths, not just those that are combat related.

NMFA also supports the amendment you propose to extend the TRICARE Prime medical benefit to any dependent child of a deceased servicemember at no cost until the age of 21 or 23 if enrolled in school. This is a benefit that would have been available to their children had the parent lived and remained on active duty.

The freedom from worry about copays and deductibles when a child needs to see a doctor is very important for the surviving parent.

Thank you for your support and interest in military families. If NMFA can be of any assistance to you in other areas concerning military families, please feel free to contact Kathy Moakler in the Government Relations Department at 703.531.6632.

Sincerely,

Candace A. Wheeler, Chairman/Chief Executive Officer.

Mr. DeWine. Mr. President, one letter is from the Reserve Officers Association and one is from the National Military Family Association.

I wish to share an excerpt from the letter from the ROA. Regarding health care benefits, it reads in part as follows:

Your bill will provide a limited entitlement in keeping with business case principles that allows a member to serve their country knowing that their family will be taken care of if they give the ultimate sacrifice—their life.

We owe the families of those who have lost loved ones in active duty our gratitude and our support. It is time to do a better job of caring for these families. It is time to ensure that this Congress does what is right. I ask my colleagues to stand with me and with my other colleagues to support these families and do our part as they have done theirs.

As I said, I am joined in this amendment by Senators Durbin, Coleman, Dole, Kennedy, Salazar, and Corzine. We believe this is the equitable thing to do, it is the fair thing to do, and it is the right thing to do.

Again, to repeat: All it does is put this child who has lost a parent in Iraq, who lost a parent in Afghanistan, who has lost a parent in service to our country in the same position that child would have been if that parent would have continued to serve in the military and would have continued to live.

Today, without this amendment, that child is discriminated against. After 3 years, that child has to pay for his or her own premium, that family has to pay the premium and, not only that, even if they pay the premium, they are put in a different position than if the parent would have lived.

The child of a person in the military who lives in a better position than a child of a person in the military who is deceased, and that is wrong. This amendment corrects that.

I ask unanimous consent that this amendment be set aside for the moment.

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

Mr. DeWINE. Mr. President, I now ask that my amendment No. 342 be called up.
The ACTING PRESIDENT pro tem. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself, and Mr. BINGAMAN, Mr. COLEMAN, Mr. NELSON, Mr. MCCONNELL, Mr. CORZINE, Mr. CHAFEE, Mr. DODD, Mr. DURBIN, Mr. ALEXANDER, Mr. MARTINEZ, Mr. SMITH, Mr. SPECTER, Mr. KENNEDY, Mr. LUTENBERG, and Mr. OBAMA, proposes an amendment numbered 342.

Mr. DEWINE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

THE ACTING PRESIDENT pro tem. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate $10,000,000 to provide assistance to Haiti using Child Survival and Health Programs funds, $21,000,000 to provide assistance to Haiti using Economic Support Fund funds, and $10,000,000 to provide assistance to Haiti using International Narcotics Control and Law Enforcement funds, to be designated as an emergency requirement)

On page 183, after line 23, add the following:

(FUNDS APPROPRIATED TO THE PRESIDENT UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT CHILD SURVIVAL AND HEALTH PROGRAMS FUND For necessary expenses to provide assistance to Haiti under chapter 1 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $10,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

HYTHATI)

The amendment is cosponsored by Senators BINGAMAN, COLEMAN, NELSON, CORZINE, CHAFEE, DODD, DURBIN, ALEXANDER, MARTINEZ, SMITH, SPECTER, KENNEDY, LUTENBERG, and OBAMA. It will provide additional emergency assistance to Haiti. Unfortunately, the fact is that the bill before us now contains virtually no additional economic assistance to Haiti, the poorest country in our hemisphere.

Haiti today is in the brink of collapse. Elections are scheduled in November, but there is grave social unrest and horrible poverty that is spinning Haiti back into its previous cycles of violence and instability. Haiti is our neighbor to the south, about an hour and a half plane trip from Miami. Twice in the last decade, American marines, American troops, have had to go to Haiti.

There is an interim government in Haiti, a government that was supported and is still backed by the United States and by the international community, but the situation is very precarious. To intergovernment is scheduled to give way to a permanent government after elections that are now scheduled for November of this year. There is an international peacekeeping force in Haiti, but there is significant violence, and the government is, quite frankly, tottering.

Money is needed in this emergency supplemental for emergency reasons in Haiti. We cannot wait for the normal appropriations process. First of all, money is needed for the elections. The United States will have to contribute toward these elections. We will have to take the lead and other countries, of course, will participate, if elections are going to be held.

Those elections were not scheduled when the last appropriations bill went through this Congress. No one could have totally foreseen what the exact situation would have been in Haiti when the last appropriations bill was approved by this Congress. The violence has continued. The international peacekeeping force has not been as aggressive as some of us would have liked and has not been as effective as some of us would have liked.

Some of the Aristide forces are responsible for some of the violence, and some of the old regime people dating back to Baby Doc are responsible for some of the violence. The situation is not the one I had hoped. Some of this money, quite frankly, needs to be used for humanitarian assistance. Some of the money needs to be used to train the police. Some of the money needs to be used to deal with the unemployment situation.

My colleagues and I, a long bipartisan coalition, have sponsored this amendment—are working with the chair of the subcommittee and with the chair of the full committee to see what funds might be available and what we might be able to work out with regard to this amendment.

If the United States does not stay engaged in Haiti, the day will not be far off when there will be more chaos in Haiti than there already is, and the government may fall. American troops may be back in Haiti at great cost to us, potential lives as well as money, and it may once again see more people flooding toward the United States. This will be money that is very well spent, and, quite frankly, I believe we have no choice but to spend this money.

I ask unanimous consent that this amendment be set aside.

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

Mr. DEWINE. Mr. President, I wish to talk now about two other amendments, one of which has already been offered and one which will be offered that I have cosponsored.

Haiti is not the only emergency need that cannot wait another months for funding. I wish to first talk about an amendment that Senator KOHL and I sponsored and that Senator COCHRAN has been very helpful in regard to.

Our amendment provides additional emergency money for food aid. The President in his budget so eloquently spoke just a few moments ago, the people in this part of the world suffered through genocide, and now they will starve. In addition, the U.S. Agency for International Development has been forced to cut programs in Sudan and Angola, Nicaragua, Rwanda, Ghana, Eritrea—all food programs.

We know, of course, about the high-profile food aid emergencies, such as the people affected by the tsunami in Asia and the tragedy in Darfur, but what we really do not hear so much about is the need for food as a result of the locust infestation that swept through Africa last year, devastating crops, and what we do not hear about is the devastating floods in Bangladesh that left women and children without any means of survival. We cannot tell these 17 million starving people of the world to wait. We can’t tell them to wait for the regular appropriations cycle because, frankly, by the time they do, it will be too late.

When this amendment comes to the floor, the amendment sponsored by

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Senator KOHL and me, I urge my colleagues to support this amendment to provide this emergency food. It is life-saving. It will make a difference. Lives are, in fact, saved.

Finally, I am cosponsoring an amendment offered by Senator CORZINE, together with Senators BROWNBACK and DURBIN, that would provide $93.5 million to address the crisis in the Darfur region of Sudan.

I also thank my colleague, Senator FRISCH, who has on many occasions been to Sudan and has personally done humanitarian work there, and who has been so very active on the floor of the Senate as well. I thank him for his eloquent words a few minutes ago and for his great leadership.

I also thank my other colleagues who have taken the lead in this area and for their comments on the floor about what this particular amendment and the dire situation in Darfur. They have been deeply committed to helping this troubled region of our world, and I commend them for their work.

The amendment would provide $22 million in assistance for the African Union (AU) which is trying to stop the genocide, and we have a moral obligation to support their mission.

This amendment also addresses the overwhelming humanitarian crisis in Darfur—providing $40.5 million for international disaster assistance. The United Nations International Children’s Fund estimates that they only have access to 5 to 10 percent of Darfur and only can get into 5 or 10 percent, and they have access only to one-third of the millions of people living in the region. Children’s lives depend on our vote on this amendment.

This amendment is budget neutral.

I urge all of my colleagues who have raised their voices on the floor in opposition to this amendment being considered in Darfur to vote for this amendment and to vote for the accompanying amendment containing the Darfur Accountability Act. The genocide in Darfur must end, and it must end now. I urge my colleagues not to ignore this crisis. We cannot address every problem in the world in this particular bill and that some things will have to wait for the regular appropriations cycle, but the things that I have come to the floor to talk about this morning, simply will not wait. Lives are at stake if we do not address them in this bill, and lives will, in fact, be lost. Each one of the items that I have talked about is a matter of crisis, a matter of emergency.

They need to be included in this bill. I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that Senators MIKULSKI, STABENOW, DODD, BOXER, DORGAN, LIEBERMAN, CLINTON, and AKAKA be added as cosponsors of this amendment.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senate from New York (Mr. SCHUMER), for himself, Ms. MIKULSKI, Ms. STABENOW, Mr. DODD, Mrs. BOXER, Mr. DORGAN, Mr. LIEBERMAN, Mrs. CLINTON, and Mr. AKAKA, proposes an amendment numbered 451.

Mr. SCHUMER. Mr. President, I ask unanimous consent that further reading of this amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To lower the burden of gasoline prices on the economic security of the United States, the potential for national economic recovery, and the economic security of the United States)

(1) directly confront OPEC and challenge OPEC to increase oil production in order to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall oil profits)

Amendment No. 451

Mr. SCHUMER. Mr. President, I ask unanimous consent that further reading of this amendment be dispensed with.

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

The amendment is as follows:

(1) the prices of gasoline and crude oil have a direct and substantial impact on the financial well-being of families of the United States, and circumvent the efforts of OPEC to reap windfall oil profits)

On page 231, between lines 3 and 4, insert the following:

S 6947(a) Congress finds that—

(1) the prices of gasoline and crude oil have set a new record high for a 4th consecutive week;

(2) on April 12, 2005, crude oil prices closed at the exceedingly high level of $51.86 per barrel and the price of crude oil has remained above $50 per barrel since February 22, 2005;

(3) on April 11, 2005, the Energy Information Administration announced that the national price of gasoline, at $2.28 per gallon—

(A) had set a new record high for a 4th consecutive week;

(B) was $0.49 higher than last year;

(4) despite the severely high, sustained price of crude oil—

(A) the Organization of Petroleum Exporting Countries (referred to in this section as “OPEC”) has refused to adequately increase production to calm global oil markets and officially announced its $22–$28 price target; and

(B) officials of OPEC member nations have publicly indicated support for maintaining oil prices of $60–$65 per barrel;

(5) the Strategic Petroleum Reserve (referred to in this section as “SPR”) was created to enhance the physical and economic security of the United States;

(6) the law allows the SPR to be used to provide relief when oil and gasoline supply shortages cause economic hardship;

(7) the proper management of the resources of the SPR could provide gasoline price relief to families of the United States and provide the United States with a tool to counterbalance OPEC supply management policies;

(8) the Administration’s current policy of filling the SPR despite the fact that the SPR is more than 98 percent full has exacerbated the rising price of crude oil and record high retail price of gasoline;

(9) in order to combat high gasoline prices during the summer and fall of 2000, President Clinton released 30,000,000 barrels of oil from the SPR, stabilizing the retail price of gasoline; and

(10) increasing vertical integration has allowed—

(A) the 5 largest oil companies in the United States to control almost as much crude oil production as the Middle Eastern member of OPEC, twice the refining capacity, and over 60 percent of the retail gasoline market; and

(B) the top 10 oil companies in the world to make more than $300,000,000,000 in profit and in some instances to post record-breaking fourth quarter earnings that were in some cases more than 200 percent higher than the previous year;

(11) the Administration has failed to manage the SPR in a manner that would provide gasoline price relief to working families; and

(12) the Administration has failed to adequately demand that OPEC immediately increase oil production in order to lower crude oil prices and safeguard the world economy.

It is the sense of Congress that the President should—

(1) directly confront OPEC and challenge OPEC to immediately increase oil production and

(2) direct the Federal Trade Commission and Attorney General to exercise vigorous oversight over the oil markets to protect the people of the United States from price gouging and unfair practices at the gasoline pump.

(3) For the period beginning on the date of enactment of this Act and ending on the date that is 30 days after the date of enactment of this Act—

(A) deliveries of oil to the SPR shall be suspended; and

(B) 1,000,000 barrels of oil per day shall be released from the SPR.

If necessary to lower the burden of gasoline prices on the economy of the United States and to circumvent the efforts of OPEC to reap windfall crude oil profits, 1,000,000 barrels of oil per day shall be released from the Strategic Petroleum Reserve for an additional 30 days.

Mr. SCHUMER. Mr. President, the amendment I have offered will allow the Federal Government to take long overdue action to force OPEC to release high gasoline prices that are plaguing American consumers at the pump. As my colleagues are aware, for weeks, oil and gasoline prices have been placing an immense burden on working families. They are burning a hole in every wallet and pocketbook in America, and they are threatening our fragile recovery. The March numbers showed that consumers are not spending on other things because of the high prices of gasoline and other petroleum products. It is time this body took action to protect our Nation’s economic security from sky-high oil prices and the whims of the OPEC cartel.

This amendment would provide the American consumer with relief by halting the diversion of oil from markets to the Strategic Petroleum Reserve, and by releasing an amount of oil from the reserve through a swap program in order to increase supply, quell the markets, and bring down prices at the pump.

What we are faced with is the simple market economics of supply and demand. If demand goes up, price goes up. If supply goes up, price goes down. At a
tightens the oil market by taking much-needed supplies out of commerce, is slated to take an average of 85,000 barrels a day off the market during the height of the driving season.

I understand some of my colleagues are optimists: OPEC should not be touched, even to safeguard our economic security. I would argue that the concerns to this degree do not properly balance America’s physical security needs against our economic security needs. The SPR is now 98 percent full. If we are able to sell it, not only could we make some money, but, rather, a swap so the oil would be replaced presumably at a lower price, and we would have the full amount of oil in the SPR once again.

The administration has these tools, and yet we are letting OPEC control the whole show. If we showed them we meant business, that we were willing to mix in, they would be far more reticent, far more reluctant to raise the price at will in the light of increasing demand and we could give way to even higher prices in the future.

I know who is being hurt by these oil prices, and we know who is benefiting, OPEC. OPEC made over $300 billion in oil revenue last year. They stand to gain much more if the price stays in the stratosphere. And they have a policy which they keep changing. Originally, they said $22 to $28 a barrel would be their policy. Now they say they are comfortable at oil remaining at $40 to $50 permanently. I know who will not be comfortable—American families who depend on affordable oil to commute to work, heat their homes, and provide for their energy needs.

Some of my colleagues may be asking: Didn’t OPEC agree to increase production by 500,000 barrels a day? The reality is that OPEC’s pledge to increase production on paper has not reduced prices at the pump. OPEC cut a million barrels in the face of rising prices, and now they say they are going to raise it 500,000 barrels. But we are not sure this is happening because it may be a paper transaction. When it comes to the talk of increasing production, OPEC for 500,000 barrels an increase that might actually result in a production raise, it is no surprise that OPEC members are balking. Venezuela, Nigeria, and Libya—all have indicated they would oppose such an increase. That is another reason we should use the SPR because there is a division in OPEC, and we can strengthen the hands of those more responsible nations that want to increase production to meet the increasing demand in the world.

What has the administration done on this? It has continued its policy of taking oil off the market and placing it in the SPR. This policy, which further...
Getting rewarded by being handed the exact thing you broke the law to get plus the ability to get citizenship is amnesty. I think, under any definition of it. It even goes far beyond the proposals President Bush has made that some have called amnesty, and he says it is not.

I am somewhat dubious about some of the ideas he has proposed. But his principles are clearly violated by this AgJOBS bill. Make no mistake about it. President Bush, for all his commitment to improving the ability of people to come to America to work, has never announced principles as breathtakingly broad as this.

Let us remind ourselves that criminal laws are involved here. Title 8, section 1325 of the United States Code says illegal entry into the United States is a misdemeanor on the first offense, a felony thereafter. Coming here illegally, regardless of why you came, is a criminal offense. Oftentimes, false documents are submitted and filed. That is a criminal offense also.

Not only does it provide amnesty to illegal aliens who are already working here, it gives amnesty to the illegal alien and his or her family if their family is also illegally here. But if their family is still abroad and not here, the AgJOBS amendment allows the illegal alien to send for their family and bring them here, cutting in line ahead of others who made the mistake of trying to comply with our laws rather than break them.

According to a Pew report, there are at least 800,000 illegal immigrant workers who would be eligible for amnesty under this bill. Adding in one spouse and a minor child for each of those, the estimate can easily increase to 3 million immigrants—3 million, all of whom are defined only in the agricultural community, not in any other community in the country where it seems to me we would have a very difficult time on principle defining why agricultural workers get such beneficial treatment compared to any other worker who might be here.

Not only does AgJOBS give amnesty to the current people who are in our country illegally, but it extends that amnesty to illegal aliens who once worked in America but have already gone home. It actually encourages them to come back to the United States and puts them on a route that leads them to full citizenship. These are people who have returned home to their country, and we are putting them ahead of lawful workers who come here and may also want to be citizens one day.

The AgJOBS amendment will create a category of “lawful, temporary resident status” of agricultural workers who have worked at least 100 days in the 18 months prior to August 31, 2003. These are supposed to be workers who were here working, contributing to our economy, but they only have to work 100 days.

You have to read these acts. You can’t just believe what you hear about them. I was trying to study it last night and things kept hitting me that almost take your breath away. One hundred workdays—do you know how that is defined? An individual who is employed 1 or more hours in agriculture per day, that is a workday. For literally as many or as few as 100 hours of agricultural work in 18 months you are put on this track. That is not said, but I know who wrote this bill. The details of it are extremely troubling.

Because the bill now only applies to agricultural workers, it is true the entire illegal population that is estimated to be in our country of 8 to 10 million will not be legalized under the bill. However, we can be quite sure the majority of those 1.2 million illegal agricultural workers will apply for amnesty if they can.

Ag AGAIN I ask, what real principle can we stand on to say we need to give these people who are here illegally preference over people who might be working in our country? Under the AgJOBS bill, an illegal alien is not deportable as soon as his paperwork is filed. No factfinding or adjudication on the application is necessary. It kicks in a protection that he cannot be deported. Maybe he has already been charged with a felony, but the trial hasn’t come along yet. It seems to me the procedure is guaranteed to go forward and they will be able to be put on this track. After the illegal alien gets the first nasty being granted temporary legal status under the AgJOBS bill, the bill gives them the opportunity to continue working in agriculture and apply for permanent resident status here in the United States. The opportunity to become a citizen—guaranteed, unless you get in some big trouble.

There is no limit on the number of individuals who would be allowed to adjust to lawful permanent residence and eventually become citizens. If the illegal alien who meets the bill criteria has already left the United States, the legislation actually would encourage them to come back through the border to become a lawful temporary worker. As I read the legislation, they are allowed to do that by filing a petition. I believe it is called a preliminary petition. This petition is pretty interesting. If you are in the United States, but both of which have a special interest in having the alien come into the country. That is how they make their money. And they have to accept it if he produces virtually any document at all that would say he or she has worked in the country at sometime previously.

Later on my breath was taken away when it says in this act that the documents filed by the illegal alien are confidential. Read this:

“Except as otherwise provided in this section, the Secretary (that’s the Secretary of Homeland Security, who is supposed to be supervising all of this, under his jurisdiction) nor any official or employee of the Homeland Security or Bureau or Agency thereof may use the information furnished by the applicant pursuant to an application under this section...”

It goes on to say:

“Files and records prepared for the purposes of this section by qualified designated entities (these are these employer groups. These are the farm worker groups) are confidential, and the Secretary shall not have access to such files or records relating to the alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph 6.”

Great Scott, you mean you file an application that is supposed to justify you to come into the country, and it is supposed to allow you to come in here, but the drafters of this legislation are so distrustful of our Government and the Secretary of Homeland Security that he is not even able to see the documents? I don’t know how this became the policy of the United States.

The fundamental reason that no nation is required to allow anyone to come into their country because they have sovereignty over their country. They set standards and try to adhere to them. Wise countries such as ours are very generous about how many people they want to come to in. Some are far more strict—most are, in fact, more strict than are we. But no one has a right, automatically, to enter somebody’s country. You enter by permission of that country. I don’t think there would be anything wrong to ask the applicant to at least file a petition so the designated governmental official in charge of the operation can see it, instead of it being secret from them.

Frank Gaffney recently wrote a column entitled “Stealth Amnesty.” He is the president of the Center for Security Policy. We do have some security problems involving terrorism involved around our country. He summarized the AgJOBS bill by saying this:

“By the legislation’s own terms, an illegal alien will be turned into “an alien lawfully admitted for temporary residence” ... Just by fiat.

Provided they had managed to work unlawfully in an agricultural job in the United States for 100 hours; in other words, for 2½ weeks during 18 months prior to August 31, 2003.

I will continue to talk about the bizarre nature of this application process. Someone who is even not in the country who wants to come back into the country, as I understand it, who has worked in our country illegally for some period of time and have returned to their country, they want to come back; they file an application, a preliminary petition, and the phrase is. They do not file it with the Government, they file it with a farm workers group or an employer group,
We can do that. We should do that. We can do better about that. We can improve current law. But to just willy-nilly allow people who could very well be very marginal part-time employees, who never worked much—to give them permanent resident status and citizenship for violating our laws is thund-erously erroneous, in my view. It is just not good.

Mr. Gaffney goes on to say: Once so transformed, he means by that is once you have been trans-formed from an illegal person to a legal person by filing an application—they can stay in the U.S. indefinitely while applying for permanent resident status. From there, it is a matter of time before they can become citizens, so long as they work in the agricultural sector for 675 hours over the next six years.

But you only have to work, really, 2,000 hours, or 1 year out of 6 years, but you have to stay in the agricultural sector.

Some have called this creating inden-tured servants. Why isn’t it a form of indentured servitude? You have to stay in the agricultural sector for 675 hours over the next six years. You cannot take some other type employment.

The Craig-Kennedy bill would con-fer this amnesty as an exchange for in-dentured servitude. The amnesty will be conferred—Mr. Gaffney goes on to say—not only on farmworking illegal aliens who are in this country—esti-mates of those eligible run to more than 800,000. It would also extend the amnesty to those who have been otherwise qualified but had previously left the United States. No one knows how many would fall in this category and want to return as legal workers. But, a safe bet is that there are hundreds of thousands of them.

If any were needed, S. 1645 [the AgJOBS bill] offers a further incentive to the illegals: Your family can stay, as well. Alternatively, if they are not with you, [and you are in the United States], they can come in, too. Cutting in line ahead of others who made the mistake of abiding by, rather than ignoring, our laws.

So the system would work this way. I do not think anyone would dispute this. Someone is here illegally. They are working in agricultural work. By the way, it defines, at the beginning of this legislation, what an “employer” means in agricultural employment. And it is a person or entity, including any farm labor contractor and any agricultural association, that employs workers in agri-cultural employment.

The term “employer” means any per-son or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

So you have to work for an agricultural employer, but that does not indi-cate to me that you have to be working in agriculture. Maybe the company has some workers who are agricultural, and 90 percent of them are not. Maybe you could work for them the way this thing is written, regardless.

But the way this system would work is if they were here illegally over a pe-riod of 18 months—if they were here just 18 months—and had worked 100 hours in agricultural employment during that 18 months, the Secretary shall make them a lawful temporary resi-dent—required to, unless they com-mitted a serious crime or something.

Then it goes on to state that “nothing in this section shall be construed to limit the use or release for immigra-tion enforcement purposes or law en-force purposes” of information con-tained in the record of the Depart-ment of Homeland Security, but that does not give them the ability to use the information contained in the paperwork filled with the employer group, papers the employer does not give to the Department of Home-land Security are kept secret and not available to law enforcement, the bill goes on to add that no information in the application can be used “other than the information furnished by an ap-plicant pursuant to an application filed under this section,” provided they can-not use it “for any purpose other than to make a determination on the appli-caction or for enforcement purposes.”

Before you can be a Senator, you have to disclose all your finances. That does not take me long, but for some people it takes a long time. We have to do that, but somebody who is not even a citizen, not even a resident of this country, can keep information secret for any purpose or for enforcement purposes.

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proof is on the employer to demonstrable just cause for termination, and he has the burden to prove it by a preponderance of the evidence.

Once again, we are entering into a complex legal deal here we need to avoid providing legal rights and protections to unauthorized workers who have violated the law that are not available to American citizens.

Presumably, there are two farm-workers on this farm somewhere. One of them is an American citizen—in Alabama, let us say—and the boss wants to fire one of them. If he fires the temporary resident alien, he has to go through arbitration and hire a lawyer and defend himself and be sued. As a matter of fact, it goes on to say that doesn’t end it. That is one additional remedy the worker can have. He can still sue the employer for any kind of fraud, abuse or harassment or any other thing that some trial lawyer may pursue. So it doesn’t end it. The evidence would be utilized from that trial into a next trial.

I am concerned about that. I believe it is an unnecessary litigation that is going to impact our country adversely. That is why you will see that agricultural workers are not supporting this AgJOBS bill.

What we really should do is follow the recommendations made to us over the years by immigration commissions of Congress that have been created for the specific purpose of providing advice and counsel to us on how to effect immigration reform. In 1992, 6 years after the last illegal alien agricultural worker amnesty passed in 1986 as part of the Immigration Reform and Control Act, the IRCA, the Commission on Agricultural Workers issued a report to Congress that studied the effects of the 1986 agricultural amnesty called the Special Agricultural Worker Program.

One of the first things the Commission commented was the number of workers given amnesty under the bill had been severely underestimated. The Commission reported the SAW Program legalized many more farm-workers than expected.

It appears that the number of undocumented workers who had worked in seasonal agricultural services prior to the IRCA was generally underestimated.

What else did the Commission find? Did it suggest that this solved the problem of workers in America in agriculture? Did it fix the problem that they tried to fix in 1986? They say this:

Six years after the IRCA was signed into law, the problems within the system of agricultural employment in most areas, an increasing number of newly arriving unauthorized workers compete for available jobs, reducing the number of workers available to harvest workers.

That is, those who were given amnesty and those who are citizens—and contributing to lower annual earnings.

Did the Commission recommend we pass a second legalization program such as AgJOBS? What did they say that might help us on that? They said this:

A worker specific and/or industry specific legalization program, as contained in the IRCA, should not be the basis of future immigration policy.

This was 13 years after we did the last one. They had a commission study it. This is what they concluded. What do they suggest we ought to do? What did the Commission recommend? They said the only way to have structure and a stable agricultural market was to increase enforcement of our immigration laws, including employer sanctions, and reduce illegal immigration:

Illegal immigration must be curtailed. This should be accomplished with more effective border controls, better internal apprehension mechanisms, and enhanced enforcement of employer sanctions. The U.S. Government should also develop better employment eligibility and identification systems, including fraud-proof work authorization documents for all persons legally authorized to work in the United States so that employer sanctions can more effectively deter the employment of unauthorized workers.

That is what they recommended. That is what we haven’t done. In fact, we are in an uproar over this rather than the Senate even the House put on their bill that deals with national security and a way to make ID secure and other matters consistent with recommendations of the 9/11 Commission. So it appears that the Senate does not want to do that but what we want to do is continue to pass these amnesty bills. This should not be happening.

Restoring our ability and commitment to successfully enforce our immigration laws is the only long-term solution. A real solution will not reward illegal behavior by handing out amnesty to people here illegally, but instead will require effective control of our borders, active policing in the interior and participation among all levels of law enforcement. Of course, it includes improving the laws that we have to allow, where needed, more people to come legally in a system that actually works. But to have any system at all, of course, that must be created with an enforcement mechanism that works. We have never created such a mechanism and now it is time to do so.

I introduced a bill last Congress—and will introduce, again—that would strengthen our ability through theSecure Borders, Anti-Terrorism, and Enforcement of Immigration Laws Act to strengthen our ability to enforce our immigration laws. The Homeland Security Act would clarify for law enforcement officers of a State, county, and city that they do have authority to enforce immigration laws while carrying out their routine duties.

They don’t have authority to deport or try, but they have a responsibility, in most instances, to detain people they identify as being here in violation of the law and contact federal officials to do the prosecution and adjudicate after that. They have been told, and been confused about, what their authority is. I have written a law review article on it, aided by my assistant here, my counsel, Cindy Hayden. We researched the law and came to that conclusion.

The law provides the authority, in virtually every instance, but lawyers have confused cities and counties and sheriffs and police who are not participating in anything the way they would like. We are not talking about forcing them to do anything. We are trying to make sure we pass legislation that clarifies existing law and makes it clearer they have the authority to serve and assist our country. It would increase the amount of information regarding deportable illegal aliens entered into the FBI National Crime Information Center database, making the information more readily available to local officials.

This is a big, big deal. In the hearing Senator CORNYN chaired yesterday, we had a person from the Department of Homeland Security who is in charge of detention and removal, and what we learned was that out of the people who are detained, processed and found to be here illegally are released on bail while the government arranges for their deportation. It is not surprising they don’t show up to be deported. Even after they are given a hearing and found to be here in violation of the law, they are consistently released on bail, and 80 percent of those don’t show up to be deported. Then, we now have some 400,000 absconders. Now, the Senate Homeland Security Enhancement Act, and the House put on their bill that deals with border security and interior enforcement of immigration laws, including employer sanctions, and participation among all levels of law enforcement. Of course, it includes improving the laws that we have to allow, where needed, more people to come legally in a system that actually works. But to have any system at all, of course, that must be created with an enforcement mechanism that works. We have never created such a mechanism and now it is time to do so.

But more importantly, the 400,000 absconders are not in the National Crime Information Center database. So when a State officer apprehends someone, and they have a name and they want to check through the checking database they would use for an American citizen, they run the birth date, the driver’s license, or other identifying characteristics, and it tells them whether there is a warrant out for that person.

That is how many people are caught today who violate the law and who are fugitives. Most of them are caught in simple traffic stops. Don’t tell them because they will quit speeding. But that isn’t what they are doing. That is why you will see that agricultural workers who are here illegally, the police run their name and there is a warrant out in Texas for them for assault or something.
We raised Cain last year about that and asked the tough questions of a number of the Department officials. They said they would try. So out of 400,000, we learned there are 40,000 of those names they found time to put in the Center computer system that is available at city, county, and police offices out in the country. That indicates to me how confused we are about how to make this system work.

I want to say this. I absolutely believe that we have one big problem on our minds; that is, we think it cannot be done. We think we cannot enforce immigration laws, that we might as well just quit. Well, under our present way of doing so, that is correct. However, if we create a more generous way for people to come here legally that is simple and understandable, and if we enhance our enforcement abilities and if we quit rewarding those who come illegally, you will begin to see the numbers start to drop. That is the matter of fact; there is a tipping point out there I am absolutely convinced exists.

If we enhance the enforcement of those who come illegally, we quit providing those who are here illegally with incentives to remain in the country, and we enhance the way for people to come here legally to work, and we make that easier and will get more support from countries from which these people come, we can tip this thing. As the number that come into the country illegally goes down, and as our enforcement effort and officers are increased, you will have a tremendous change in the number of enforcement officers per illegal. That is when you make progress. That is what happened in crime.

The crime rate has been dropping for the last 20 years. As it drops, we don’t fire policemen. We have gotten more policemen per crime, so they have more time to work on crime. They are doing a better job of apprehending repeat offenders and putting them in jail. The crime rate has broken. Instead of going up, as it did in the 1960s and 1970s, it has been going down for over 20 years. We can do that here. It will affirm America’s commitment to the rule of law. To do that, we are going to need additional bedspace for detention, and we cannot continue to release people who have been apprehended on the street, only to disappear again. We have to require the Federal Government to receive and process people who have been apprehended by local law enforcement. We need to make sure the system provides them a fair hearing, but it also needs to be a prompt hearing. If someone is in violation of the law, the system should work rapidly and not with great expense. Those are some of the things I am concerned about in the bill I have offered. But there are many other problems of a similar nature that need to be dealt with.

We are a nation of immigrants. America openly welcomes legal immigrants and new citizens who have the character, integrity, the decency, and the work ethic that have made this country great. But they are concerned, rightly, about the politicians in Washington who talk as though they hear them when they cry out for a system that is working. We are working on it. What do we do? We came up with an AgJOBS bill that absolutely goes in the wrong direction. The same people who are supporting that bill, for the most part—although not Senator LARRY SANTORO BILL, for example, that would enhance law enforcement authority for local officers, and they wonder if we have any commitment at all here to enforce the law. They have every right to do so because I will tell you, from my experience in talking with police officers in my State, nothing is being done. Until we put our minds to it, nothing will be done.

How do we go from here? What should we do? In my view, we need to pass this emergency supplemental to support our troops. We need to reject all immigration amendments on it. We need to follow President Bush’s lead and have a serious debate and discussion on immigration.

We need to agree on certain principles about how it will be conducted. We are going to have a legal system that works. We are going to be humane in how we treat people who come here. We are going to consider American needs. It is not going to be an unlimited number. And we are going to create a legal system that works.

We can do that, and we should do that. A lot of work is going on toward that end right now. Senator Kyl and Senator CHAMBLS have a major bill to deal with some of these issues. Senator CORNYN, a former justice of the Texas Supreme Court, a former attorney general of Texas, is doing a real good job in managing the Judiciary Subcommittee of the Judiciary Committee and is considering all these issues. Then sometime later this year, I think, we might as well get serious, bring something up and try to make some progress. Who knows, maybe even the President should appoint an independent commission of people who understand this issue—we have had commissions before—and make some specific recommendations about how we ought to proceed. That could work, in my view.

Right now the American people lack confidence in us, and they have every right to lack confidence in us because we have created a system that is flawed, it is not working. It is an abomination.

I want to share this information with my colleagues. Farmers who are supposed to be benefiting from this act, the agricultural workers amnesty legislation, do not want it. Maybe some that groinks in Washington or lobbyists are for it. Maybe some big agricultural entities want it. But I have in my hands an open letter from the Southeastern Farmers Coalition. It is signed by a list of organizations and individual H-2A program participants, people who utilize farm workers from out of the country who are “the overwhelming majority of H-2A program users in the country.”

The list of signatories to this letter is expansive, including the North Carolina Growers Association, the Mid-Atlantic Solutions, the Georgia Peach Council, AgWorks, the Georgia Fruit and Vegetable Association, the Virginia Agricultural Growers Association, the Vidalia Onion Business Council—I am sure that is a sweet group—and the Kentucky-Tennessee Growers Association.

The letter states:

Farmers in the Southeastern United States are opposed to Senate bill S. 1845 introduced by Ted Kennedy and Larry Craig. It is an amnesty for illegal farm-workers. It does not reward farmers under the new statute.

We raised Cain last year about that and asked the tough questions of a number of the Department officials. They said they would try. So out of 400,000, we learned there are 40,000 of those names they found time to put in the Center computer system that is available at city, county, and police offices out in the country. That indicates to me how confused we are about how to make this system work.
Mr. REID. Mr. President, I have an amendment that is pending. The distinguished majority leader will make the decision as to what votes are going to occur on Monday evening. I want to get my debate out of the way, hoping this amendment which is probably get a name postmarked, we could do it at that time and get it over with.

Over this past recession I had the good fortune to travel to the Middle East. I visited Nevada troops in Kuwait before they went to Iraq. It was a great trip for me to all for. But I saw firsthand what has been accomplished in the face of very difficult and dangerous conditions in Iraq. I was also able to see that every American should be very proud of the unheralded service these courageous service men and women perform each day.

The 1894th Transportation Unit from Nevada hauls the goods from Kuwait to Iraq. This is where we hear about some vehicles needing more armor. These vehicles that can get an order they get in the truck and off they go, men and women.

I also received briefings on the status of our efforts to secure and rebuild Iraq. During a helicopter flight over Baghdad, a large building that big city one time was in shambles. The process of rebuilding Iraq has started, thanks to generous assistance of the U.S. taxpayers, but a lot of it doesn’t show.

The amendment I offer today seeks to honor the sacrifices of our troops and taxpayers on behalf of the Iraqi people and ensures that other nations of the world keep their commitment in this worthwhile effort.

I want to spend a few minutes discussing the details of what we and other nations around the world are doing to secure and rebuild Iraq. Presently, there are more than 150,000 Coalition troops in Iraq. More than half of these troops are American, such as the 1894th I saw in Kuwait that drives on a continual basis into the middle of Iraq.

Since the beginning of this war, more than half a million U.S. military personnel have served in Iraq. The story is remarkable. It is remarkable because it is similar to the international effort to rebuid Iraq.

While this Nation has appropriated more than $20 billion in direct assistance, the rest of the world combined has produced about half of that. When I say “produced,” it is only in talk. Even more startling is the fact that the vast majority of the commitments made by these other countries have been in the form of loans and credits rather than hard cash such as we have provided. In short, this Nation has done more than its fair share to secure and rebuild Iraq.

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As I noted at the outset, it was clear from my recent trip that a great deal more needs to be done in construction, and that is an understatement. We are not as far along as the administration promised we would be at this point of the administration; and the cost to the U.S. taxpayers of our country for operations in Iraq has far exceeded the estimates the administration provided us prior to the start of this war.

The failure of the international community to keep its commitment is one reason why reconstruction developments in Iraq have not proceeded as they should. According to the State Department’s sixth quarterly report, the international community has actually delivered only $1 billion of the $13.5 billion promised.

As for the cost to the U.S. taxpayers of the Iraq reconstruction, administration officials declared that Iraq itself could cover a substantial portion of these costs. Shortly after the war started, Deputy Defense Secretary Wolfowitz told the House Budget Committee, “There’s lots of money to pay for this. It doesn’t have to be U.S. taxpayer money. We are dealing with a country that can easily finance its own reconstruction, and relatively soon.”

U.S. AID Director Andrew Natelos was even more explicit in his statement nearly a month later:

The rest of the rebuilding of Iraq will be done by the American people, who have made pledges, Britain, Germany, Norway, Japan, Canada, and Iraqi oil revenues, eventually in several years, when it’s up and running, and there’s a new government that’s been democratically elected, will finish the job with their own revenues. They’re going to get in $20 billion a year in oil revenues. Rebuilding American country that can easily finance its own.

We have no plans for any further-budget funding for this.

I think it’s fair for the American people to ask why the Iraq reconstruction has not proceeded as promised by this administration? Why, when the United States military and our taxpayers have done so much, the international community has done so little, failing to keep even its relatively modest reconstruction commitments?

I think it is time we restored some of the coalition to secure and rebuild Iraq.

I haven’t talked about the deaths of our soldiers, the sacrifices they have made. It is time we took the time to recognize them. But it is also the time that they have sacrificed.

My amendment is quite straightforward. The amendment does not affect roughly $71 billion of the $20 billion that Congress has appropriated for Iraq reconstruction assistance. The administration is free to do with that.
amount as they see fit and when they see fit.

And it gives the President two clear options that he could take to gain access to the remaining $3 billion.

First, the President can easily gain unfettered access to the remaining funds by merely certifying that other nations who have made financial commitments to help Iraq at the Madrid Donor’s Conference and in other donor meetings since 2003 have fulfilled those commitments.

Second, if the President is unable to make that certification, this amendment provides him with yet another way to gain access to and spend the remaining funds we have appropriated. He can simply certify to the Congress that: No. 1, his representatives have made a good faith effort to persuade other nations to follow through on their previous financial commitments to Iraq; No. 2, the sale of Iraqi oil or other Iraqi sources of revenue should not be reimbursed to the United States Government for our reconstruction assistance; and No. 3, despite the failure of these other nations to live up to their financial promises and the inability of Iraq to reimburse us for a significant portion of our reconstruction costs, continued American spending on Iraqi reconstruction is in the national security interests of the United States.

These are very simple, clear and straightforward certifications. The amendment does not require others to pay for U.S. military operations, nor does it seek to shut down the reconstruction process.

I recall what the military commanders on the ground have said about the importance of delivering reconstruction aid as a means of putting a dent into the insurgency. As the former Commander of the First Calvary in Baghdad often talked about, where reconstruction efforts were successful and where the citizens had power, clean water and basic services, the attacks against American forces went down.

Let us be clear. I am not arguing against continuing to help the Iraqi people with the reconstruction of their country. I am not in favor of putting insurmountable hurdles in front of the President as he seeks to carry out these efforts.

Rather, I am simply saying that in light of all that America’s troops and taxpayers have done for the people of Iraq and the world, it seems only reasonable to expect that other nations will live up to their commitments and that this administration would want to hold them accountable.

We should be looking for ways to strengthen the President’s negotiating hand when dealing with these other countries, and that’s what this amendment does.

Passing this amendment gives the President greater leverage in getting other nations to follow through on their previous commitments. The President can cite this congressional action, highlight the fact that the Congress is closely monitoring the international contributions coming into Iraq, and let them know that there is growing concern in the Congress about their inability to live up to their past promises.

For those who argue that passing this amendment will slow down the reconstruction, nothing could be further from the truth. As I’ve already stated, the State Department and AID cannot spend the money they have.

Through six quarterly reports, the U.S. has spent only $4.2 billion in Iraq, an average of $701.5 million per quarter. At this rate, it will take over 5 years for all the money to be spent.

In other words, at the current pace, the Bush administration would be over before we would spend their reconstruction money that we have already provided last year.

If this amendment passes, the reconstruction money will flow unaffected for many years, perhaps through the end of President Bush’s term. At that point, he or a future President merely needs to issue a certification to ensure the continued flow of the monies.

Iraq needs to become the world’s concern, not strictly our concern. We owe that to our soldiers and to the American taxpayers who have been both patient and generous and have borne an unusually high burden. If you want to support the taxpayers, and give the administration the leverage to get the rest of the world to live up to their commitments, this amendment should be supported.

BRIEFLY, WE NEED A HIGHWAY BILL.

We have received all kinds of letters from different entities saying we must do a highway bill. According to a report by the American Association of State Highway and Transportation Officials, the federal share of $4 billion in the short-term extensions to the surface transportation program has cost billions of dollars in project delays and thousands and thousands of jobs. This is an alarm.

I have letters from over 20 groups ranging from state and local governments to major trade associations, all urging immediate consideration of this important bill. When we finish the supplemental, I urge the majority leader to move forward on the highway bill.

Yesterday, Senators BAUCUS, INOUYE, JEFFORDS, SARBANES, and I sent a letter to the majority leader requesting that he bring the surface transportation reauthorization bill to the floor for consideration prior to the completion of this April work period. I hope we can do that. It is so important.

Senator BAUCUS and Senator BOND, the people leading that subcommittee, have done a wonderful job. We have a bill ready to go. I hope we can do that soon.

I ask unanimous consent a letter from 18 trade associations be printed in the RECORD in addition to a letter from virtually all State and local government organizations, the National Governors Association, and the letter I previously mentioned from the Democratic leaders.

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

APRIL 13, 2005.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. HARRY REID,
Democratic Leader, U.S. Senate,
Washington, DC.

Dear Senators FRIST and REID: With the 109th Congress well underway, we urge you to schedule Senate floor consideration of legislation to reauthorize the federal highway and transit programs for this month. The Transportation Equity Act for the 21st Century (TEA-21) expired September 30, 2003, and the programs continue to operate under a series of extensions. The Senate has repeatedly expressed its will about the importance of addressing the nation’s transportation challenges and there is no substantive reason to delay consideration of this bill.

TEA-21 reauthorization may be one of the few measures the Senate will consider this year that will pass with overwhelming bipartisan support. This board support, combined with May 31 expiration of the latest short-term extension of the highway and transit program, presents a compelling case for Senate action so that conference negotiations may begin with the House of Representatives, which approved its multi-year reauthorization bill March 18.

The nation’s surface transportation infrastructure needs and safety concerns continue to grow, yet lack of a long-term funding commitment by the Federal government is stalling states’ ability to plan and let transportation improvement projects that will help create American jobs, ease pollution creating traffic congestion and address highway safety. With substantial groundwork completed on TEA-21 reauthorization over the last two years, the authorizing committees with jurisdiction over the legislation are well prepared for Senate consideration of a reauthorization bill.

We urge you to schedule TEA-21 reauthorization legislation for Senate floor action as soon as possible to allow the Senate to again work its will on this critical matter.

Sincerely,

APRIL 12, 2005.

Hon. BILL FRIST,
Office of the Senate Majority Leader, Capitol Building, Washington, DC.

Dear Majority Leader Frist: On behalf of the nation’s state and local governments, we
Dearest Senator Frist and Senator Reid,

We write to reiterate our request floor consideration of the surface transportation reauthorization bill prior to the completion of this April work period. As you know, a well-maintained surface transportation system is critical to our nation's economy. Long-term transportation planning is essential to the continued maintenance and improvement of the system. Unfortunately, for the past 18 months, the Federal surface transportation program has operated under a series of short-term extensions denying states the ability to make and execute long-term transportation plans.

Because of this continuing uncertainty, many states have had to slow or stop entirely progress on many important transportation projects. Further extensions will only exacerbate these delays, burdening billions of dollars in project delays and thousands of jobs. The current program extension expires on May 31, 2005. In order to complete work on this important legislation before this deadline, the full Senate must consider the measure prior to the end of the April work period. Recognizing this urgency, each of the committees of jurisdiction will be ready for Senate floor debate in the near future.

We are ready and committed to moving this process forward in the bipartisan spirit this bill has traditionally enjoyed. We look forward to an open and vigorous debate of the surface transportation reauthorization before the end of this April work period.

Sincerely,

[Signatures]

MARK R. WARNER, Governor of Virginia
MIKE HUCKABEE, Governor of Arkansas

National Governors Association
Washington, DC, April 14, 2005

Hon. BILL FRIST,
Majority Leader, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Minority Leader, U.S. Senate, Washington, DC.

Dear Senator Frist and Senator Reid:

On behalf of the nation's governors, we write to urge the Senate to complete action on the surface transportation reauthorization bill and begin conference before the current extension expires on May 31, 2005. Congress' series of successive short-term extensions of TEA-21 have burdened State transportation planning and programming, and can only be addressed by passing a long-term bill.

We encourage the Senate to consider and expeditiously complete its work on S. 732 so that the Senate and House bills may be conferenced and a law enacted.

Additional information and specifics regarding the governors' position on surface transportation reauthorization can be found in the attached NGA Policy which was revised and reaffirmed on March 1, 2005 at the NGA Winter Meeting.

Sincerely,

[Signature]

Mark R. Warner
Governor of Virginia
Mike Huckabee
Governor of Arkansas

U.S. Senate
Washington, DC, April 14, 2005

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Home Depot

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