The motion was agreed to.

RECESS

Thereupon, the Senate, at 3:16 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. GRAHAM).

AMENDMENT NO. 397

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland, Ms. MIKULSKI, will be recognized for 5 minutes, and the Senator from Virginia, Mr. WARNER, will be recognized for 2 minutes.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to ask my colleagues to support closure on the amendment I offered last week on the H-2B visas. This amendment is desperately needed by small and seasonal business throughout the United States. This amendment is identical to the bipartisan bill I introduced in February called the Save Our Small and Seasonal Business Act. It is designed to be a temporary solution to the seasonal worker shortage that many coastal and resort States are facing.

My amendment helps keep American jobs, keep American companies open, and yet retains control of our borders. Small and seasonal businesses all over our country are in crisis. They need seasonal workers before the summer can begin so they can survive. For years they relied on an H-2B visa program to meet their needs. The program allows businesses to hire temporary seasonal foreign workers with a mandated return to their home country when no other American workers are available. But this year they can't get temporary labor. They have been facing this for the last couple of years because they have been shut out of the program because there is a cap and the cap is reached by the wintertime.

My amendment will help these employers by doing three things. One, it temporarily exempts good actor workers from the H-2B cap so employers can apply for and employees who have already come back and forth to the United States. It protects against fraud, and it provides a fair and balanced allocation of the H-2B visas between winter and summer people.

Let me be clear about my amendment. First, it protects American jobs. Second, it is a short-term remedy because it is only a 2-year solution. What it does is exempt seasonal workers from the cap. That means there are no new workers. There are no new immigrants. It makes sense.

But the American worker then takes their work product and it enables them to have a full-time, 12-month means of employment.

This is one on which my colleagues will be proud to vote for cloture. In effect, it will enable this legislation to pass.

On behalf of the leadership of the Senate, I seek unanimous consent that the filing deadline for second-degree amendments be extended until the beginning of the cloture vote on the Mikulski amendment.

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

Ms. MIKULSKI. Mr. President, I yield whatever time I have remaining to the other Senator from Virginia.

Mr. WARNER. Do I not have a bit of time on mine? On behalf of my colleague from Virginia, I ask unanimous consent that he proceed for 2 minutes.

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

The Senator from Virginia.

Mr. ALLEN. Mr. President, I thank my distinguished colleague—that is, my colleague from Virginia and the Senator from Maryland. I urge my colleagues to support the cloture motion on this amendment. It is an immigration issue, but it is more importantly a small business issue.

There are a lot of small businesses that are seasonal in nature. It may be construction, landscaping, tourism, or the seafood industry. It is vitally important that we get this legislation passed.

On behalf of the Chair and my colleagues, as they come to join us, it is essential that we pass this to help this category of small businesspersons and to lend credibility to a program that works. For every one of these individuals who is brought in, it would be my judgment—and I concur with my distinguished colleague—that there are two or three permanent American workers whose jobs are supported by their efforts. Oftentimes most of these come in for a short period, some several months, largely in the summertime; some in the fall. Then they go back to their homes beyond our borders, and they cannot come back.

But the American worker then takes their work product and it enables them to have a full-time, 12-month means of employment.

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On behalf of the leadership of the Senate, I seek unanimous consent that the filing deadline for second-degree amendments be extended until the beginning of the cloture vote on the Mikulski amendment.

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

The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Maryland, we have in the Senate a great respect and admiration for the junior Senator from Maryland for her commitment for the little person. I cannot think of another example in her long and distinguished career in the Senate where there is a clearer case for the small business, that individual who is struggling to make an honest living and provide for their families.

We have before us today a tremendous challenge as it relates to immigration on a wide range of issues. This program works. It is very small in comparison to others, but it works. It serves the small businesses, not only seafood, which we have talked about before in the context of this amendment, but other small things—the bed and breakfasts, the small hotels that are so important in our respective States and elsewhere in America.

I say to our colleagues, as they come to join us, it is essential that we pass this to help this category of small businesspersons and to lend credibility to a program that works. For every one of these individuals who is brought in, it would be my judgment—and I concur with my distinguished colleague—that there are two or three permanent American workers whose jobs are supported by their efforts. Oftentimes most of these come in for a short period, some several months, largely in the summertime; some in the fall. Then they go back to their homes beyond our borders, and they cannot come back.

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

Ms. MIKULSKI. Mr. President, I yield whatever time I have remaining to the other Senator from Virginia.

Mr. WARNER. Do I not have a bit of time on mine? On behalf of my colleague from Virginia, I ask unanimous consent that he proceed for 2 minutes.

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

The Senator from Virginia.

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There are a lot of small businesses that are seasonal in nature. It may be construction, landscaping, tourism, or the seafood industry. It is vitally important that we get this legislation passed.
The PRESIDING OFFICER. On this vote, the yeas are 83, the nays are 17. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. Ms. MIKULSKI. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered. Mr. ENZI. Mr. President, I rise today in support of the Save Our Small and Seasonal Business Act, offered as an amendment by Senator Mikulski to the Supplemental Appropriations Act.

As many of my colleagues have stated, this amendment is very simple and straightforward. It is a temporary fix and does not reward illegal workers. It basically allows those workers who have followed the rules and returned home at the end of their season to come back to work in the United States and not count against the H–2B visa cap.

As the situation stands right now, the many businesses across our Nation that use the visas are limited by how many can be approved each year. The demand of the visas is high and the Department of Labor has certified that there are positions that cannot be filled locally. While the gap belling for the entire fiscal year, those businesses with their season in the fall and winter have a better chance of getting the employees they need. In Wyoming, we have strong summer and winter seasons. Our winter businesses have been able to get their workers and yet see the impact of not having enough employees in the summer.

The H–2B visas are used in Wyoming by small businesses in a variety of areas. I have heard from hotels, restaurants, tour companies, hunting outfits, companies, art and framing stores, and others. Many of these people depend on their return workers to keep their businesses going. While some may consider this unskilled labor, a return worker who knows the job and knows the customers is invaluable for a small business.

This amendment is about helping our small and seasonal businesses survive another year—to give them a chance to stay in business until the Senate can fully debate needed changes in immigration reform. It does not provide amnesty or benefit those who have broken our laws.

This type of visa actually puts such a high level of responsibility on the employers that we should consider putting some of these responsibilities on other types of visas. Under Federal law, the employer must certify that they cannot hire locally, the employer must guarantee wages, and the employer must provide proof of status for the worker. The amendment we are considering today keeps that built-in protection. It also increases fraud protection to help us ensure that those who have the visa applications approved are those who need the employees.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules, hereby move to bring to a close debate on the Mikulski amendment No. 387 to H.R. 1288.


The PRESIDING OFFICER: By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 387, offered by the Senator from Maryland, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll. The PRESIDING OFFICER: Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 83, nays 17, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—83

Akaka Dole McCaun
Allard Domenici Mikulski
Allen Durbin Murkowski
Baucus Durbin Murray
Bayh Ratz Nelson (FL)
Benenit Feingold Nelson (NE)
Biden Feinstein Obama
Bingaman Graham Pryor
Bond Gregg Reid
Boxer Hagel Reid
Burns Harkin Reid
Burh Hatch Rockefeller
Cantwell Inouye Salazar
Carper Isakson Santorum
Chafee Jeffords Sarbanes
Chambliss Johnson Schumer
Clinton Kennedy Smith
 Coburn Kerry Snow
Cooley Kohl Specter
Conrad Landrieu Stevens
Cornise Lautenberg Stevens
Craig Leach Thomas
Crapo Logon Voisin
Dayton Lieberman Warner
DeMint Logan Voinovich
DeWine Logon Warner
Dodd Martinez Wyden

NAYS—17

Alexander Cochran Grassley
Brownback Cornyn Hutchinson
Bunning Ensign Inhofe
Byrd Frist
The Senator from Texas (Mrs. Hutchison), for herself, Mr. Schumer, and Mr. Dominitz, proposes an amendment numbered 379, as modified.

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

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

The amendment, as further modified, is as follows:

On page 169, between lines 8 and 9, insert the following:

PROHIBITION ON TERMINATION OF EXISTING JOINT-SERVICE MULTIYEAR PROCUREMENT CONTRACT FOR C/KC-130J AIRCRAFT

Sec. 1122. No funds in this Act may be obligated or expended to terminate the joint service multiyear procurement contract for C/KC-130J aircraft that is in effect on the date of the enactment of this Act.

Mr. CHAMBLISS. I thank the Chair.

Mr. PRYOR. Mr. President, I stand with Senator SAXBY CHAMBLISS and strongly support his amendment to ensure the C-130J contracts continue without interruption this year.

The C-130J has quickly been adapted to play vital and unique roles in our national defense efforts. Today, both U.S. and Allied C-130Js are performing operational missions in CENTCOM with a mission capable rate of over 90 percent. The J performs missions in Iraq in 1 day that required over 10-20 years in the C-130E or H model 2 days. It is equally critical for relief operations like the Tsunami effort in Asia, where lives were spared due to the C-130J's quick capabilities.

I have made several visits to the Little Rock Air Force Base, the premier training facility for the C-130J, and I have seen first hand the new features and capabilities. The C-130Js climb higher and faster, flies at higher cruise speeds, takes off and lands in a shorter distance, and is easier, safer and cheaper to operate than its predecessor.

The military officials and troops who I have talked with want to continue using C-130Js and they depend on the model’s new features on the ground. Cutting production of the C-130Js would not only deny our soldiers the cutting-edge technology they need on today’s battlefield, but would leave the Air Force and Marine Corps with an aging and far less capable tactical airlift.

As I am sure my colleagues are aware, the Air Force recently grounded or severely restricted the flying of 90 C-130s due to old age. Eighty-four of these carriers are assigned to the Active-Duty Air Force. By further terminating the contracts for C-130Js, we would be leaving the Air Force unable to meet its future tactical requirements. The Air Force will be 118 aircraft short of requirement and the Marine Corps will be short 18 aircraft.

Terminating the C-130J contracts is short-sighted from a tactical standpoint, but it is also foolish from a financial standpoint. Terminating the current contracts could cost taxpayers more than the cost of building new carriers. Liability fees to the C-130J multiyear contracts are estimated at $1.3 billion for the Air Force and $0.3 billion for the Marine Corps for a total of $1.6 billion. This estimate does not
include the increased costs of maintaining aging planes.
I urge my colleagues to support this amendment and help ensure our military has the equipment it needs to effectively and safely carry out their missions, now and in the future.

AMENDMENT NO. 379, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I ask for a voice vote on my amendment. We need to dispose of amendment No. 379, as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 379), as modified, was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

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. 1268.

Bill Frist, Mitch McConnell, Elizabeth Dole, Olympia Snowe, Norm Coleman, 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.

The PRESIDING OFFICER. Under unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 1268, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Humanitarian Assistance Code of Conduct Act of 2005, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The yeas and nays resulted—yea 100, nays 0, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—100

Alaska:  Tom Udall
Arizona:  John Kyl, Jim Bunning
Arkansas:  Mark Pryor
California:  Dianne Feinstein, Barbara Boxer
Colorado:  Ken Salazar
Connecticut:  Joseph Lieberman
Delaware:  Joseph Biden
Florida:  Bill Nelson
Georgia:  Zell Miller
Hawaii:  Daniel Akaka
Idaho:  Jim Crapo
Illinois:  Dick Durbin
Indiana:  Dick Lugar
Iowa:  Chuck Grassley
Kansas:  Pat Roberts
Kentucky:  Rand Paul
Louisiana:  Mary Landrieu
Maine:  Susan Collins
Maryland:  Benjamin Cardin
Massachusetts:  John Kerry
Michigan:  Carl Levin
Minnesota:  Amy Klobuchar
Mississippi:  Thad Cochran
Missouri:  Jim Talent
Montana:  Max Baucus
Nebraska:  Ben Nelson
Nevada:  John Ensign
New Hampshire:  Judd Gregg
New Jersey:  Robert Menendez
New Mexico:  Pete Domenici
New York:  Chuck Schumer
North Carolina:  Richard Burr
North Dakota:  Kent Conrad
Ohio:  Sherrod Brown
Oklahoma:  Tom Coburn
Oregon:  Ron Wyden
Pennsylvania:  Arlen Specter
Rhode Island:  Sheldon Whitehouse
South Carolina:  Jim DeMint
South Dakota:  John Thune
Tennessee:  Bob Corker
Texas:  John Cornyn, Kay Bailey Hutchison, Ted Cruz
Utah:  Orrin Hatch
Vermont:  Patrick Leahy
Virginia:  Jim Webb
Washington:  Patty Murray
West Virginia:  Joe Manchin
Wisconsin:  Ron Johnson
Wyoming:  John Barrasso

MR. BYRD. Mr. President, I ask unanimous consent to yield the Sergeant at Arms, the clerk, and the very distinguished Senator from Arizona.

Before I go further, I would like to congratulate the distinguished chairman of the Appropriations Committee for the hard work that he and his staff have done in putting together this very vital appropriations measure to pursue the war on terror and, of course, the war in Afghanistan and Iraq.

We ought to ask a basic question: What is the purpose of emergency appropriations? It is twofold. First, it is supposed to provide funding for critical expenditures beyond what was anticipated in the President’s annual budget request; second, it is supposed to pay for vital priorities that simply cannot wait until next year’s budget.

What are the common elements? The unexpected and the time sensitive. Simply put, the purpose of the supplemental appropriations bill is to fund our country’s urgent and unanticipated needs.

We have to consider this in the context of a couple of comments that have been made recently. At a conference in February, David Walker, the Comptroller General of the United States, said:

If we are to continue on our present path, we’ll see pressure for deep spending cuts or dramatic tax increases. GAO’s long-term budget simulations paint a chilling picture. If we do nothing, by 2040 we may have to cut federal spending by more than half or raise federal taxes by more than two and a half times to balance the budget. Clearly, the status quo is both unsustainable and difficult choices are unavoidable. And the longer we wait, the more onerous our options will become and the less transition time we will have.

Is that really the kind of legacy we should leave to future generations of Americans?

Referring to our economic outlook, Federal Reserve Chairman Alan Greenspan testified before Congress:

PENSIONS,” for the provision of training at the Border Patrol Academy.

Mr. BYRD. Mr. President, I ask that the amendment be temporarily laid aside.

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

Mr. BYRD. Mr. President, I thank the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I am obviously always glad to accommodate the most distinguished Member of the Senate from West Virginia.

The emergency supplemental appropriations for Defense, the global war on terror, and tsunami relief for 2005 provides critical resources for our men and women in uniform and for our foremost foreign policy priorities. While I recognize the importance of its timely passage, I am concerned it includes a number of provisions that do not constitute “emergency spending.” These items clearly should be debated and funded under the regular order.

Before I go further, I would like to congratulate the distinguished chairman of the Appropriations Committee for the hard work that he and his staff have done in putting together this very vital appropriations measure to pursue the war on terror and, of course, the war in Afghanistan and Iraq.

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Is that really the kind of legacy we should leave to future generations of Americans?

Referring to our economic outlook, Federal Reserve Chairman Alan Greenspan testified before Congress:
(The dimension of the challenge is enormous. The one certainty is that the resolution of this situation will require difficult choices and that the future performance of the economy will depend on those choices. No changes will be easy, as they all will involve lowering claims on resources or raising financial obligations. It falls on the Congress to determine how best to address the competing claims.

He said it falls on Congress. The head of the U.S. Government’s chief watchdog agency and the Nation’s chief economist agree we are in real trouble. We are in a dilemma. Here is a radical idea for my colleagues to consider to help secure our economic future: Stop using scarce Federal dollars, taxpayers’ dollars to fund unnecessary earmarks and all the other frivolous projects that do nothing to provide for the greater good of our Nation.

A case in point of what this legislation is and should be all about is the urgent need of Balad Air Base in Iraq, a U.S. Army camp on the very front line of our war on terror. The members who live there have nicknamed it “Mortaritaville” because of the frequency of insurgent mortar attacks. Balad is quickly becoming a hub for military operations in the Sunni Triangle and is home to more than 20,000 U.S. troops. As a result, the camp’s infrastructure is becoming overwhelmed and requires more than $63 million to remain functional and effective. This camp needs emergency funding.

The Department of Defense listed construction of a hospital facility, command and control buildings, and related equipment among its emergency needs for Balad, and appropriators in the House and Senate have rightly agreed to such funding. The DOD and our appropriators recognize these improvements to Balad are critical to our efforts in Iraq and the broader war on terror, and this is why we have an emergency supplemental appropriations bill to fund these types of needs.

The bill includes many important provisions such as increased death benefits, military operational costs, re-capitalization of equipment, and research and development associated with the war on terror to which I lend my strongest support. For example, this bill provides $1.285 billion in assistance to the security forces of Afghanistan; $5.7 billion for the security forces of Iraq; $227 million for counternarcotics activities in Afghanistan and Pakistan; and $4 million for humanitarian assistance in Darfur, Sudan.

The foreign affairs provisions of this bill are remarkably free of pork. As one who supports ensuring that taxpayers’ dollars are spent properly, I commend my colleagues and the chairman for their restraint in this area. Unfortunately, due to its “must pass” nature, a number of unauthorized provisions and funding not requested by the President and unrelated to defense or foreign affairs have been included in this bill, and literally hundreds of amendments have been attempted to be added to the bill. The administration’s proposed definition of an emergency requirement is “a necessary expenditure that is sudden, urgent, unforeseen, and not permanent.” We should do everything in our power to ensure this bill passes. But we must also ensure every item in it is of a true emergency nature.

It is evident that some of my colleagues failed to see the purpose of supplemental appropriations and continue to seek to add spending to this bill that should be addressed as part of the regular appropriations process. In fact, there is an unmistakable trend turning emergency supplemental appropriations into a second budget request. Many programs that should be in the baseline budget are somehow finding their way into this supplemental. We must not allow this trend to continue—we must not allow the supplemental to become a de facto second budget process.

Let’s look at a few examples of the kind of non-emergency spending that has found its way into this bill.

There is $10 million for the University of Hawaii Library. I was unaware that this small school was also being fought at the University of Hawaii’s library.

There is $2.4 million to the Forest Service to repair damage to national forest lands and necessary expense—but one that should be funded through the proper process, beginning with an authorization and testimony by officials from the Forest Service in a public hearing.

There is $23 million to the Capitol Police for the construction of an “offsite delivery facility.” I’ll be the first one around here to praise the U.S. Capitol police for the good work that they do—I am sure this facility is a high priority to them. But, again, let’s provide funding for the proper process—public hearings, authorizing legislation, and the proper appropriations vehicle.

There is language in the bill to increase authorized funds for a hatchery in Fort Peck, Montana, from $20 million to $25 million. I would like to know how a “multi-species fish hatchery” is related to the War on Terror. Does the author of such language believe the hatched fish may enlist in our armed forces? Was it requested by the President as an emergency need? No. Is this authorization related to the stated purpose of the supplemental? No.

The bill also includes language authorizing the Secretary of the Interior to analyze the viability of a sanctuary for the Rio Grande Silvery Minnow in the Middle Rio Grande Valley. The Rio Grande Silvery Minnow is a stout silvery minnow with moderately small eyes and a small mouth. Adults minnows can reach 3.5 inches in total length. Perhaps the silvery minnow could enlist with the Fort Peck, MT fish. I will await the Secretary’s study.

The bill includes $500,000 for a study of wind energy in North Dakota and South Dakota. I believe we can all agree that this expenditure earmark is not urgent. In fact, I am not certain there is a need for a study as the wind energy potential in the Dakotas is well established. I do not know what it has to do with fighting the war on terror or aiding the tsunami disaster victims.

Another $500,000 is earmarked to the University of Nevada Reno for the Oral History of the Negotiated Settlement project. I ask my colleagues, how is this useful to the war on terror? How is this an emergency need?

No bill would be complete without several projects for the State of Alaska. The bill includes language that addresses how the Agriculture Department pays dairy farmers in Alaska. I certainly don’t wish to neglect our Alaskan dairy farmers, but I cannot support prioritizing their payment issues over the needs of our soldiers.

The bill includes $175,000 not requested by the President to remove the sunken vessel State of Pennsylvania from the Christina River in Delaware. That particular vessel has been at the bottom of the Christina River for more than a decade, is not endangering commercial traffic on the river, and I am sure Congress can wait to fund its removal during the regular appropriations process.

Another $55 million is earmarked for a wastewater treatment facility in Desoto County, MS. How exactly does this help the troops?

Not only do I have concerns with some of the provisions the Appropriations Committee included in this bill, as I have highlighted, I am very troubled by some of the amendments being proposed. I am well aware that many of my colleagues—and their staffs—have expressed frustrations about amendments. I have, and will continue, to object to adopting certain amendments by unanimous consent. This is an “emergency supplemental”—it’s not a Christmas wish list. I frankly do not understand the managers willingness to agree to some of these proposals. Some of them sound reasonable, but who can be sure? That is why the President’s request is so important—it is thought out and designed to carry out specific objectives that are urgent and necessary. I do not particularly care for being in the position of “bad cop”, but so be it. But I cannot agree to unanimous approval of amendments that appear more wishful and urgent. For example, $1 million for lobsters in the northeast. I do not doubt that this may be a problem but it simply does not belong on an emergency supplemental appropriations bill to fund the war. There is legislation regarding State regulation of hunting and fishing. I support this concept, and this amendment was sponsored to reaffirm the authority of State governments to regulate their own hunting and fishing programs. But the simple
The amendment is as follows:

(Purpose: To appropriate, with an offset, $6,000,000 for the Defense Health Program for force protection work and medical care at the Vaccine Health Care Centers)

On page 168, between lines 8 and 9, insert the following:

FORCE PROTECTION WORK AND MEDICAL CARE AT VACCINE HEALTH CARE CENTERS

SEC. 1222. (a) INCREASE IN AMOUNT FOR DEFENSE HEALTH PROGRAM. The amount appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM" is hereby increased by $6,000,000.

(b) AMOUNT.—Of the amount appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM", as increased by subsection (a), $6,000,000 shall be available for force protection work and medical care at the Vaccine Health Care Centers.

(c) OFFSET.—The amount appropriated by chapter 2 of this title under the heading "GLOBAL WAR ON TERROR PARTNERS FUND" is hereby reduced by $6,000,000.

Mr. BIDEN. Mr. President, I rise to offer amendment No. 440 on behalf of Senator COBURN, in offering amendments to strike the most egregious, unnecessary, and non-emergency provisions from this bill. I urge my colleagues to support our efforts to keep this important monies free from non-essential, pork barrel projects.

Let me close by noting that I appreciate the hard work of the Appropriations Committee and their staff. Field visits were conducted in Afghanistan and the Middle East as the Committee diligently researched the DoD’s many requests pursuant to the war on terror. But I am concerned about their decision to include unnecessary, non-emergency earmarks in this bill and the accompanying report. When considering military construction projects like those in Balad, Iraq, consideration was taken to determine whether the project was truly of an emergency nature. Why did the Committee not apply the same consideration to the fish hatchery in Montana?

As I mentioned, on tomorrow I have a couple of amendments we will be seeking votes on. I hope we realize we have a looming deficit, a trade deficit, and unanticipated expenses concerning the war in Iraq. There was one high-ranking Defense official at the time of the beginning of the war in Iraq who said the oil revenues would pay for United States expenses. We are now up to close to $300 billion and we are not yet able to reduce our forces. I think we ought to take into consideration the fact that we will have continued, very significant expenses associated with the conflict in Iraq and in Afghanistan before we begin appropriating monies for fish hatcheries and for libraries.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania, Mr. SPECTER. I thank the Chair.

(remarks of Mr. SPECTER and Mr. LEAHY pertaining to the introduction of S. 852 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 440

Mr. REID. Mr. President, on behalf of Senator BIDEN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. Reid], for Mr. BIDEN, proposes an amendment numbered 440.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
In addition, as we look ahead, we all anticipate a growing need for biological defenses, particularly vaccines. We established Project BioShield for that very reason.

At this point, there is no civilian equivalent to the vaccine Health Care Centers Network, but I think we are going to need to consider setting up some collaborative effort to take advantage of their knowledge should a mass civilian inoculation become necessary.

Let me also remind my colleagues that the Department of Defense asked for and received an emergency authority from the Department of Health and Human Services to begin administering the anthrax vaccine.

I will not go into the technicalities of that, but it basically allows the military to vaccinate personnel with informed consent. If the Department believes it is an emergency to resume that vaccine, how can we consider preserving the Vaccine Health Care Centers any less?

At the end of the day, this is very simple. We simply cannot mandate that military personnel take these vaccines and then abandon them when a problem arises.

This is the same as providing a prosthesis to someone who loses a limb.

If military personnel are injured because of their service to this Nation, we have an absolute obligation to give them the best possible care. Anything less is unconscionable.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we have some requests to make on behalf of the managers of the bill with respect to amendments that have been cleared on both sides of the aisle. We understand there has been a review undertaken to try to ensure that the amendments which are going to be presented to the Senate are consistent with the vote taken on cloture earlier in the day.

AMENDMENT NO. 381

With that information, I call up amendment No. 381 on behalf of Mr. Pryor regarding Camp Joseph T. Robinson.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. Pryor, proposes an amendment numbered 381.

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

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

The amendment is as follows:

(Purpose: To release to the State of Arkansas the reversionary interest in Camp Joseph T. Robinson.)

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

SEC. 6047. The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled "An Act authorizing the transfer of part of Camp Joseph T. Robinson, and related land, to the State of Arkansas", approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which lies east of the Batesville Pike county road, in sections 24, 25, and 36, township 3 north, range 12 west, Pulaski County, Arkansas.

Mr. COCHRAN. Mr. President, I know of no request for debate on the amendment.

The PRESIDING OFFICER. If there is no debate, the question is on agreeing to the amendment.

The amendment (No. 343) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 427, AS MODIFIED

Mr. COCHRAN. Mr. President, I call up amendment No. 427 on behalf of Mr. DURBIN regarding Iraqi security services.

Mr. President, I also send a modification of the amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 427), as modified, is as follows:

On page 169, between lines 8 and 9, insert the following:

REPORTS ON IRAQI SECURITY FORCES

S132. Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit an unclassified report to Congress, which may include a classified annex, that includes a description of the following:

(1) The extent to which funding appropriated by this Act will be used to train and equip capable and effectively led Iraqi security services and promote stability and security in Iraq.

(2) The estimated strength of the Iraqi insurgents and the extent to which it is composed of non-locals or others who have changed over the previous 90-day period.

(3) A description of all militias operating in Iraq, including their number, size, strength, military effectiveness, sources of external support, sources of internal support, estimated types and numbers of equipment and armaments in their possession, leadership, and the status of efforts to disarm, demobilize, and reintegrate each militia.

(4) The extent to which recruiting, training, and equipping goals and standards for Iraqi security forces are being met, including the number of Iraqi security forces trained, equipped, and effectively led Iraqi security force personnel expected to be trained, equipped, and capable of participating in counterinsurgency operations by the end of 2005 and of 2006.

(5) A description of the criteria for assessing the capabilities and readiness of Iraqi security forces.

(6) An evaluation of the operational readiness status of Iraqi military forces and special police, including the type, number, size, and organizational structure of Iraqi battalions that are participating in training operations.

(A) capable of conducting counterinsurgency operations with United States or Coalition forces.

(B) capable of conducting counterinsurgency operations with United States or Coalition mentors and advisers; or

(C) not ready to conduct counterinsurgency operations.

(7) The extent to which funding appropriated by this Act will be used to train capable, well-equipped, and effectively led Iraqi security forces to perform duties now being undertaken by the Coalition Forces, including defending Iraq's borders, conducting counterinsurgency operations, and the estimated total number of Iraqi security force personnel expected to be trained, equipped, and capable of participating in counterinsurgency operations by the end of 2005 and of 2006.

(8) The estimated total number of Iraqi battalions needed for conducting counterinsurgency operations and the estimated total number of Iraqi security forces personnel expected to be trained, equipped, and capable of participating in counterinsurgency operations with United States or Coalition mentors and advisers by the end of 2005 and of 2006.

(9) An assessment of the effectiveness of the chain of command of the Iraqi military.

(10) The number and the estimated total number of Coalition mentors and advisers working with Iraqi security forces as of the date of the report, plans for decreasing or increasing the number of such mentors and advisers, and a description of their activities.

(11) A list of countries participating in training Iraqi security forces outside the NATO training mission and the number of troops from each country dedicated to the mission.

(12) A list of countries participating in training Iraqi security forces outside the NATO training mission and the number of troops from each country dedicated to the mission.

(13) For any country, which made an offer to provide forces for training that has not been accepted, an explanation of the reasons why the offer was not accepted.

(14) For offers to provide forces for training that have been accepted by the Government of Iraq, a report on the status of such training efforts, including the number of troops involved by country and the number of Iraqi security forces trained.
The motion to lay on the table was agreed to.  

**AMENDMENT NO. 561**  
Mr. COCHRAN. I send to the desk an amendment on behalf of Mr. REID of Nevada—technical in nature—and ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:  

The Senator from Mississippi, [Mr. COCHRAN], for Mr. REID of Nevada, proposes an amendment numbered 561.

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

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

The amendment is as follows:  

(Purpose: To modify the provision relating to agricultural and natural resource conservation activities in the Walker River Basin, Nevada.)

In section 607(b)(1)(A), insert “appurtenant to the land” after “water”.

Mr. COCHRAN. Mr. President, I know of no requests for debate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 561) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

**AMENDMENT NO. 562**

Mr. COCHRAN. My final request is to send to the desk another amendment on behalf of Mr. REID of Nevada that is technical in nature. I ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. REID of Nevada, proposes an amendment numbered 562.

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

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

The amendment is as follows:

(Purpose: To modify the provision relating to agricultural and natural resource conservation activities in the Walker River Basin, Nevada.)

In section 607(c)(2), strike subparagraphs (A) and (B) and insert the following:

(A) acquired only from willing sellers;

(B) designed to maximize water conveyances to Walker Lake; and

(C) located only within the Walker River Paiute Indian Reservation.

Mr. COCHRAN. Mr. President, I know of no requests for debate.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 562) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a