

factors were present in the case. Also, my favorable comment about the goal the defendants sought to achieve was a reference to their underlying goal of reducing the number of abortions, as is clear from the following statement from my sentencing remarks: "I think that people on both sides of the abortion issue would probably agree with you that reducing the number of abortions in this country is a desirable goal." My sentencing remarks also reflect extensive consideration of the seriousness of the offense and criticism of the defendants' conduct and tactics, as I have previously discussed. My sentencing remarks were fair and even-handed, and the 60-day jail sentence I imposed, at two-thirds of the maximum, could not be characterized as unduly lenient or a "validation" of the defendants' beliefs.

Mr. DURBIN. In light of Justice Sykes' statements in the case, I have serious concerns about whether she recognizes the fundamental right of privacy and about her ability to rule fairly in cases involving constitutionally protected rights to privacy.

But let me be clear. My opposition to this nominee is not because I am pro-choice on the abortion record and Justice Sykes may be pro-life. I and my Democratic colleagues have voted for over 95 percent of President Bush's nominees—191 judges as of today. It is likely that the vast majority of them were pro-life on the abortion issue.

Deborah Cook, now a judge on the U.S. Court of Appeals for the Sixth Circuit, was endorsed by the Ohio Right to Life organization. Lavenski Smith, a judge on the Eighth Circuit, sought to make all abortions in Arkansas illegal except to save the life of the mother. Michael Fisher, now on the Third Circuit, advocated that abortion is wrong and should be illegal even in cases of rape and incest. I voted for all three of these pro-life nominees.

I voted for James Browning, a judge we recently confirmed to the district court in New Mexico. Judge Browning had spoken at pro-life rallies and called the pro-choice position "the tyranny of the majority over the minority." He called on people who are pro-choice to "make the choice of life, not holocaust." Despite his passionate feelings, I voted to confirm him.

Why? Because unlike Justice Sykes, these judicial nominees—all of them I have mentioned, who do not share my views on this important issue—were honest and candid and open in their dealings with the committee. I think that is the bottom line. Even if I disagree with the nominee's point of view, I expect them to be honest and candid.

I have appointed in the district courts of Illinois men and women who do not share my views on critical issues. But I do not ask that of them. I do not come to any nominee with a litmus test, nor do I come to Justice Sykes with such a test.

I am also disappointed that Justice Sykes chose not to answer some basic questions I asked about some fundamental constitutional rights. Instead, she tried to hide behind the Wisconsin Code of Judicial Conduct.

Justice Sykes' refusal to answer my questions is in stark contrast to an

Ohio Supreme Court justice whom the Senate confirmed with my vote last year: Sixth Circuit nominee Deborah Cook.

I asked both nominees the exact same questions: whether they thought *Roe v. Wade* and *Miranda v. Arizona*—two landmark Supreme Court cases—were consistent with strict constructionism. I have asked this question over and over. Justice Cook answered my question with painful but direct honesty. This is what Justice Cook said:

If strict constructionism means that rights do not exist unless explicitly mentioned in the Constitution, then the cases you mention likely would not be consistent with that label.

That is a candid answer. I am certain it is an answer Justice Cook knew I did not agree with personally, but she was honest, and I respected her for it.

When Senator DEWINE of Ohio came to me and said, "I believe she is a good and fair person," I said: "I will give her the benefit of the doubt. I will support her nomination because of her candor and honesty."

Now, contrast that with the answer I received from Justice Sykes to the exact same question. She said:

This question requests a critique of certain United States Supreme Court cases that I am or will be required to interpret and apply as a judge in individual cases before the court. The Wisconsin Code of Judicial Conduct prohibits judges from engaging in extrajudicial commentary with respect to particular cases or legal issues that would appear to commit the judge in advance or suggest a promise or commitment of a certain course of conduct in office regarding particular cases or legal issues.

This is a major-league evasion. If judicial nominees could each hide behind the local code of ethics in their State and say they could not even tell us where they stand on landmark Supreme Court decisions, such as *Miranda* and *Roe v. Wade*, and whether these decisions are consistent with a certain judicial philosophy, then the Senate Judiciary Committee should turn out its lights and the Senate should walk away from any role in advising and consenting to judicial nominees. But that is not what I swore to uphold when I took the oath of office to serve in the Senate.

What Justice Sykes sent to me in response to that question was evasion with a capital "E," and I do not believe the Senate should accept such responses.

Justice Sykes' refusal to answer my questions was not only evasive but erroneous. I contacted Steven Lubet, an expert on judicial ethics and a law professor at Northwestern University Law School in Chicago. I showed him Justice Sykes' responses to my questions, and he wrote a letter stating that the Wisconsin Code of Judicial Conduct does not prevent Justice Sykes from answering my questions.

So this is my conclusion, having considered these three elements: first, that Justice Sykes has taken pride in the

fact that she is known as a hanging judge and is extreme in her sentencing procedures; second, that she was not open and honest with me in the sentencing of a case which involved people who were well known to be serial, at least, arrestees, if not criminals, because of their conduct; and, third, that she would not answer the most basic questions about her judicial philosophy, which I think goes to the core of our responsibility in the Senate Judiciary Committee.

Time and again, Justice Sykes has demonstrated she does not possess the qualities necessary to inspire the confidence we should expect from a Federal judge. She has been nominated to serve for the rest of her natural life on the second highest court in America. I do not believe she can provide the good judgment, candor, or fairmindedness that we must demand of each person seeking such an important appointment. I will vote "no" on this nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

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

(The remarks of Mr. ALEXANDER and Ms. LANDRIEU pertaining to the introduction of the legislation are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. ALEXANDER). The Senate will return to legislative session.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005—Continued

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate the Defense appropriations bill.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

#### AMENDMENT NO. 3490

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Montana, Mr. BAUCUS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BAUCUS, proposes an amendment numbered 3490.

Mr. STEVENS. 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 set aside an amount for a grant to Rocky Mountain College, Montana, for the purchase of aircraft for support of aviation training)

On page 112, between lines 13 and 14, insert the following:

SEC. 8021. Of the amount appropriated by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", \$880,000 shall be available to the Secretary of the Air Force for a grant to Rocky Mountain College, Montana, for the purchase of three Piper aircraft, and an aircraft simulator, for support of aviation training.

Mr. STEVENS. Mr. President, this amendment has been agreed to on both sides. There may be allocated up to \$880,000 for a specific project the Senator is interested in. I ask for adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3490) was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3491

Mr. STEVENS. Mr. President, I send an amendment to the desk for Mr. CORZINE and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. CORZINE, proposes an amendment numbered 3491.

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

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

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for "Research, Development, Test, and Evaluation, Navy", \$4,000,000 for Aviation Data Management and Control System, Block II)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of the Act under the heading "Research, Development, Test, and Evaluation, Navy", up to \$4,000,000 may be available for Aviation Data Management and Control System, Block II.

Mr. STEVENS. This amendment is for Senator CORZINE, who is seeking an earmark for up to \$4 million for a specific project. It has been agreed upon. I ask unanimous consent that it be adopted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3491) was agreed to.

Mr. STEVENS. 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. 3492

Mr. STEVENS. Mr. President, I send an amendment to the desk for Senators

KENNEDY, KERRY, SCHUMER, and CLINTON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KENNEDY, Mr. KERRY, Mr. SCHUMER, and Mrs. CLINTON, proposes an amendment numbered 3492.

The amendment is as follows:

On page 118, insert the following new section on line 5:

"SEC. 9006. In addition to amounts otherwise made available in this Act, \$50,000,000, is made available upon enactment for 'Office of Justice Programs—State and Local Law Enforcement Assistance' for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs for reimbursement to State and local law enforcement entities for security and related costs, including overtime, associated with the 2004 Presidential Candidate Nominating Conventions, to remain available until September 30, 2005: *Provided*, That from funds provided in this section the Office of Justice Programs shall make grants in the amount of \$25,000,000 to the City of Boston, Massachusetts; and \$25,000,000 to the City of New York, New York: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress."

Mr. STEVENS. Mr. President, this is an amendment, on an emergency basis, to add \$25 million for the security at each of the party conventions in Boston and New York. It is consistent with past policy, and we have agreed to accept this amendment on an emergency basis. I ask for consideration of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3492) was agreed to.

Mr. STEVENS. 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.

Mr. STEVENS. Mr. President, the Senator from Ohio has an amendment to offer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

#### AMENDMENT NO. 3493

Mr. DEWINE. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 3493.

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

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

The amendment is as follows:

(Purpose: To appropriate funds for the crisis in Darfur and Chad)

On page 118, between lines 4 and 5, insert the following:

#### TITLE X BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", \$70,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress): *Provided further*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95 (108th Congress), is transmitted by the President to Congress: *Provided further*, That funds shall be made available under this heading immediately upon enactment of this Act.

#### DEPARTMENT OF STATE

##### MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", \$25,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress): *Provided further*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in H. Con. Res. 95 (108th Congress), is transmitted by the President to Congress: *Provided further*, That funds shall be made available under this heading immediately upon enactment of this Act.

Mr. DEWINE. Mr. President, Monday, I came to the floor to outline what we needed to see accomplished in Darfur, Sudan, where tens of thousands have died, hundreds of thousands are currently in peril, and millions more have lost their homes and their livelihoods. My last speech focused on what the government of Sudan needed to do. Today I want to focus on what we need to do, what the U.S. Government and the American people need to do.

Today, I am offering an amendment to the fiscal year 2005 Department of Defense appropriations bill, together with Senators LEAHY, BROWNBACK, ALEXANDER, FRIST, and MCCAIN. This critical amendment will provide \$95 million in emergency funding to help address the current crisis in Darfur and eastern Chad. The House included the same \$95 million in their bill this past Tuesday, and I hope we will do the same.

Specifically, the amendment would add \$70 million to USAID's International Disaster and Famine Assistance programs in Darfur, as well as \$25

million to the Department of State for refugee assistance in eastern Chad. This type of crisis is exactly why we created these accounts. Now we need to use them.

Mr. President, we simply need to do this. Ten years ago, we failed to act when close to a million people were slaughtered in Rwanda. We cannot go back now and change that, much as we would like to. But we can do something different today. What is occurring today is genocide. Hundreds of thousands of people are dying, and we can prevent it. To ignore this crisis would be a tragic mistake. To deny this funding would be to deny children the right to live and people the right to survive. We are not responsible for the genocide, but we will be responsible if we do not do something today to prevent these people, these children, men and women, from dying.

Many times, we come to the floor and talk about emergencies. Sometimes the word is almost debased. But if ever there was an emergency, this truly is an emergency. This truly is a crisis.

If this situation weren't so serious, we could wait and offer this amendment to another bill. Members of the Senate, time does not allow us to do that. Time is not on our side. Using this bill as the vehicle will make the emergency funding available as soon as we pass it, and it is signed into law. That is why we must act on this bill.

Every major humanitarian organization in the world has recognized Darfur as the worst humanitarian crisis in the world today. But a quote by the U.N. World Food Program Deputy Director in Chad captures it best:

There will be a tragedy if nothing happens. I don't think any of the children under the age of 5 will make it [if nothing happens], and the pregnant women, too. For those who are under 5, there is no chance. They will simply die from starvation.

The U.S. Agency for International Development is also increasing their mortality figures, their estimates. They now say their original estimate that at least 350,000 people could die of disease and malnutrition over the next 9 months is conservative. That is because the violence that started all of this has not stopped, and because the conditions those individuals are facing are getting worse with the oncoming rains. Hundreds of thousands are now in shantytowns around the regional capitals or in refugee camps in eastern Chad. The conditions are quickly deteriorating because aid groups simply cannot accommodate the large numbers. The United States is currently meeting about 25 percent of the food needs. But that means that 75 percent of the food needs are not being met; 75 percent of the people face starvation.

Malnutrition and disease are our biggest enemies in a crisis such as this. The polio epidemic hitting Africa has spread to Darfur, and only 50 percent of the children are immunized. The race against the clock is well underway and we need to make sure that USAID and

the State Department have the money they need to respond, and respond now. I have no doubt in my mind that the long-term needs in Darfur and eastern Chad exceed what this amendment calls for, but for now at least this will allow our aid agencies to begin to meet their immediate needs this year. The children cannot wait and, therefore, we cannot delay these funds any longer.

That is why I join my colleagues and ask my colleagues to join me in pressing, also, for a U.N. security resolution authorizing peacekeeping troops to monitor the cease-fire in Darfur and ensure, by force if necessary, that humanitarian aid is not obstructed. According to the U.S. Ambassador to Sudan, there is no evidence yet that the Government of Sudan is serious about addressing the militias which have caused so much of this problem. If the Government of Sudan refuses to address the ethnic cleansing that we have seen, then we should make sure the United States will.

Senator DURBIN and I have a letter that we are now circulating that we will send to Secretary Powell. This letter addresses this issue, and I invite my colleagues to sign this letter.

Finally, I want to alert my colleagues to another crisis that is beginning to emerge in Africa. We do not have time today to speak in detail about it, but we should watch for this crisis because we will have to address this crisis as well, and the world needs to address this crisis, and that is the crisis in the Congo.

Militant groups who escaped from Rwanda after the genocide there are now destabilizing the Congo. Mr. President, 3.3 million people are without humanitarian aid.

If we do not pay attention to the Congo, then the Congo is, in a short period of time, going to also look like Darfur, and we will have failed again and the world will have failed again.

The world must pay attention. We must learn to stop these events before they become crises. That is why our response to Darfur today in this amendment is so important. We need to set the precedent that we failed to set in Rwanda: that the U.S. Government will be watching for ethnic cleansing and genocide, and no matter where it is found, we will respond, and those responsible will be held accountable.

We simply cannot tolerate crimes against humanity, and we must speak out. If we fail in this effort, we doom not only the people of Darfur but the victims of future conflicts as well. We need to make "never again" a promise of the U.S. Government that is enforced by our actions. I, therefore, urge my colleagues to support this amendment and continue to call attention to what is happening in Darfur.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I join my colleague from Ohio in supporting this amendment that will put

forward \$95 million in emergency aid to the Sudan. I thank him for bringing this forward. I thank the Chair for holding a hearing on this recently to highlight what is taking place. He outlined what is occurring. This is happening before our very eyes.

I associate myself with my colleague's statement that we need to say to people around the world that when genocide occurs, we will respond. There will be consequences on governments that conduct genocide in their nations.

What we are seeing taking place today is something on a massive scale before our very eyes. We had satellite photographs appearing today. We see vast sections of communities wiped out, burned out. We see militias going in, backed by the government, burning communities, poisoning wells, putting dead animals down in the bottom of wells so they are not usable.

This is a marginal region in the first place, where, if you push people out of their homes and away from their encampments, it is difficult to survive. We now have by estimates about 1 million people on the move in this region. We have, by estimates, the capacity to feed 300,000 people, with 1 million people on the move. One can see that if the situation does not improve, we are going to have a large group of people who are not going to get fed, housed, and are vulnerable. Many will die. Many will perish. We are going into the rainy season in this region.

There are a couple of items we need to do. No. 1, we need to get this aid passed. I thank the chairman for allowing us to bring up this amendment, and I urge my colleagues to adopt it. We need to get the international community engaged with the international observers, the African Union, the United Nations, with observers and peacekeepers in this region. We need to force the Sudanese Government to stop their sponsorship of the Jingawit. This is the Arab militia that is going into the region and burning communities and attacking communities with machine guns.

We need to stop the Sudanese Government from using helicopter gunships for aerial bombardments, from going into these communities and driving people out, killing them with bombings or by military attacks. We need to speak very clearly and then act decisively.

Time is of the essence. We need to act now for us to be able to save the lives in this region that are so vulnerable and will be lost if we do not act.

I applaud the Secretary of State for announcing today that he will be traveling next week to the Darfur region in the Sudan. Congressman WOLF and I will be traveling there shortly as well to view this situation and to put pressure on the Sudanese Government to stop this and to put pressure on the international community to effectively respond.

We can act, and we can stop this if we act now. Mother Teresa, when she

came to this country and people were asking her what can they do to help the poor, to help those in trouble, responded by saying: We all have our Calcuttas. There are things each of us can do. We all have our Calcuttas.

Here is a situation to which we can respond. We can do something. We need to adopt this amendment. We need to put pressure on the international body and the Sudanese Government, and we can save lives by doing so. I urge the adoption of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be added as a cosponsor of this important amendment.

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

Mr. DURBIN. Mr. President, I particularly wish to thank my colleague, Senator DEWINE from Ohio, for his leadership, Senator BROWNBACK from Kansas, and the Presiding Officer, Senator ALEXANDER, for their leadership on this amendment.

In my hometown of Springfield, IL, my wife and I live next door to this family—we have lived in the neighborhood for over 25 years—and one of the young women in that family, after serving several years in the U.S. Air Force, left to work for the World Food Program, and then work for USAID. As we speak, she is in Sudan trying to bring necessary relief in this horrible situation.

It is in Robin May's honor that I am happy to add my name as a cosponsor to this important amendment.

I also acknowledge with gratitude the helpfulness of Senator STEVENS and Senator INOUE in allowing us to offer this amendment.

If one reads the history of the last 10 years, one will be struck by the fact that at least in the situation of Rwanda, if not in other times, we in the United States turned a blind eye to genocide, to the massive killing of innocent people. We are not going to let that happen in the Sudan and Chad.

This commitment of funds, though modest in relation to the problems, shows that the United States is willing to step up and try to show leadership with the rest of the world in helping these poor innocent victims.

We are constantly defining ourselves to the world. Those definitions come out many times in photographs that are not complimentary and sometimes in photographs that are. I hope the world, in viewing this small but important effort, will understand that America does care, and cares for those who are suffering in the most remote regions of the world and in Africa, of course.

I am happy to add my name as a cosponsor to this amendment. I hope it is adopted with overwhelming support.

I yield the floor.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Ohio and the

Senator from Illinois for their remarks. The Senator from Kansas has spent a great deal of time in Africa and has been a good teacher to the rest of us on this subject. The majority leader, Senator FRIST, has visited the Sudan many times. All of us are deeply concerned about what is happening in Darfur. Just at the time when we were starting to celebrate the beginning of a solution to a north-south conflict which has gone on for years and years, suddenly we are hit, literally in the face, with this terrible genocide in the western part of Sudan.

It is important to this body that we show that in the midst of all of the other things that are going on in the world that we recognize this situation.

We recognize the importance of it. We recognize that by our speaking out, by our actions, by visits by representatives of our administration, and by the Congress, we can make a difference in this genocide.

As the Senator from Ohio remarked, we all look back 10 years to a time in Rwanda when we were thinking that we cannot be a policeman everywhere in the world, we cannot deal with every problem, but at the same time that problem ballooned to such a massive size we are all embarrassed about the fact that as a country we did not do more.

That does not always mean we send troops into a country. It does not always mean we send ships nearby a country. But it does mean there are a number of things we can do, and with this bipartisan act today in the midst of perhaps the most important bill we have to discuss, which is the proper support for the men and women who are fighting to defend our country, we are taking a few minutes to say there is a terrible event happening in the western part of Sudan that could stop immediately if the Government in Khartoum would stop it. We ask them to do it in a bipartisan way and we further ask the United Nations, which in this case has more of a capacity than we do, to influence that government and to get busy and do its job. That is what we are asking today. The amendment of the Senator from Ohio appropriates \$95 million to help in that effort.

Last week I chaired a hearing of the Senate Foreign Relations Committee on the situation in Sudan. The alarm could not have been sounded more loudly. I chaired that hearing because I am chairman of the African Affairs Subcommittee. One of our witnesses, John Prendergast of the International Crisis Group, told the committee the first phase of the genocide in Darfur is already complete. The Government of Sudan, largely through its Janjaweed militia, has pursued an active campaign of ethnic cleansing. Over 30,000—maybe 50,000—have already been killed by direct attacks on villages in Darfur. They have leveled hundreds of villages. Other Senators have spoken of the details, but that is what is happening.

So now the second phase of the genocide is underway. The Government of Sudan and its militias are forcing the starvation and death of hundreds of thousands of people. As the Senator from Kansas explained, these are people living on the margin. When they are moved away from their huts, when dead animals or dead people are thrown down their wells, they have very little ability to survive. As the rainy season comes, it makes it worse.

On top of that, the Government of Sudan, in addition to tolerating the killing of these people, is putting obstacles in the way of our efforts and the efforts of others in the world to provide food and aid to people who are starving and dying. It is an unconscionable set of actions by that government.

When we think of Sudan, we usually think of a conflict between a Muslim and Arab government, and an African and Christian insurgency. That is not the case here. This is Muslim against Muslim, but still Arab against African. Ethnicity, not religion, is the primary factor.

Another of our witnesses, Julie Flint of Human Rights Watch, was there writing a report this spring, travelling by horse and camel through the area. She talked about refugees who fled to neighboring Chad, about 200,000 of them, family members being raped and killed in front of loved ones. She said the region is now largely empty. Where villages were, only rubble remains. The Sudanese Government claims the Janjaweed forces in Darfur are acting on their own and the government wants to stop them. The evidence suggests otherwise.

Our administration has been a strong voice in this case, but the international community has failed to respond. The U.N. Human Rights Commission, which is supposed to confront flagrant abuses of human rights, especially when they occur on such a mass scale, failed to adopt a U.S. resolution condemning the atrocities. That body has become a travesty, condoning the very activity it was intended to prevent.

The Bush administration, this Government, has had remarkable success in the peace process between the north and the south. We are proud of that. Protocols addressing all the major outstanding issues in that process were signed in May. Senator Danforth, who was the President's special envoy, has been a real leader. Other nations have joined in that effort: Great Britain, Norway, Kenya.

Some of our friends are concerned if we confront the government in Khartoum, Sudan, too directly about the atrocities in the west, Darfur, that will jeopardize any prospect for lasting peace in southern Sudan. They may be right. But if hundreds of thousands of lives are the price of peace in southern Sudan, the price is too high.

So the amendment of the Senator from Ohio, which I am glad to cosponsor, will enable the United States to

step up to this crisis quickly, providing relief to those in need.

Other nations are also contributing. I hope they will join the United States in condemning the actions of the Sudanese government in the U.N. Security Council and demand full humanitarian access to Darfur now. I congratulate the Senator from Ohio on this amendment. I am proud to support it.

I yield the floor.

Mr. LEAHY. Mr. President, I rise today to lend my strong support to the amendment offered by the Senator from Ohio. I would also like to recognize the leadership that the Senator from Kansas, Mr. BROWNBACK, and the Senator from Wisconsin, Mr. FEINGOLD, have shown on the issue of Sudan throughout the years.

This amendment mirrors efforts in the House of Representatives appropriations bill to add \$95 million to address the humanitarian crisis in Darfur, Sudan and across the border in Chad.

It is a good start and I commend the chairman and ranking member of the Defense Subcommittee for accepting this amendment. However, it is only a start, and a modest one at that.

We should be providing at least double this amount to address what is the worst humanitarian crisis that exists in the world today. I hope that by the time we conclude debate on this bill the Senate will have agreed to additional funds for Sudan.

The Senate needs to act. The situation is abysmal. The situation is horrendous. The situation is intolerable.

Sudanese military forces and government-backed militia forces have left tens of thousands dead, over a million displaced, and hundreds of thousands at immediate, urgent risk. USAID has warned that without full humanitarian access, 350,000 displaced civilians may die or hunger and disease in the coming months.

The massacres and widespread rapes, the destruction of villages, mosques and farms—all of this violence and horror have given rise to a second, even more costly wave of suffering, as civilians are left with no capacity to sustain themselves as the rainy season approaches.

On top of this, the Sudan-Chad border is heavily patrolled to keep some of the most vulnerable civilians from fleeing to refugee camps in eastern Chad.

What is happening is appalling, it is an affront to all humanity, to all faiths, and we cannot stand by and simply watch this unfold.

The Sudanese government claims to have granted humanitarian access to Darfur. This is a sham. The government of Sudan has done virtually everything it can to prevent the international community from effectively addressing the crisis in Darfur. The government has stalled and delayed permission to travel, prevented the use of vehicles and radios in certain areas, and looked the other way as militias have attacked and threatened humanitarian workers.

Hundreds of thousands of people are at risk. We have a responsibility to act to address this terrible situation. I urge my colleges to support the DeWine amendment and I will be looking for ways to do more to help the catastrophe unfolding in Sudan.

Mrs. FEINSTEIN. Mr. President, I rise to express my support for the amendment introduced by Senator DEWINE to provide humanitarian assistance to the refugees in Darfur, Sudan. Of all the places on Earth, where killing and deaths are rampant, Darfur, Sudan leads the list.

The DeWine amendment will provide \$95 million to respond to the crisis, including \$70 million for International Disaster and Famine Assistance and \$25 million for Migration and Refugee Assistance.

In response to attacks by rebel groups in the Western region of Darfur, Arab militias, known as Jangaweed, armed and aided by the government of Sudan, launched a brutal campaign of ethnic cleansing against non-Arab residents, including murder, rape, forced displacement, and looting. Over 30,000 have been killed and more than 2 million displaced.

The situation is dire. While the United Nations Security Council recently endorsed the peace process to end Africa's longest running civil war, USAID Administrator Andrew Natsios estimated that 300,000 refugees from Darfur may perish due to a lack of basic food and medicine. He added that that number could reach as high as one million.

Secretary of State Colin Powell has stated that the Administration is currently studying whether or not the rampage in Darfur can legally be defined as "genocide".

Whatever the legal conclusion—and in this Senator's mind the killings most certainly can be characterized as genocide—the United States and the international community have a moral obligation to provide assistance to the refugees and compel the government of Sudan to put a stop to the death squads.

It is past time for the U.N. Security Council to pass a resolution authorizing a robust monitoring and peace-keeping force and demanding that the government of Sudan disarm the Jangaweed and allow humanitarian assistance to reach the refugees.

Sadly, it appears that debate over such a resolution could take weeks and put countless lives at risk. Inaction will also threaten the peace process that so many people, including the new U.S. Ambassador to the United Nations, John Danforth, have worked so long to put in place.

While the Security Council waits, the U.S. Senate can act now. Earlier this month, Mr. Natsios pledged an additional \$188.5 million in emergency assistance to address the humanitarian crisis in Darfur. While this amendment does not match that amount, it is a start and it will give the refugees some hope.

Ten years ago the world remained silent and stood by as the genocide unfolded in Rwanda. In the wake of hundreds of thousands of deaths, we committed ourselves to not make the same mistake twice.

The situation in Darfur is now testing the United States and the international community's will to fulfill that pledge. We must not fail those who are now facing displacement, starvation, and death. We must rise to the occasion.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that this amendment be temporarily set aside so I can send to the desk an amendment which has been agreed to.

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

AMENDMENT NO. 3497

Mr. STEVENS. I send an amendment to the desk for the Senator from Vermont, Mr. LEAHY.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. LEAHY, proposes an amendment numbered 3497.

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

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

The amendment is as follows:

(Purpose: To set aside an amount for procurement of aircrew bladder relief (ABRD) kits)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title under the heading "Other Procurement, Air Force", up to \$2,000,000 may be used for aircrew bladder relief device (ABRD) kits.

Mr. STEVENS. I ask for adoption of the amendment. This is an amendment earmarking specific funds for a specific project for our crews.

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

The amendment (No. 3497) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. STEVENS. I ask unanimous consent Senator DOLE be added as a cosponsor to amendment No. 3493.

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

Mr. STEVENS. Mr. President, I urge Senators to come present their amendments.

We will be pleased to yield the floor to the distinguished Senator from South Dakota, the Democratic leader.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me again compliment our two managers. We want to encourage Senators to come over and offer their amendments. I hope over the course of the next couple of hours we can dispose of whatever pending amendments there are.

Mr. President, I understand the pending legislation is an amendment offered by the Senator from Ohio regarding Sudan.

The PRESIDING OFFICER. The Senator is correct.

Mr. DASCHLE. Mr. President, the history of the world's response to genocide is one of long memory and poor eyesight.

Each of us have, at one time or another, looked back upon the terrible history of the Holocaust and made a commitment, in public or in our hearts, not to stay silent should the first signs of a potential genocide come into view.

Every one of President Bush's six immediate predecessors gave voice to this common commitment. And yet each saw during their tenure a genocide somewhere in the world.

In the last quarter of the twentieth century, 1.7 million Cambodians were murdered by the Khmer Rouge; 100,000 Kurds were massacred by Saddam Hussein; 200,000 Bosnia Muslims were killed by Serb militia; and 800,000 Rwandan Tutsis and moderate Hutus were killed at the hands of Hutu mobs in just 100 days.

As these dangers gathered, and the cry for help went out to the world, the world stood by, each time.

Our failure has not been one of moral understanding. Our failure, simply, has been one of moral courage.

Today, a tragedy of all too familiar dimensions appears to be gathering in the Darfur region of Western Sudan.

Armed and protected by the Sudanese military, ethnic Arab militiamen have brought a plague of terror down on the African residents of Darfur.

Villages have been razed, crops destroyed, and cattle slaughtered. Women have been raped and enslaved.

More than 15,000 Sudanese men, women, and children have been killed, and a million more have been driven from their homes in fear.

As they torch villages, the Arab militia have been heard to shout, "We will not allow blacks here. . . . This land is only for Arabs."

On May 6, the Senate passed a resolution condemning the Sudanese government's complicity in the terrorizing of the civilian population of Darfur and warning of a potential crisis.

Since then, however, no real progress has been made either to stop the bloodshed or to bring sufficient aid to the refugees.

Humanitarian assistance has not been allowed to reach all of those in need.

Meanwhile, the annual rainy season is now beginning, making transportation more difficult, and making the health of the vulnerable even more precarious.

Most ominously, the people of Darfur are about to miss their planting season, raising the specter of a famine of epic proportions and rendering otherwise productive men and women dependent for at least another year.

Already, USAID predicts 320,000 have been effectively sentenced to death. Unless action is taken, 1 million Sudanese men, women, and children will die this year alone.

I repeat, 1 million people face death in Sudan.

Let's also be clear on this point. Most of these deaths are preventable, but only if the world chooses to act.

Genocide is a crime against humanity. And all humanity shares a common responsibility to respond.

Our revulsion at genocide joins all people, in all cultures throughout the world. Unilateral action in this sense would not be sufficient.

There are few clearer cases for the need to rally the world. America has both the opportunity and the obligation to unite the world community in trying to prevent yet another genocide.

My friends from Ohio and Vermont, Senators DEWINE and LEAHY, are urging us to take the first important step in stopping this gathering storm. This additional assistance will help thousands of people avert hunger.

But we also must ensure that we do everything possible to end this crisis.

The most effective tool against a potential disaster in Sudan is the United Nations.

The Bush administration must equip our new ambassador to the United Nations with the authority and support required to provide effective leadership on Sudan.

The administration should take the following steps in order to make sure that Senator Danforth is able to mobilize international action on Darfur:

First, the Administration must insist that Khartoum provide complete, unrestricted access for all humanitarian operations and aid workers.

Second, we must demand that the Sudanese government take verifiable steps to ensure that the militia forces are restrained, by allowing for the unrestricted movement and operations of observers deployed by the African Union.

In addition, the Sudanese government must stop providing arms and logistical support to the Janjaweed militia.

Third, we should require that Khartoum initiate, with U.N., African Union, and regional support and involvement, a dialogue with political, rebel, and civil society representatives in Darfur in order to achieve a long-term resolution of the political crisis

and agreement on a plan for disarming militia forces and rebels.

Fourth, the administration should invest Senator Danforth with the authority to start work immediately on a Security Council resolution including each of these steps and establishing verifiable benchmarks for compliance.

In the event of noncompliance, we must call for Security Council sanctions, including freezing the assets and restricting the travel of Sudanese government officials.

In order to be effective, however, it is vital, that these sanctions be multilateral and the world community share fully in their implementation.

Fifth, Senator Danforth should also be empowered to put Khartoum on notice, in the strongest terms, that international support for implementation of the North-South peace agreement does not represent endorsement of Khartoum's actions in Darfur.

The agreements reached between warring parties in the North and South of Sudan, which could not have been accomplished without the leadership of Senator Danforth and the administration, are nonetheless just the first steps to bringing stability and peace to the entire country.

In no way does the Sudanese government's commitment to end hostilities with rebels in the South justify or compensate for its active support for Janjaweed militia in Darfur.

Sixth, in order to clarify Senator Danforth's authority, the State Department should make its final determination on whether the crisis in Darfur meets the legal definition of genocide.

Testimony from the victims in Darfur make it very clear that it does.

In order to remove any ambiguity or ambivalence from America's moral leadership, the State Department should make its determination quickly, so that we can bring together an appropriate response from the world community.

Finally, Senator Danforth should be empowered to initiate discussions within the Security Council on planning for an intervention force, if this should be required to ensure that lives are saved and a genocide prevented.

Consideration should be given to non-U.S. troops including from Europe and Africa; the Security Council should consult with the African Union.

The main point here is that the planning must be done now—even if the decision is delayed—both to make clear to Khartoum that the international community is serious and to be ready if it is necessary to intervene.

The history of genocide teaches us that this crisis needs to be addressed on several different levels.

First, on the humanitarian level, we need to provide immediate aid to refugees and to the internally displaced.

Second, we must insist on full accountability for all perpetrators of crimes against humanity.

In order to keep Sudan from spiraling downward into a cycle of retributive



violence, all those responsible must be brought to justice.

Finally, a long-term resolution demands that the world focus on bringing about a political solution to the instability and violence of Sudan.

President Bush has spoken with force and eloquence on the need to match American action to American words and values.

Never is that more important than in the case of genocide when the lives of hundreds of thousands hang in the balance.

President Bush, like his predecessors, understands the moral imperative to take action to stop genocide.

Speaking after a tour of the Holocaust Museum in 2001, President Bush reaffirmed "America's commitment to the memory of 6 million who died in the Holocaust [and] our commitment to averting future tragedies."

The future has arrived. A tragedy stands at the world's doorstep. These words are engraved upon the conscience of the world: Never Again.

In the months ahead, we will learn what they mean to us.

Mr. STEVENS. Mr. President, I ask that amendment No. 3493, which is the Sudan amendment, be agreed to.

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

The amendment (No. 3493) was agreed to.

Mr. STEVENS. The Senator from Virginia has an amendment, and I understand the Senator from South Dakota, the distinguished minority leader, wishes to have a discussion.

The PRESIDING OFFICER. The Senator from Virginia.

TRICARE

Mr. WARNER. Mr. President, I am available for the colloquy.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, the Senator from South Carolina is not on the Senate floor, but I do not think he would mind, given the fact—

Mr. WARNER. Mr. President, he spoke to me about it, and I expressed a willingness to indicate to both colleagues that the Senate bill contains a provision coauthored by my two distinguished colleagues on a subject that is of great importance to the men and women of our military. And it is the intention of the Senator from Virginia, as a conferee, to support the Senate positions as we proceed through the resolution of such differences as the House and the Senate may have.

Mr. DASCHLE. Mr. President, I appreciate the statement of support offered by the distinguished chairman of the Armed Services Committee. It had been our intention to offer an amendment to provide full 12-month funding, on this particular bill, for reservists' TRICARE.

I thank the distinguished chairman of the committee and our remarkable ranking member for their efforts and the acknowledgment of the need to ad-

dress health care concerns among members of our Guard and Reserve. They have done so in this bill in a way that allows Guard members and reservists to obtain this health care coverage for 5 months, up until that time next year when we expect a supplemental to be brought again before the Senate, which would then afford us an opportunity to review the current program and extend it for the balance of the year. It would be in consultation with Senator GRAHAM.

We have concluded that a far better and more productive and long-lasting approach would be to complete our work in the bill where it belongs, the Defense authorization bill, the legislation we completed just last night, thanks to the able leadership of Chairman WARNER.

Our concern, of course, has been that even though TRICARE for reservists enjoyed the support of more than 70 Members, there may not be the degree of support in conference that will be required to sustain the Senate position. So it is our hope that will happen. The chairman's acknowledgment of his interest in protecting the Senate position is appreciated, and we will work with him to see that we are successful in that effort in committee.

Mr. WARNER. Mr. President, as always and customary with the distinguished Senator from South Dakota, you have spoken to the situation factually. Historically, that is the way we have dealt with those matters in the Senate. I appreciate you respect my position as a conferee. I cannot make ironclad commitments, other than I have always gone into a conference to try to support the position as taken by this collective body in its decision-making process.

Mr. President, I thank my colleague. Mr. DASCHLE. Mr. President, I again thank the chairman. Simply stated, it is our expectation that we will succeed in conference this year. This issue has overwhelming bipartisan support not only in the Senate but the House as well. And, obviously, it will keep coming back year after year unless we do resolve it. It would be my hope this would be the year we do so successfully.

So, again, I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3498

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Virginia, Mr. WARNER.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Alaska [Mr. STEVENS], for Mr. WARNER, proposes an amendment numbered 3498.

Mr. STEVENS. 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 increase amounts for certain Navy shipbuilding and conversion programs, projects, and activities; and to provide an offset)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) Of the amounts appropriated by title III under the heading "SHIPBUILDING AND CONVERSION, NAVY"—

(1) the amount provided under that heading specifically for the Carrier Replacement Program (AP) is hereby increased by \$140,900,000;

(2) the amount provided under that heading specifically for CVN Refuelings (AP) is hereby increased by \$110,000,000; and

(3) the total amount provided under that heading is hereby increased by \$250,900,000.

(b) The amount of the reduction provided in section 8062(a) is hereby increased by \$250,900,000.

Mr. STEVENS. Mr. President, I state to the Senate that this amendment has been cleared on both sides, and it is revenue neutral, as I understand it.

Mr. WARNER. Mr. President, I thank the distinguished managers of the bill. I appreciate that. This is a matter that is of great importance to the U.S. Navy. I am happy to do it.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator ALLEN of Virginia be added as a cosponsor to the amendment.

Mr. WARNER. Mr. President, I join in that request.

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

Mr. STEVENS. Mr. President, has the amendment been adopted?

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3498) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3499

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator ROBERTS and ask that it be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. ROBERTS, proposes an amendment numbered 3499.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for "Research, Development, Test, and Evaluation, Air Force", \$6,000,000 for the Science, Mathematics, And Research for Transformation (SMART) Pilot Scholarship Program)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "Research, Development, Test, and Evaluation, Air Force", up to \$6,000,000 may be available for the Science, Mathematics, And Research for Transformation (SMART) Pilot Scholarship Program.

Mr. STEVENS. Mr. President, this amendment would make available up

to \$6 million for a program that the Senator seeks to have considered. I urge its adoption. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3499) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3500

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator SANTORUM and ask that it be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Alaska [Mr. STEVENS], for Mr. SANTORUM, proposes an amendment numbered 3500.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for "Operation and Maintenance, Defense-Wide", \$5,000,000 for Department of Defense Education Activity for the upgrading of security at Department of Defense dependents schools)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title II of this Act under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$5,000,000 may be available for Department of Defense Education Activity for the upgrading of security at Department of Defense schools.

Mr. STEVENS. Mr. President, this amendment on behalf of the Senator from Pennsylvania would make available up to \$5 million for a project the Senator supports. It has been cleared on both sides. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 3500) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3501

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Pennsylvania, Mr. SANTORUM, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SANTORUM, proposes an amendment numbered 3501.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for "Research, Development, Test, and Evaluation, Army", \$3,000,000 for Medical Advanced Technology for the Intravenous Membrane Oxygenator)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$3,000,000 may be available for Medical Advanced Technology for the Intravenous Membrane Oxygenator.

Mr. STEVENS. Mr. President, this amendment would make available up to \$3 million for another project that the Senator from Pennsylvania supports. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3501) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I state to the Senate that we have several Senators who have indicated they have amendments. I urge they come to the floor. We have business to conduct today following completion of this bill. We do hope we can complete this bill as early as possible. We do urge that Senators come to the floor.

Mr. President, I believe our distinguished colleague from West Virginia is here to offer an amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my distinguished friend, the chairman of the Committee on Appropriations.

#### AMENDMENT NO. 3502

Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 3502.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate on budgeting and funding of ongoing military operations overseas)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, last year, the Senate overwhelmingly approved an amendment that I offered to urge the President to budget for ongoing

military operations. Mr. President, 81 Senators agreed that the administration should include in its budget request, which is sent to Congress in February each year, an estimate of the funds needed to support our troops in Iraq and Afghanistan.

The sense-of-the-Senate amendment that I authored was included in the fiscal year 2004 Defense Appropriations Act, as signed into law by the President on September 30, 2003. But there was no request for funds for our troops deployed overseas in the budget that came to Congress on February 2, 2004. That budget was stone-cold silent about our troops in Iraq and in Afghanistan.

It was as if the White House had no plan for how to pay our troops overseas, or how to pay for their fuel and ammunition. We sometimes hear Korea described as the forgotten war, but the President's budget forgot about the wars ongoing in Iraq and Afghanistan.

Senators on both sides of the aisle realized the folly of ignoring the massive costs of the wars in Iraq and Afghanistan. In an act of fiscal responsibility, the chairman of the Senate Budget Committee included in his mark of the fiscal year 2005 budget resolution an additional \$30 billion reserve fund for the costs of the wars. The House of Representatives went even further by including a \$50 billion reserve fund in its version of the budget resolution. Again, these funds were not requested by the President, but Congress decided to include them for the sake of fiscal sanity.

The Defense appropriations bill before the Senate today includes \$25 billion to pay for our troops in Iraq and Afghanistan. The White House requested these funds literally at the last minute. The Armed Services Committee had completed its markup of the Defense authorization bill the week before the administration submitted its request for these moneys. Talk about hiding the ball, the administration stiff-arms Congress by not making any budget estimate for Iraq and Afghanistan until after the markup of the Defense authorization bill is completed.

Does anyone think this \$25 billion will cover the cost of the wars for the next 12 months? Not a chance, Mr. President. According to the Department of Defense, the cost of operations in Iraq now averages \$4 billion per month. The cost of operations in Afghanistan is up to \$900 million-plus per month. At that rate of spending, the President's \$25 billion reserve fund will not even last half a year.

Talk about short-changing our troops.

That is why, for better or worse, the White House is planning on springing a supplemental budget request of \$50 billion or more on Congress and the American taxpayer sometime next year.

Tragically, all of these funds are being financed by deficit spending.



Since the administration refuses to send Congress an estimate of how much the wars in Iraq and Afghanistan will cost, much less any plan for how to pay for those costs, each last-minute emergency request for funds that the President sends to Congress sends our country deeper into red ink.

Congress has already devoted \$122 billion to Iraq, and every single dollar of that amount is going to have to be paid off by the sweat and toil of our children and grandchildren for decades to come, because it is the taxes the future generations will pay that will be used to finance the deficit spending of today. What kind of wars are we running when we saddle our children, and their children yet to be born, with the responsibility of paying for them?

I have heard all of the tired excuses about why the administration does not want to estimate the cost of the wars in Iraq and Afghanistan. I wish I had a nickel for every time I have heard someone say that the cost of the war is "unknowable."

For example, on July 9, 2003, at a hearing of the Armed Services Committee, I asked Secretary Rumsfeld for an estimate of how much is being spent in Iraq and Afghanistan. His response? "I would not want to venture a guess and be wrong." I wouldn't accept that answer. I told Secretary Rumsfeld to go call the Pentagon and find out. That's exactly what he did, and he finally reported back that we were spending \$4.8 billion in Iraq and Afghanistan every month.

That's why I just don't buy it when the administration says it has no idea what it might cost to finance ongoing military operations. It is an open secret that the Defense Department is well able to produce an estimate of the cost of its operations. The only problem is that Congress has been continually stiff-armed in our attempts to learn about those estimates.

I have also heard time and again that the United States never budgets for the cost of wars in advance. That is just not true. The Congressional Research Service does state that "since 1990, Congress generally has funded combat operations with supplemental appropriations." However, the Congressional Research Service also concludes that as military operations become more predictable, such as in peacekeeping operations, Congress begins to fund those operations by a combination of regular budget appropriations and supplemental appropriations and, eventually, by regular appropriations alone.

Aside from the last decade, there is a long history of Presidents requesting funds in regular appropriations bills for ongoing military operations. CRS has reported that President Roosevelt requested regular appropriations for the conduct of World War II in fiscal years 1943, 1944, 1945, and 1946. Presidents Johnson and Nixon received funding for the Vietnam War in every Defense Appropriations Act from fiscal year 1966 through 1973. In fact, there were no

supplemental appropriations bills for the Vietnam War after 1969.

Even in more modern times, ongoing military operations in Bosnia, Kosovo, and the patrol of the no-fly zones over Iraq were made part of the regular budget and appropriations process. The amendment that I offer to urge the President to budget for the wars in Iraq and Afghanistan isn't a break with how our government pays for wars. My amendment says that the President should stick with historical precedent and fiscal responsibility in budgeting for the wars that we are now in.

The amendment that I offer today is precisely the same amendment that I offered to last year's Defense Appropriations bill, which was supported by 81 Senators. The amendment simply states the sense of the Senate that the President should request funds for ongoing military operations in his regular budget request, and that such funds should be appropriated in regular accounts.

The administration's practice for paying for the ongoing wars in Iraq and Afghanistan must change. This week, Deputy Defense Secretary Wolfowitz acknowledged to a House committee that our troops could be in Iraq for years to come. If that is true—and I hope that it is not—now is the time for Congress to get serious about making the President figure out a budget plan for paying for the massive cost of a long-term military presence in Iraq.

The alternative is to continue with the current administration policy: more last minute spending requests, more reports that our troops are running out of money, and more deficit spending. This is a recipe for a fiscal disaster. Current White House policy on paying for the war perpetuates an ongoing budgetary crisis for our troops overseas: rather than planing for their needs, we force our troops to bounce from one stop-gap spending measure to another. This is just plain wrong.

Congress should not allow itself to be streamrolled. It should not allow the President to send up an emergency supplemental, and then demand immediate action by the Congress. That is now mistakes are made. Last year, the President failed to request sufficient funds for body armor for our troops. Last year, the President failed to request sufficient funds for armor for Humvees. Last year, the President failed to request sufficient funds for locating and destroying conventional weapons in Iraq. Now all Americans know what tragic mistakes those were. Congress must insist on receiving a detailed budget request for the wars in Iraq and Afghanistan so that mistakes like those are not repeated.

The Byrd amendment tells the President that he should budget for the wars in Iraq and Afghanistan. This is a simple, common-sense approach that promotes fiscal responsibility. The Senate already endorsed this approach last year in an overwhelming vote, and I urge my colleagues to support my amendment again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we would be pleased to recommend the adoption of the amendment offered by Senator BYRD. I believe, if he would permit, we would be willing to adopt it on a voice vote. It was adopted last year, the same amendment, as the Senator said, by a substantial number of Senators. We see no reason not to support the amendment this year. If the Senator wishes to offer it, we would be pleased to have it.

Mr. BYRD. Mr. President, I thank my distinguished friend. I really wish to have a rollcall vote on this amendment. It was a very popular amendment last year. I thank the distinguished chairman for his willingness to proceed on a voice vote.

Mr. STEVENS. We would be happy to have a vote, but could we agree to a later time? There are a series of Senators in committee meetings right now, and they asked not to be disturbed for at least another half hour.

Mr. BYRD. Yes.

Mr. STEVENS. Could we ask for the yeas and nays and have a time agreed upon between yourself and the two managers of the bill?

Mr. BYRD. That would be very satisfactory.

Mr. STEVENS. I ask unanimous consent that it be in order to request the yeas and nays on this amendment at this time.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. The yeas and nays are ordered?

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senators BIDEN, CORZINE, and FEINGOLD be added as original cosponsors of amendment No. 3493.

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

Mr. STEVENS. Mr. President, for Members of the Senate, we are very close to the end of the amendments that we know of, and we would probably be proceeding to third reading after the Byrd amendment, unless Members come forward and offer their amendments.

AMENDMENT NO. 3503

Mr. STEVENS. Mr. President, I have an amendment from the two Senators from Mississippi, Senators LOTT and COCHRAN. I ask that it be presented to the Senate.

The PRESIDING OFFICER. The clerk will report.

The Senator from Alaska [Mr. STEVENS], for Mr. LOTT and Mr. COCHRAN, proposes an amendment No. 3503.

The amendment is as follows:

(Purpose: To express the sense of Congress on the expansion of the Global Hawk Maritime Demonstration Program to include forward deployed forces of the Navy and the Marine Corps in the United States Central Command area of operations)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. It is the sense of the Senate that—

(1) the Global Hawk Maritime Demonstration Program should be expanded to include the participation of forward deployed forces of the Navy and the Marine Corps in the area of responsibility of the Commander of the United States Central Command; and

(2) the Secretary of the Navy should compile the lessons learned in the conduct of the demonstration program specifically in that area of responsibility and incorporate those lessons into the ongoing activities of the demonstration program for the development of concepts of operations.

Mr. STEVENS. Mr. President, it is a sense of the Senate concerning the Global Hawk.

Mr. INOUE. No objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3503) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3504

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator REED.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. REED of Rhode Island, proposes an amendment numbered 3504.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, \$3,000,000 to establish the Consortium of Visualization Excellence for Underseas Warfare Modeling and Simulation (COVE))

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$3,000,000 may be available to establish the Consortium of Visualization Excellence for Underseas Warfare Modeling and Simulation (COVE).

Mr. STEVENS. Mr. President, this would make available up to \$3 million for a project Senator REED supports. We have cleared it and ask that it be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3504) was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3505

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator BAYH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BAYH, proposes an amendment numbered 3505.

The amendment is as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title under the heading "OPERATION AND MAINTENANCE, ARMY", up to \$21,900,000 may be used for M1A2 Tank Transmission Maintenance.

Mr. STEVENS. Mr. President, this amendment would make available up to \$21.9 million for a project the Senator supports. We have cleared the amendment. I ask that it be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3505) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3506

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator REED.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. REED, proposes an amendment numbered 3506.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, \$2,000,000 to conduct a demonstration of a prototype of the Improved Shipboard Combat Information Center)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$2,000,000 may be available to conduct a demonstration of a prototype of the Improved Shipboard Combat Information Center.

Mr. HATCH. Mr. President, I would like to compliment my friend, Senator STEVENS. He has been a tireless advocate for our Nation's military and has ensured that our service members receive the highest quality training possible. Senator STEVENS has also not forgotten that it is the families of our service members who play a vital role in supporting our troops and Congress has a important responsibility to lighten this heavy load. Therefore, I rise to ask the Senator's thoughts about the Navy's determination to revolutionize its training and leadership program curriculum.

Mr. STEVENS. I thank my colleague for his kind words. Improving the already-high quality of training is one of the Committee's highest priorities and, of course, this includes the Navy's training and leadership programs. As the Navy seeks to determine the best system in order to facilitate this modernization, the Committee encourages

the service to evaluate thoroughly the potential effectiveness of a 'character-based, principle-centered program' designed to teach personnel how to efficiently focus and execute key priorities.

Mr. HATCH. I thank the Senator. I also hoped the Senator might share his thoughts on how we might better support our service members families?

Mr. STEVENS. The Committee continues to express concern about the plight of Army families who must deal with extended deployments of a spouse or a parent. These continued deployments place a significant burden on the modern military family. I hope it will reassure the Senator, who is concerned about military families, as am I, that the Committee encourages the Department of the Army to evaluate different training programs which can assist families in this critical time of need.

Mr. HATCH. I thank my friend, the distinguished Chairman.

Mr. STEVENS. Mr. President, this amendment would make available up to \$2 million for a project the Senator supports. We have cleared the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3506) was agreed to.

Mr. STEVENS. Mr. President, I state to the Senate that Senator INOUE and I have cleared the amendments presented to us. We have rejected several. We ask that Members come to the Senate floor and indicate if they intend to pursue the amendments they have suggested they might raise. We are currently clearing with leadership the time of 4 o'clock for the time Senator BYRD's amendment will come back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AMENDMENT NO. 3507

Mr. STEVENS. Mr. President, I send to the desk an amendment sponsored by Senators BIDEN, LUGAR, INOUE, and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. BIDEN, Mr. LUGAR, and Mr. INOUE, proposes an amendment numbered 3507.

The amendment is as follows:

(Purpose: To provide certain authorities related to the transfer of defense articles)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a)(1) Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President may transfer to Israel, in exchange for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State,

any or all of the items described in paragraph (2).

(2) The items referred to in paragraph (1) are armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) Not later than 30 days before making a transfer under the authority of this section, the President shall transmit a notification of the proposed transfer to the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and Armed Services of the House of Representatives. The notification shall identify the items to be transferred and the concessions to be received.

(d) No transfer may be made under the authority of this section more than 2 years after the date of the enactment of this Act.

SEC. 8122. Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(1) in subparagraph (A), by striking “for fiscal year 2003” and inserting “for each of fiscal years 2004 and 2005”; and

(2) in subparagraph (B), by striking “for fiscal year 2003” and inserting “for a fiscal year”.

Mr. STEVENS. Mr. President, this amendment pertains to the drawdown authority of the State of Israel for defense stocks, and it is a technical amendment that has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3507) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Again, we have disposed now of all of the amendments brought to the attention of the committee on both sides.

We will have a vote, we believe, at 4 o'clock. We will announce that soon. I urge Senators to notify us if they intend to offer any amendments to the bill. If not, we will move to third reading following the Byrd amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, after further consultation, I ask unanimous consent that the vote on the Byrd amendment occur at 4 p.m. today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent that there be no second-degree amendments in order to Senator BYRD's amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MEASUREMENT AND SIGNATURES INTELLIGENCE RESEARCH PROGRAM

Mr. BINGAMAN. I would like to engage the ranking member, Senator INOUE, in a colloquy regarding the Measurement and Signatures Intelligence Research Program. Is the Senator aware of this program and how critical it is to the development of our next generation of MASINT sensors?

Mr. INOUE. Yes, I believe that the program is important to future innovations for the MASINT community.

Mr. BINGAMAN. Would the Senator also agree that the MASINT Research Program has been a great success in bringing together some of the best thinking on this issue in Government, the private sector and our Nation's leading colleges and universities?

Mr. INOUE. Yes, I would.

Mr. BINGAMAN. Finally, wouldn't you agree that the valuable work that the Measurement and Signatures Intelligence Research Program has done should be continued in Fiscal Year 2005 by retaining the funding level included in the House of Representatives' Defense Appropriations bill?

Mr. INOUE. I would agree with the Senator from New Mexico, and I commend him for his hard work in support of this program.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3516

Mr. STEVENS. I have an amendment on behalf of Senator MIKULSKI and Senator SARBANES. I send it to the desk

and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Ms. MIKULSKI, for herself and Mr. SARBANES, proposes an amendment numbered 3516.

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

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

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for “Research, Development, Test, and Evaluation, Air Force”, \$7,000,000 for AN/APG-68(V)10 radar development for F-16 aircraft)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) AVAILABILITY OF AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE, FOR RADAR DEVELOPMENT.—Of The amount appropriated or otherwise made available by title IV of this Act under the heading “Research, Development, Test, and Evaluation, Air Force”, \$7,000,000 may be available for AN/APG-68(V)10 radar development for F-16 aircraft.

(b) CONSTRUCTION OF AMOUNT.—The amount available under subsection (a) for the purpose specified in that subsection is in addition to any other amounts available in this Act for that purpose.

Mr. STEVENS. This makes available funds available for a stated amount on a project the Senator supports. We have cleared the amendment and ask for its immediate adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3516) was agreed to.

Mr. STEVENS. 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. 3517

Mr. STEVENS. I send an amendment to the desk on behalf of Senator BILL NELSON and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. NELSON of Florida, proposes an amendment numbered 3517.

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

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

The amendment is as follows:

In the appropriate place in the bill insert the following:

Of the amount appropriated in title IV under the heading “OPERATIONAL TEST AND EVALUATION, DEFENSE” up to \$5,000,000 may be made available for the Joint Test and Training Rapid Advanced Capabilities (JTTRAC) Program.”

Mr. STEVENS. This amendment provides up to \$5 million for a project the Senator supports. It has been cleared by both sides. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3517) was agreed to.

## AMENDMENT NO. 3518

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator SHELBY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SHELBY, proposes an amendment numbered 3518.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) Public Law 108-199 is amended in Division F, title I, section 110(g) by striking "Of the" and inserting "Prior to distributing"; striking "each" every time it appears and inserting "the"; striking "project" every time it appears and inserting "projects".

(b) The limitation under the heading "Federal-aid highways (Limitation on Obligations) (Highway Trust Fund)" in Public Law 108-199 is increased by such sums as may be necessary to ensure that each State receives an amount of obligation authority equal to what each State would have received under section 110(a)(6) of Public Law 108-199 but for the amendment made to section 110(g) of Public Law 108-199 by subsection (a) of this section: *Provided*, That such additional authority shall remain available during fiscal years 2004 and 2005.

Mr. STEVENS. This is a technical amendment to clarify the availability of funds in the 2004 appropriations bill. It has been cleared on both sides of the aisle. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3518) was agreed to.

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

The motion to lay on the table was agreed to.

## AMENDMENT 3502

Mr. STEVENS. The hour of 4 has arrived. The yeas and nays have been ordered on the Byrd amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STEVENS. This is a sense of the Senate amendment that the Senator offered on the bill last year that was adopted by the Senate, and the yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 9, as follows:

[Rollcall Vote No. 147 Leg.]

## YEAS—89

Akaka	DeWine	Lincoln
Alexander	Dodd	Lott
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Bennett	Ensign	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (FL)	Pryor
Brownback	Graham (SC)	Reed
Burns	Grassley	Reid
Byrd	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Sarbanes
Carper	Hatch	Schumer
Chafee	Hollings	Shelby
Chambliss	Hutchison	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kohl	Sununu
Corzine	Landrieu	Talent
Craig	Lautenberg	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
Dayton	Lieberman	

## NAYS—9

Bunning	Enzi	Santorum
Cornyn	Inhofe	Sessions
Dole	Kyl	Thomas

## NOT VOTING—2

Kerry	Lugar
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The amendment (No. 3502) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. In a few minutes we will have a series of amendments which have been cleared and we may have one more amendment that is coming. That is all we know.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAIG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, the Republican manager, the chairman of the committee, suggested that I move forward with my amendment, which will not take long at all. I can do this in less than 5 minutes.

## AMENDMENT NO. 3520

Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 3520.

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

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

The amendment is as follows:

(Purpose: To appropriate funds for bilateral economic assistance)

On page 118, between lines 4 and 5, insert the following:

## TITLE X

## BILATERAL ECONOMIC ASSISTANCE

## FUNDS APPROPRIATED TO THE

## PRESIDENT

## UNITED STATES AGENCY FOR INTERNATIONAL

## DEVELOPMENT

## INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", \$188,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

Mr. BIDEN. Mr. President, I know it is getting late in this process, and I will try to make this as quick as possible. There has already been a significant amount of discussion on this floor, in this town, and actually, quite frankly, this morning in the meetings some of us had with the President of the United States on the situation in Darfur in the Sudan.

I want to begin by saying I respect the effort made by my friend, Senator DEWINE. I understand the managers are going to accept a proposal for \$90 million or thereabouts to deal with this problem. There are already as many as 30,000 dead. Mr. President, 1.2 million people have been chased from their homes, and 200,000 refugees have fled to Chad. The civilians have been bombed from planes and helicopters by the Government of Sudan. And there are continued reports of systematic rape, murder, and torture by the Sudanese Government as well as by allied militia troops.

Now, the U.N. High Commissioner for Human Rights issued a report in which the U.N. investigators indicate they believe that crimes against humanity have been committed in Darfur.

Secretary of State Colin Powell has said that the State Department is contemplating whether Khartoum is engaged in the genocide. I think when they, in fact, finish they will conclude clearly that it is.

The Agency for International Development and its leader, Andrew Natsios, as well as U.N. officials, have said that what has happened in Darfur is the "worst humanitarian crisis in the world today."

They point out that under the best circumstances—not the worst, the best circumstances—according to Mr. Natsios, 320,000 people will die. That is the best they hope for. If everything turns around, there are going to be 320,000 dead. And he made that public statement on June 3. He said "more resources are desperately needed."

Now, to have to respond in a manner that is commensurate with the suffering seems to me to be our obligation. The President of the United

States said he brought this to the attention of the G-8. We had this discussion this morning in the Cabinet Room, and he, quite frankly, indicated that he was not getting the kind of response that was warranted. Some of us suggested—and I was not one because others spoke first—that this is of an urgent need, and we have to lead.

Now, I know that my friend from Ohio has called our attention to this and, in fact, has gotten roughly \$90 million appropriated or agreed to. But the fact is, Mr. Natsios pledged, in Geneva, in the first week in June, that the United States would come up with \$188 million. That is the pledge this administration made in Geneva in June.

Now, the reason I bother to mention that is, the President pointed out this morning that the G-8 nations and the rest of the world do not seem seized with the same sense of urgency as we are, and that we have to lead.

If we have announced we are going to do \$188 million, and we are trying to get the rest of the world in on the deal, and then we come out of here with less than half of that, it seems to me it undercuts the very point that is trying to be made by the President of the United States.

Now, I am not speaking for the President and implying that he is for or against this \$188 million. I do not know. I assume he must have been for it or the head of his AID, under his administration, would not have pledged \$188 million.

Now, this is \$188 million as emergency money in this fiscal year. Most of the money Natsios pledged was 2005 money that has yet to be appropriated. In other words, he pledged money he does not have and may not get for quite some time for what he calls the "worst humanitarian crisis in the world today," where, if things go well, 320,000 will die.

The House bill gives less than half the money, only \$70 million. I understand that—again, I am not being critical of my friend from Ohio, but as he said to me, he got what he could. That is good. It is better than nothing.

But keep in mind, the \$188 million pledge was made, according to AID officials, in advance of the U.N.—in advance of the U.N.—issuing the revised numbers about how many people will be affected. Those numbers have increased.

So the House bill provides less than half of what might be an inadequate pledge to begin with.

I was asked not to offer this amendment because we give about half. Apparently that is going to be agreed to by the managers. But the Senate has the power to do a lot more than that. So let's give the administration what it said it will need to provide an emergency response in Darfur. If we do not, make no mistake about it, no one else is going to step to the plate.

Mr. LEAHY. Will the Senator yield for a request?

Mr. BIDEN. I would be happy to.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be added as a cosponsor. This is a good amendment.

Mr. BIDEN. Mr. President, I ask unanimous consent that my friend from Vermont, Senator LEAHY, be added as a cosponsor of my amendment.

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

Mr. BIDEN. Mr. President, I might add, this is an unusual position to be in. I do not usually come to the floor on matters and try to lead an initiative on which I am not the guy who has done the most work. I have not done the most work on it. There are others, including Senator LEAHY and others, who have been out in front on this issue. But I do not want to see us go through this wrap-up without us actually facing up to the facts.

Let's know what we are doing. Mr. President, \$90 million is better than nothing, but it is not the \$188 million, which is probably too little anyway, that we already pledged. I am worried about the impact that will have on the rest of the world as we try to generate support because we need support.

Now, look, our former colleague, Senator Danforth, who we just confirmed today, played a leading role in the Sudan in helping settle one of the real difficult issues, which was the north-south problem. Now we have an east-west problem.

The fact is, he got the international community to step up and come forward in order to deal with this incredibly humanitarian crisis. It seems to me that notwithstanding the fact Mr. Natsios was forced to make the pledge for money to get the first piece done, the north-south piece, it is not going to inspire any contributions from our partners and donor communities. The Congress has to provide these emergency funds. This money will not stop the attacks. It will not do all we need to do. But it will give essential assistance to the victims of Khartoum's atrocities.

How many times have we stood around this floor, those who have been here for the better part of the last decade, and lamented our failure to act in the last catastrophic African crisis with the Hutus and the Tutsis? How many times have we talked about it? Bill Clinton writes about it: We wish we had done more. President Bush talks about it.

Let's not do this. Let's not step back. Let's not be here 5 years from now, 10 years from now saying: If we only had acted.

Again, I urge my colleagues to support this amendment. At the appropriate time, I will ask for the yeas and nays. The chairman of the committee indicated he had a very important commitment that required him to be off the floor but wanted me to make my statement and get it moved on. I will not engage in anymore debate on this issue.

At the appropriate time, when the chairman or whoever is going to re-

spond to this amendment makes that response, I am ready for a vote.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3520, AS MODIFIED

Mr. BIDEN. Mr. President, I am going to send a modification to the desk in a moment. I will take 60 seconds to explain it. My staff had drafted the amendment for \$188 million, which was a pledge by Mr. Natsios, before Mr. DEWINE's \$90 million was accepted. So I am not asking for \$188 million on top of that. The amendment I am sending to the desk asks for an additional \$118 million above the 90 which, in fact, apparently the committee has already accepted.

So I send a modification to the desk and ask unanimous consent that the amendment be so modified to say \$118 million instead of \$188 million.

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

The amendment, as modified, is as follows:

(Purpose: To appropriate funds for bilateral economic assistance)

On page 118, between lines 4 and 5, insert the following:

#### TITLE X BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", \$118,000,000, to remain available until expended: *Provided*, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad: *Provided further*, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

Mr. BIDEN. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. AKAKA. Mr. President, I ask that I be permitted 15 minutes to speak as in morning business.

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

(The remarks of Mr. AKAKA are printed in today's RECORD under "Morning Business.")

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask that this amendment be temporarily set aside so I can take care of some amendments we are prepared to offer. We will come right back to this amendment.

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

## AMENDMENT NO. 3522

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator DODD, and I ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DODD, for himself, and Mr. LIEBERMAN, proposes an amendment numbered 3522.

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

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

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Army, \$10,000,000 for the Broad Area Unmanned Responsive Resupply Operations aircraft program)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$5,000,000 may be available for the Broad Area Unmanned Responsive Resupply Operations aircraft program.

Mr. STEVENS. Mr. President, this is an amendment that provides up to \$5 million for a program the Senator supports. I ask for its adoption.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, the amendment is agreed to.

The amendment (No. 3522) was agreed to.

Mr. STEVENS. 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. 3523

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator NICKLES and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. NICKLES, proposes an amendment numbered 3523.

The amendment is as follows:

(Purpose: To make available from amounts appropriated for "Research, Development, Test, and Evaluation, Navy", \$2,000,000 for Handheld Breath Diagnostics)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$2,000,000 may be used for Handheld Breath Diagnostics.

Mr. STEVENS. Mr. President, this amendment provides up to \$2 million for a program supported by the Senator. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3523) was agreed to.

## AMENDMENT NO. 3524

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator LANDRIEU and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Ms. LANDRIEU, proposes an amendment numbered 3524.

The amendment is as follows:

(Purpose: To set aside an amount for the Joint Logistics Information System program for the automated scheduling tool)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$1,800,000 may be used for the Joint Logistics Information System program for the automated scheduling tool.

Mr. STEVENS. Mr. President, this amendment earmarks up to \$1.5 million of funds under the bill, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the agreement is agreed to.

The amendment (No. 3524) was agreed to.

## AMENDMENT NO. 3525

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator BUNNING and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BUNNING, proposes an amendment numbered 3525.

The amendment is as follows:

(Purpose: To set aside an amount for the Anti-Sniper Infrared Targeting System)

At the end of Title VIII, insert the following:

SEC. . Of the amount appropriated in Title IV under the heading "Research, Development, Test and Evaluation, Navy", up to \$4,000,000 may be used for the Anti-Sniper Infrared Targeting System.

Mr. STEVENS. Mr. President, this amendment provides up to \$4 million in funds available in the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. STEVENS. 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. 3526

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the distinguished Senator from Ohio, Mr. VOINOVICH, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. VOINOVICH, for himself, and Mr. DEWINE, proposes an amendment numbered 3526.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Army, \$3,500,000 for Laser Peening for Army helicopters)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" and available for End Item Industrial Preparedness Activities, up to \$3,500,000 may be available for Laser Peening for Army helicopters.

Mr. STEVENS. Mr. President, this amendment earmarks funds available in the bill for projects supported by the current occupant in the chair, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3526) was agreed to.

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

## AMENDMENT NO. 3527

Mr. STEVENS. Mr. President, I send to the desk another amendment on behalf of the Senator from Ohio, Mr. VOINOVICH, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. VOINOVICH, for himself, and Mr. DEWINE, proposes an amendment numbered 3527.

The amendment is as follows:

(To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Air Force, \$2,000,000 for All Composite Military Vehicles)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$2,000,000 may be available for Composites for Unmanned Air Vehicles.

Mr. STEVENS. Mr. President, this amendment earmarks up to \$2 million from funds available under the bill, and I ask for its consideration.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. STEVENS. 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. 3528

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator BOXER, and I ask for its consideration.



The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. BOXER, proposes an amendment numbered 3528.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Defense-Wide, \$4,500,000 for development of the Suicide Bomber Detection System Using a Portable Electronic Scanning Millimeter-Wave Imaging RADAR)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$4,500,000 may be available for development of the Suicide Bomber Detection System Using a Portable Electronic Scanning Millimeter-Wave Imaging RADAR.

Mr. STEVENS. Mr. President, this amendment earmarks up to \$4.5 million from funds available in the bill, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3528) was agreed to.

Mr. STEVENS. 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. 3529

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Montana, Mr. BURNS, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BURNS, proposes an amendment numbered 3529.

The amendment is as follows:

On page 161 of the Senate report:

"Of the funds available in Research, Development, Test and Evaluation, Navy, up to \$3 million may be made available for the 'Mobile On-Scene Sensor Aircraft Intelligence Command, Control and Computer Center'."

Mr. STEVENS. Mr. President, this amendment earmarks up to \$3 million in funds in the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3529) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3530

Mr. STEVENS. Mr. President, I send another amendment on behalf of Senator BURNS to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BURNS, proposes an amendment numbered 3530.

The amendment is as follows:

On page 147 of the Senate report:

"Of the funds available in Research, Development, Test and Evaluation, Army, up to \$2 million may be made available for 'Care of Battlefield Wounds'."

Mr. STEVENS. Mr. President, this amendment earmarks \$2 million for research concerning battlefield wounds from funds available in the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3530) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3531

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Kansas, Mr. ROBERTS, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. ROBERTS, proposes an amendment numbered 3531.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for "Research, Development, Test, and Evaluation, Army," up to \$3,000,000 may be available to the United States Army Intelligence and Security Command's Information Dominance Center)

At the appropriate place in the bill, insert the following:

SEC. . Of the amount appropriated or otherwise made available by title \_\_\_\_ of this Act under the heading "Research, Development, Test, and Evaluation, Army," up to \$3,000,000 may be available to establish redundant systems to ensure continuity of operations and disaster recovery at the United States Army Intelligence and Security Command's Intelligence Dominance Center.

Mr. STEVENS. Mr. President, this amendment earmarks funds available in the bill up to \$3 million for the project the Senator supports. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3531) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3532

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator KYL and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KYL, proposes an amendment numbered 3532.

The amendment is as follows:

(Purpose: To specify the availability of amounts for the Subterranean Target Identification Program)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" and available for electronic warfare technology, up to \$2,000,000 may be made available for the Subterranean Target Identification Program.

Mr. STEVENS. Mr. President, this amendment earmarks \$2 million from funds available in the bill, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3532) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3533

Mr. STEVENS. Mr. President, I send another amendment to the desk on behalf of Senator KYL and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KYL, proposes an amendment numbered 3533.

The amendment is as follows:

(Purpose: To specify the availability of amounts for the Program for Intelligence Validation)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" and available for Defense Research Sciences, up to \$2,000,000 may be made available for the Program for Intelligence Validation.

Mr. STEVENS. Mr. President, this amendment earmarks up to \$2 million from research funds in the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3533) was agreed to.

#### AMENDMENT NO. 3534

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator KYL and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KYL, proposes an amendment numbered 3534.

The amendment is as follows:

(Purpose: To express the sense of Congress on the continued development of an end-to-end point of care clinical diagnostic network to combat terrorism)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. It is the sense of the Senate that—

(1) funds appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" for chemical and biological defense programs should be made available for the continued development of an end-to-end point of care clinical diagnostic network to combat terrorism; and

(2) such funds should be distributed to partnerships that combine universities and non-profit organizations with industrial partners to ensure the rapid implementation of such clinical diagnostic network for clinical use.

Mr. STEVENS. Mr. President, this amendment pertains to earmarking funds throughout a whole area of the Department. It does not provide additional funds. It specifies where the funds should be allocated, and we believe it is necessary. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

The amendment (No. 3534) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3535

Mr. STEVENS. Mr. President, I send another amendment to the desk on behalf of Senator KYL and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KYL, proposes an amendment numbered 3535.

The amendment is as follows:

(Purpose: To specify the availability of amounts for the Versatile, Advanced Affordable Turbine Engine)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE" and available for aerospace propulsion and technology, up to \$3,000,000 may be made available for the Versatile, Advanced Affordable Turbine Engine.

Mr. STEVENS. Mr. President, this amendment pertains to earmarking funds for the turbine engine from funds available in the bill. We believe it is necessary. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3535) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3536

Mr. STEVENS. I send an amendment to the desk on behalf of Senator TALENT and ask for its adoption.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. TALENT, proposes an amendment numbered 3536.

The amendment is as follows:

Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Air Force, \$5,000,000 for X-43C development

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$5,000,000 may be available for X-43C development.

Mr. STEVENS. This earmarks up to \$5 million for research and development. We believe it is a proper amendment, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3536) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3537

Mr. STEVENS. I send an amendment to the desk on behalf of Senator PRYOR and ask for its adoption.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. PRYOR, for himself, Mrs. DOLE, and Mrs. LINCOLN, proposes an amendment numbered 3537.

The amendment is as follows:

(Purpose: To make available from amounts appropriated for Research, Development, Test, and Evaluation, Defense-Wide, \$5,000,000 for medical equipment and combat casualty care technologies)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$5,000,000 may be available for medical equipment and combat casualty care technologies.

Mr. STEVENS. This amendment earmarks up to \$5 million in the bill. It is acceptable to the managers of the bill. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3537) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3538

Mr. STEVENS. I send an amendment to the desk on behalf of Senator SUNUNU and ask that it be adopted.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SUNUNU, proposes an amendment numbered 3538.

The amendment is as follows:

At the appropriate place, insert the following:

Of the funds appropriated, up to \$2,000,000 may be available for the Advanced Composite Radome Project.

Mr. STEVENS. This amendment earmarks up to \$2 million for a Radome project, and we are prepared to accept the amendment. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3538) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3539

Mr. STEVENS. I send to the desk an amendment on behalf of Senator LEVIN pertaining to Wurtsmith Air Force Base.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. LEVIN, proposes an amendment No. 3539.

The amendment is as follows:

(Purpose: To authorize the demolition of facilities and improvements on certain military installations approved for closure under the defense base closure and realignment process)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Notwithstanding any other provision of law, the Secretary of the Air Force may, using funds available to the Air Force, demolish or provide for the demolition of any facilities or other improvements on real property at the former Wurtsmith Air Force Base.

Mr. STEVENS. This directs that funds available to the Department be used for certain proposals on that Air Force base. We have examined it, and we are prepared to recommend the adoption of that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3539) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3540

Mr. STEVENS. I send to the desk an amendment on behalf of Senator CONRAD and ask that it be adopted.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. CONRAD, proposes an amendment numbered 3540.

The amendment is as follows:

(Purpose: To set aside an amount for F-16 Theater Airborne Reconnaissance System upgrades)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to \$7,000,000 may be available for F-16 Theater Airborne Reconnaissance System upgrades.

Mr. STEVENS. This earmarks up to \$7 million for a project the Senator supports from funds available within the bill. It does not increase funds. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3540) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator BURNS be added as an original cosponsor of amendment 3490.

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

#### AMENDMENT NO. 3541

Mr. STEVENS. I send an amendment to the desk on behalf of Senator KOHL, which relates to authorizing the reprogramming of funds available to the Secretary for industrial technical services and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KOHL, for himself, and Mr. REED, proposes an amendment numbered 3541.

The amendment is as follows:

(Purpose: To ensure the availability of sufficient fiscal year 2004 funding for the Manufacturing Extension Partnership program of the National Institute of Standards and Technology)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. For the purposes of applying sections 204 and 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (division B of Public Law 108-199) to matters in title II of such Act under the heading "NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY" (118 Stat. 69), in the account under the heading "INDUSTRIAL TECHNOLOGY SERVICES", the Secretary of Commerce shall make all determinations based on the Industrial Technology Services funding level of \$218,782,000 for reprogramming and transferring of funds for the Manufacturing Extension Partnership program and may submit such a reprogramming or transfer, as the case may be, to the appropriate committees within 30 days after the date of the enactment of this Act.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3541) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3520, AS MODIFIED

Mr. STEVENS. Mr. President, with the exception of two items we may receive,

that is the last of the amendments that have been called to our attention. I would inquire whether it would be in order for the managers of the respective sides of the aisle to return to the Biden amendment now and ask for a vote on the Biden amendment.

Is there any impediment to having a vote now, may I inquire of staff?

The PRESIDING OFFICER. The amendment is now pending.

Mr. STEVENS. Is the amendment now pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Today, the Senate approved \$70 million for disaster assistance and \$25 million for refugee assistance, a total of \$95 million to Sudan. This is an amount the House approved and the level the State Department informed our staff was necessary to carry the much needed food and other support for Darfur through spring of next year. This is the amount they efficiently execute and use in this year. In the spring, the State Department, with USAID and the U.N., will reassess the situation and determine if additional emergency funds are requested.

We have already declared an emergency for Sudan for \$95 million. If we approved Senator BIDEN's amendment, this will be above the \$188 million that State and USAID have already pledged for the 2005 funds. These funds will be allocated in the 2005 Foreign Operations bill, not this bill. In other words, we have added \$95 million for disaster assistance from this Defense appropriations bill on an emergency basis to the Sudan. There already are requests before our Appropriations Committee under the Foreign Operations bill, a request for \$188 million, which will come before the Senate in due course.

It is my request to our colleagues to stand by the \$95 million we have added to the disaster assistance and refugee assistance provisions of our basic funding for the State Department. We have added to it already in the Defense bill. We approved that today. That is the amount that is in the House bill, and I do not believe we should go beyond the emergency level we have already agreed to, which was supported by both of our leaders.

I point out further that the U.N. appeal for Darfur for 2004 has led to \$307 million as of June 3 of this year. That is now being revised upward to an estimated \$349 million available. Excluding the U.S. Government, other donors pledged \$134 million in Geneva. The U.S. Government pledge was for the remainder of fiscal year 2004 and 2005, and we have already exceeded that pledge. There is \$245 million pledged from all the above donors, in addition to the contribution of the United States.

We have an enormous program going on on behalf of our Government. We have added \$95 million to the \$188 million. We are already ahead of the rest

of the world, and we think we should not go further on this bill. If there are further emergency funds that are necessary, they should be added to the foreign assistance bill or the State Department bill when those bills come before the Senate but not to the Defense bill. This Defense bill is already amended at the request of both the majority leader and minority leader, the Senator from Ohio, and many others, to add \$95 million. It is my position that we should not go further at this time. We should wait for the consideration of the other bills as far as additional emergency funds, if they are needed.

These funds cannot be needed before we will consider the supplemental after the first of 2005. Besides that, we still have to consider the 2005 regular bill for both State-Justice-Commerce and the foreign assistance bill. This is no place for this item. It is not an emergency to go beyond \$95 million.

Does the Senator from Hawaii wish to make any statement?

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. I wish to associate myself with the statement of the Senator from Alaska.

Mr. STEVENS. Mr. President, I move to table the Biden amendment, and I ask that we have a time for other Senators to become aware of the fact that we will have a vote. I ask unanimous consent that the vote commence at 5:30.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent that it be in order at this time for me to have the yeas and nays on my motion to table this amendment.

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

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3542

Mr. STEVENS. Mr. President, I have been informed there is another amendment that has been cleared. This is an amendment on behalf of Senator DEWINE, pertaining to a report on mental health services available to the armed services. I ask this amendment be considered at this time.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DEWINE, proposes an amendment numbered 3542.

The amendment is as follows:

(Purpose: To require reports on mental health services available to members of the Armed Forces of the United States and their dependents)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a)(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on mental health services available to members of the Armed Forces and their dependents.

(2) The report required under paragraph (1) shall include the following:

(A) A comprehensive review of mental health services that are available—

(i) to members of the Armed Forces who are deployed in combat theaters;

(ii) to members of the Armed Forces at any facilities in the United States; and

(iii) to dependents of members of the Armed Forces during and after deployment of members overseas.

(B) Data on the average number of service days since September 11, 2001, on which members of the Armed Forces were absent or excused from duty for mental health reasons.

(C) A description of the current procedures for reducing the negative perceptions among members of the Armed Services that are often associated with mental health counseling.

(D) A description of—

(i) the mental health services available to members of the Armed Forces, including members of the reserve components, and their dependents; and

(ii) the barriers to access to such services.

(E) An analysis of the extent to which the Secretary of the Army has implemented the recommendations on mental health services that were made by the Mental Health Advisory Team of the Army on March 25, 2004.

(F) A plan for actions that the Secretary determines appropriate for improving the delivery of appropriate mental health services to members of the Armed Forces and their dependents.

(b) Not later than 360 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that describes—

(1) the actions taken to implement the plan submitted under subsection (a)(2)(F); and

(2) the reasons why actions in the plan have not been completed, if any.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3542) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask no second-degree amendments be in order to the Biden amendment.

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

AMENDMENT NO. 3543

Mr. STEVENS. Mr. President, I have another amendment. It is on behalf of Senator FEINSTEIN. I ask unanimous consent that the pending amendment be set aside temporarily so we might consider Senator FEINSTEIN's amendment.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. FEINSTEIN, proposes an amendment numbered 3543.

The amendment is as follows:

(Purpose: To make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, \$5,000,000 for support of the TIGER pathogen detection system)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$5,000,000 may be available for support of the TIGER pathogen detection system.

Mr. STEVENS. This pertains to the earmarking of funds for pathogen research. We support that amendment and ask that it be adopted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3543) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3544

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I send to the desk a technical amendment on behalf of Senator BYRON DORGAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. DORGAN, proposes an amendment numbered 3544.

The amendment is as follows:

(Purpose: To provide funds for the North Dakota State School of Science, Bismarck State College, and Minot State University)

At the appropriate place, insert the following:

SEC. \_\_\_\_ FUNDING FOR NORTH DAKOTA STATE SCHOOL OF SCIENCE, BISMARCK STATE COLLEGE, AND MINOT STATE UNIVERSITY.

(a) RESCISSION.—There is rescinded an amount equal to \$795,280 from the amount appropriated to carry out part B of title VII of the Higher Education Act of 1965, in title III of division E of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 3). This amount shall reduce the funds available for the projects specified in the statement of the managers on the Conference Report 108-401 accompanying the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 3).

(b) DISREGARD AMOUNT.—In the statement of the managers on the Conference Report 108-401 accompanying the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 3), in the matter in title III of division E, relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education", the provision specifying \$800,000 for Wahpeton State School of Science and North Dakota State University to recruit, retain and train pharmacy technicians shall be disregarded.

(c) APPROPRIATION.—There is appropriated an amount equal to \$795,280 to the Department of Labor, Employment and Training Administration for "Training and Employment Services," available for obligation for the period from July 1, 2004, through June 30, 2005, of which—

(1) \$200,000 shall be made available to the North Dakota State School of Science to recruit, retain, and train pharmacy technicians;

(2) \$297,640 shall be made available to Bismarck State College for training and education related to its electric power plant technologies curriculum; and

(3) \$297,640 shall be made available for Minot State University for the Job Corps Fellowship Training Program.

Mr. INOUE. Mr. President, this is to correct certain errors that were in the original bill.

Mr. STEVENS. I am familiar with this amendment. We are prepared to accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3544) was agreed to.

Mr. INOUE. Mr. President, 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.

AMENDMENT NO. 3545

Mr. INOUE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE] proposes an amendment numbered 3545.

The amendment is as follows:

(Purpose: To set aside an amount for small business development and transition)

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$2,500,000 may be used for small business development and transition.

Mr. INOUE. This amendment is to earmark some of the \$2.5 million for research and development for the Department of Defense. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3545) was agreed to.

Mr. INOUE. Mr. President, 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.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent that following the vote on the Biden amendment, no further business other than a colloquy or colloquies that I have to offer for the RECORD be in order, and that the Senate immediately go to third reading and final passage of this bill.

Mr. REID. Mr. President, I ask the chairman's request be modified: Or whatever the two managers agree on? Because there may be something.

Mr. STEVENS. Very well, I will amend that request: Unless there are other matters offered based on unanimous consent approved by both managers, that we immediately go to third reading and final passage of the bill following the Biden amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. I ask it be in order to get the yeas and nays on passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I suggest the absence of a quorum for 3 minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. It has been requested I ask this vote commence immediately. I ask unanimous consent that we start the vote on the Biden amendment. This is a motion to table the Biden amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 148 Leg.]

#### YEAS—53

Alexander	Cornyn	Inhofe
Allard	Craig	Inouye
Allen	Crapo	Kyl
Baucus	Dole	Lott
Bennett	Domenici	McCain
Bond	Ensign	McConnell
Brownback	Enzi	Miller
Bunning	Fitzgerald	Murkowski
Burns	Frist	Nickles
Byrd	Graham (SC)	Roberts
Campbell	Grassley	Santorum
Chafee	Gregg	Sessions
Chambliss	Hagel	Shelby
Cochran	Hatch	Smith
Coleman	Hollings	Stowe
Collins	Hutchison	

Stevens  
Sununu

Talent  
Thomas

Voinovich  
Warner

#### NAYS—45

Akaka  
Bayh  
Biden  
Bingaman  
Boxer  
Breaux  
Cantwell  
Carper  
Clinton  
Conrad  
Corzine  
Daschle  
Dayton  
DeWine  
Dodd

Dorgan  
Durbin  
Edwards  
Feingold  
Feinstein  
Graham (FL)  
Harkin  
Jeffords  
Johnson  
Kennedy  
Kohl  
Landrieu  
Lautenberg  
Leahy  
Levin

Lieberman  
Lincoln  
Mikulski  
Murray  
Nelson (FL)  
Nelson (NE)  
Pryor  
Reed  
Reid  
Rockefeller  
Sarbanes  
Schumer  
Specter  
Stabenow  
Wyden

#### NOT VOTING—2

Kerry

Lugar

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California is recognized.

#### CHANGE OF VOTE

Mrs. FEINSTEIN. Mr. President, I beg the indulgence of the Chair. If I may, on rollcall No. 148, I voted "aye". It was my intention to vote "nay". Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator BURNS be removed as a cosponsor of amendment No. 3490.

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

Mr. STEVENS. Mr. President, I have a list of the members of the subcommittee staff for the Defense Appropriations Subcommittee who have worked so hard on this bill. So often, Senator INOUE and I as the cochairs of the committee get credit for what is done, but I think we have the hardest working staff in the Congress. They have done an admirable job, and we have a fair and balanced bipartisan bill. I ask unanimous consent that the list of their names be printed in the RECORD.

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

#### DEFENSE SUBCOMMITTEE STAFF

Charlie Houy, Betsy Schmid, Nicole Diresta, Craig Siracuse, Tom Hawkins, Alycia Farrell, Lesley Kalan, Jennifer Chartrand, Brian Wilson, Brian Potts, Kate Kaufer, Mazie Mattson, Janelle Treon, Steve Wacakaski, Bob Henke, and Sid Ashworth.

#### FUNDING EMBASSY-BAGHDAD OPERATIONS

Mr. HAGEL. I understand the State Department expects to fund the Embassy-Baghdad operations using emergency spending in Fiscal Year 2005. It

is also my understanding that Senate Appropriations Committee agrees with the State Department on this issue.

The House version of the Fiscal Year 2005 Defense Appropriations bill includes \$665 million in emergency spending for the Department of State to fund Embassy-Baghdad operations, IT costs, logistical support, and security requirements. Chairman STEVENS and Senator GREGG, and I understand that the Senate Defense Appropriations Committee will accept the House position on funding Embassy-Baghdad operations, IT costs, logistical support, and security requirements during the upcoming conference. I appreciate the support from Chairman STEVENS and Senator GREGG on this matter.

Mr. STEVENS. I agree with the Senator from Nebraska. The State Department has traditionally administered the funds necessary for embassy operations. Although the Senate bill does not allocate the funds to the State Department, we will do our most to support the House language in conference on this matter to ensure the State Department retains the authority to obligate the subject funds.

Mr. GREGG. I agree with Chairman STEVENS. We will do our most to support the House language. We are both aware of the significant funding needs the State Department is facing in the construction of a U.S. Embassy in Baghdad. I hope the Secretary of State will act expeditiously to address this funding need.

#### RAPID EQUIPPING FORCE

Mr. COCHRAN. Mr. President, I commend the chairman and the committee staff for their outstanding work in bringing this legislation to the Senate for consideration.

Mr. STEVENS. I thank the Senator for his kind comments.

Mr. COCHRAN. I note that the committee included funding in the Defense Appropriations bill to address the threat of Improvised Explosive Devices, IEDs, in the Iraq theater. Specifically, I am referring to the inclusion in Title IX of the bill which appropriates \$25,000,000 for a force protection initiative using the Rapid Equipping Force concept.

Mr. STEVENS. The Senator is correct.

Mr. COCHRAN. It is my understanding that the money is to be used to help our deployed soldiers fight the current IED threat that we hear so much about in the war in Iraq.

Mr. STEVENS. That is the purpose of the appropriation.

Mr. COCHRAN. Would this money also be used to address the force protection issues of counter-fire and detection techniques that exist in the technology base, such as sensor technologies that have demonstrated real-time detection, classification and location of enemy fire?

Mr. STEVENS. The Senator's understanding is correct. These funds are also envisioned to be used for these types of force protection initiatives.