

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

The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 1896.

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 appropriate, with an offset, an additional \$120,000,000 for Operation and Maintenance, Defense-Wide, for certain child and family assistance benefits for members of the Armed Forces)

At the appropriate place, insert the following:

SEC. _____. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE” is hereby increased by \$120,000,000.

(b) AVAILABILITY FOR CHILD AND FAMILY ASSISTANCE BENEFITS.—Of the amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, as increased by subsection (a), \$120,000,000 may be available as follows:

(1) \$100,000,000 may be available for childcare services for families of members of the Armed Forces.

(2) \$20,000,000 may be available for family assistance centers that primarily serve members of the Armed Forces and their families.

(c) OFFSET.—

(1) IN GENERAL.—Subject to paragraph (2), the amount appropriated or otherwise made available by this Act for the Missile Defense Agency is hereby reduced by \$120,000,000.

(2) LIMITATION.—The reduction in paragraph (1) shall not be derived from amounts appropriated or otherwise made available by this Act for the Missile Defense Agency and available for missile defense programs and activities of the Army.

Mr. STEVENS. Mr. President, I ask unanimous consent that the time between 2 p.m. and 2:15 be equally divided between the sponsor and the managers of the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. And that there be no second-degree amendments but any motion in relation to this amendment be in order.

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

AMENDMENTS NOS. 1929, 2000, AND 1924, EN BLOC

Mr. STEVENS. Mr. President, I have a managers' package. I send it to the desk. In this package is an amendment for Senator LEVIN, No. 1929, for the medium tactical vehicle modifications; Senator LEVIN, No. 2000, pertaining to Indian tribes; and, Senator KENNEDY, No. 1924, for humvee integrated starters.

I ask unanimous consent that these three amendments be considered en bloc.

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

Mr. STEVENS. I ask for consideration of those amendments.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1929

(Purpose: To make available \$5,000,000 from Research, Development, Test, and Evaluation, Army, for Medium Tactical Vehicle Modifications)

At the appropriate place, insert the following:

SEC. _____. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to \$5,000,000 may be used for Medium Tactical Vehicle Modifications.

AMENDMENT NO. 2000

(Purpose: To provide that the governments of Indian tribes be treated as State and local governments for purposes of the disposition of real property recommended for closure in the report to the President from the Defense Base Closure and Realignment Commission, July 1993)

On page 220, after line 25, insert the following:

SEC. 8116. Section 8013 of the Department of Defense Appropriations Act, 1994 (Public Law 103-139; 107 Stat. 1440) is amended by striking “the report to the President from the Defense Base Closure and Realignment Commission, July 1991” and inserting “the reports to the President from the Defense Base Closure and Realignment Commission, July 1991 and July 1993”.

AMENDMENT NO. 1924

(Purpose: To make available \$1,000,000 from Research, Development, Test, and Evaluation, Army, for Integrated Starter/Alternator for Up-Armored High Mobility Multi-Wheeled Vehicles)

At the appropriate place, insert the following:

SEC. _____. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to \$1,000,000 may be used for Integrated Starter/Alternator for Up-Armored High Mobility Multi-Wheeled Vehicles.

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, we are going to try to work through this bill. The bill is open to debate. I will be pleased to take up any other amendments Senators might bring before us. I suggest the absence of a quorum.

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

The bill 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.

RECESS

Mr. STEVENS. Mr. President, I ask unanimous consent the time continue to run but that the Senate stand in temporary recess until 2 p.m.

There being no objection, the Senate, at 12:56 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. ALEXANDER).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006—Continued

AMENDMENT NO. 1896

The PRESIDING OFFICER. The time between now and 2:15 is evenly divided on the Dayton amendment.

Who yields time?

Mr. STEVENS. Mr. President, the time is equally divided on this amendment. This amendment would add \$100 million to childcare services and \$20 million for family assistance centers.

I will speak in response to the Senator's explanation of this amendment when he is finished.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 1896, AS MODIFIED

Mr. DAYTON. Mr. President, I send a modification of my amendment to the desk, and I ask unanimous consent it be so modified.

Mr. STEVENS. We would like to see the modification before it is accepted.

Mr. DAYTON. The staff is working on slight adjustments to the amendment so it meets the concerns of the chairman. I thank the chairman for his willingness to consider the amendment as part of the managers' amendment as modified. It needs to be further modified to conform to the desire of the chairman to have the language read up to the particular amounts which are \$40 million for the increased antinarcotics efforts of the National Guard, \$50 million for increased funding for childcare, and \$10 million for increased funding for family assistance centers.

If it is agreeable to the chairman, I will spend about 5 minutes discussing the amendment at this time, and I will proceed on that basis and recognize the amendment itself is still subject to further discussions.

Mr. STEVENS. We have no objection to the modification.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1896), as modified, is as follows:

At the appropriate place, insert the following:

SEC. _____. (a) CHILD AND FAMILY ASSISTANCE BENEFITS FOR MEMBERS OF THE ARMED FORCES.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE” is hereby increased by \$60,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, as increased by paragraph (1), not less than \$60,000,000 shall be made available as follows:

(A) Not less than \$50,000,000 shall be made available for childcare services for families of members of the Armed Forces.

(B) Not less than \$10,000,000 shall be made available for family assistance centers that primarily serve members of the Armed Forces and their families.

(b) NATIONAL GUARD COUNTERDRUG SUPPORT ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—The

amount appropriated by title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES" is hereby increased by \$40,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES", as increased by paragraph (1), \$40,000,000 shall be available for the purpose of National Guard counterdrug support activities.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts available under title VI for that purpose.

Mr. DAYTON. I thank Senator STEVENS for his support and assistance in this matter. I thank him and the ranking member and members of the committee and acknowledge in every one of these three areas the Senate Committee on Appropriations has added funding already above the President's recommendation. I recognize, also, that the committee is dealing with the budget constraints that were imposed upon it by the Senate budget, but conditions in the real world do not always conform to those constraints. This funding is essential to address these critical areas, beginning with an additional \$40 million for the National Guard counterdrug efforts which would enable State coordinators to increase their border security, to increase reconnaissance, and to expand their effort to interdict the flood of illegal drugs into our country.

These National Guard antidrug efforts are under the control of the Governors and Adjutant Generals so they do not violate Federal posse comitatus laws. Yet they are essential to our national security.

Other than international terrorism, there is no greater threat to the safety, the health, and the well-being of our citizens than the increasing flow of illegal drugs into our country, into our neighborhoods, into our schools, and into our homes. They are destroying lives, they are destroying families, and they are destroying communities.

In my home State of Minnesota I am told by local law enforcement leaders there are direct pipelines of illegal drugs now, especially methamphetamine from Mexico, right into the State of Minnesota.

Border security is not just a Southern State crisis or a Northern State problem. Homeland Security is not just a Federal agency with increased priorities.

As I listen to local law enforcement officials throughout Minnesota, they say we are losing the war against these narcotics terrorists. We are losing because our resources are being overwhelmed by their resources. These are battles that are going on not halfway around the world but right here at home, right within our own country, every day and every night.

These are narcotics terrorists. They are drug-dealing gangs. They are dangerous predators. They are preying on Americans, young and old, rich and poor. They are pouring highly dan-

gerous, very addictive, and corrosively expensive drugs into our country and our citizens' lives, and we are letting them get away with it.

In many cases they get away with it entirely scot-free and leave the country with millions and millions of our dollars. These are very dangerous, destructive, evil people who are winning the war on drugs in this country because we—all of us, collectively, all of us Americans collectively—do not have enough good guys out there on our behalf who are fighting them. My amendment brings more money for the good guys to win this terribly destructive battle.

Second, \$50 million would go to increase the childcare services for military families. Again, I commend the committee, Chairman STEVENS, for increasing the President's recommendation in this critical area. My amendment would add another \$50 million because the Office of the Secretary of Defense currently estimates that 38,000 children of Active-Duty military families are not able to access military childcare because of the lack of spaces and facilities. This is especially critical because so many of these family members are being deployed for 12 or 18 months, leaving their spouses as single parents, financially strapped, needing to work and therefore needing quality childcare even more than before.

Finally, my amendment adds \$10 million for family assistance centers and personnel who are responding to the increased needs of military families—Active-Duty, Reserves, and National Guard, whose families are being seriously and severely impacted by the increased number of deployments for extended periods of time.

The stresses of those long separations, the constant anxieties and uncertainties about the well-being of their loved ones abroad, the financial pressures, the difficulties emotionally of single parenting all add up and have put additional needs for these family assistance centers and their personnel for families while their loved ones are serving and after they have returned. And some wounded and seriously maimed are causing enormous family stress and strains for the next number of years.

I thank, again, the chairman, and I thank the ranking member for his willingness to consider taking this amendment into the managers' package. I commend them for their leadership in these very important areas. I hope this amendment will be seen as constructive to that, and I hope the conference committee will see fit to include these increases because I can assure all the Members that it will be very much needed and very well used.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. What is the situation with regard to when we vote on this amendment?

The PRESIDING OFFICER. The vote is scheduled to occur at 2:15.

Mr. STEVENS. I ask unanimous consent that time be changed to 2:30 with no amendments in the second degree in order.

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

Is the Senator suggesting the additional time be equally divided?

Mr. STEVENS. Now I address the Senator, the sponsor of the amendment. Senator MIKULSKI wants 15 minutes between now and 2:30. Does Senator DAYTON have any objection to that?

Mr. DAYTON. No, I have no objection.

Mr. STEVENS. I will take a few minutes before that time, and Senator MIKULSKI would have from 2:15 until 2:30.

Ms. MIKULSKI. Yes.

Mr. STEVENS. Mr. President, we have provided \$25 million to respond in this bill for the National Guard counterdrug program. We already have \$20 million for childcare, \$20 million for family counseling, \$18 million for National Guard and assistance centers, for a total of \$58.6 million.

The Senator's amendment adds \$60 million for childcare and \$20 million for family assistance centers but, as he said, we have already gone in excess of the President's request. We have tried to balance the requirement to fight the war on global terrorism and maintenance for our technological advantage against potential rivals and the care of our servicemembers and their families.

We have worked closely with the Department of Defense to identify these requirements. We believe the Senator's amendment is subject to a point of order.

We raise a point of order under section 302(f) of the Congressional Budget Act that the amendment provides for spending in excess of the 302(b) allocations under the fiscal year 2006 concurrent resolution on the budget.

Having raised that, does the Senator wish to waive that point of order?

Mr. DAYTON. I do.

Mr. STEVENS. The Senator moves to waive the point of order. I ask for the yeas and nays on the motion to waive the point of order that I have submitted.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur at 2:30 on the motion to waive.

Mr. STEVENS. For the information of Members, we hope we will have another amendment ready to be considered at 3 o'clock. Senator HATCH has asked for 30 minutes beginning at 2:30 to speak on a matter that is not pertinent to this bill, but he has that right to speak under his allocation of time.

I ask unanimous consent Senator HATCH have 30 minutes from 2:30 to 3 o'clock. He has had a terrible disaster in his office. One of his close personal friends on his staff has passed away. He wishes to speak about that person for

30 minutes starting at 2:30. We want to put the vote to 3 o'clock. So I move we move the vote to 3 o'clock so Senator HATCH can speak at 2:30.

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

Mr. STEVENS. I yield the floor to Senator MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, as I noted under the request made by the chairman of the Senate Defense appropriations, I have time at 2:30. I know it is a minute or two earlier, but I ask for the ability to proceed.

The PRESIDING OFFICER. The Senator may proceed.

GAS PRICES

Ms. MIKULSKI. Mr. President, I know we are considering the Defense appropriations bill, and we congratulate the leadership of the subcommittee of which I am a proud member. Senators STEVENS and INOUE have brought an excellent appropriations bill to the Senate.

I rise about another security issue which is the high price of gasoline. I rise today to urge President Bush to convene a White House jawboning session of the American oil and gas companies to urge them to be good corporate citizens and lower the price of gasoline, home heating oil, and natural gas.

I think it is swell the President is agreeing that conservation is an important goal. But it is very little and very late. Yes, we do need conservation. But wearing sweaters just will not be enough. The President needs to call on CEOs of the oil and gas companies to be patriots. It is time for the oil and gas company CEOs to be looking at the ways they can help the American people, not only their profits.

These sky-high prices have created a crisis for American families and businesses—from families that must commute to work, to small businesses that deliver flowers, to truckers that deliver food, and watermen in the Chesapeake Bay who are paying \$4 a gallon to take their boats out. This is going to have a tremendous inflationary pressure on our economy. We in Maryland are feeling it very severely. Maryland has the third highest gas prices in the country, at more than \$3 per gallon. It has been a 30-percent increase in little more than 1 month.

Maryland is not the only State affected. The national price for a gallon of gas is now as high as it has been in 20 years. Some are saying: Well, gas prices are going down. Well, they have been going down a penny or two, but they are still very high.

As people go to the gasoline pump, they feel this great anxiety. People are nervous about getting gas. As for what that means to families, I have seen on our local TV a soccer mom filling up her minivan, and seeing that it cost \$90, she just put her head down on the window crying about what her family was going to do?

That is why I have asked the President today to convene a White House "jawbone" session. There is precedent for this. Forty years ago, Jack Kennedy felt that big steel was really pushing up the prices. Some called it price gouging. He called in the CEOs of the steel industry to the White House. He made the case for the American people. He said the steel industry action was unjustified and irresponsible and not in the public interest. President Kennedy publicly pressed them hard. Guess what happened? Roger Blough and the steel industry decreased their prices.

I am asking President Bush to follow President Kennedy's example and call in these oil and gas CEOs. He has called in the oil and gas CEOs before to help write the energy policy. Well, now we need a new energy policy. We need one based on conservation. We need one based on innovation, to come up with new ideas on alternative fuel supplies. We need a new energy policy to look at what we can do to rebuild the gulf. And we understand oil and gas has suffered some damage there. But we also need them to take a look at the prices they are charging and the consequences to our economy. So we feel if they could write a national policy a few years ago, they can come in and write a new national policy.

So I have sent this letter to the President, signed by many Senators. I would hope the President would think about how we can engage the private sector to come to grips with what is happening here. He should also reach out to get their advice on innovation, to get their advice on boosting our supplies, to get their advice on what to do about having more refining capacity and, at the same time, meet some of our environmental constraints.

We understand we are at a crossroads in this country. Now is the time to bring them together, but bring them together as patriots. I believe they will be able to make profits and be patriots at the same time.

Mr. President, I ask unanimous consent that the letter to the President, dated October 6, 2005, be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, October 6, 2005.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Sky high gas prices have created a crisis for American families and businesses. As Americans struggle to fill their gas tanks, the oil and gas companies are filling their pockets with historic profits. Bold and decisive Presidential leadership is required. We urge you to convene immediately a summit at the White House of oil and gas company CEOs to call on them to be good corporate citizens by reducing their prices.

The price for a gallon of gas is now the highest it has been in more than twenty years. It jumped 12 cents in just the last week and now averages almost \$3 a gallon,

with many Americans paying as much as \$3.50 for just one gallon of gas. These prices are hurting everyone, from families getting children to school and commuting to work to small businesses like the florist delivering flowers and our larger employers trying to get goods to their stores. Meanwhile, the oil and gas company profits continue to soar, with projected earnings growth for 2005 ranging from 50% to more than 100%.

This all comes at a time when America is facing a crisis caused by Hurricanes Katrina and Rita. In response, we have seen an outpouring of generosity and selflessness throughout the nation. Many families and companies are putting the needs of hurricane victims first and opening their hearts, homes and wallets.

In times of national crisis, corporations have been called upon to act in the national interest. In 1962, as our country faced an economic crisis at home and foreign policy crises abroad from Berlin to Vietnam, the steel industry jacked up prices. President Kennedy called the CEOs of the steel industry to the White House. He forcefully made the case for the American people: he said the steel industry action was "wholly unjustified and an irresponsible defiance of the public interest." President Kennedy publicly pressed them hard—and prices decreased.

We urge you to follow President Kennedy's example. Call in the oil and gas CEOs and tell them to cut their prices. Tell them that profiteering at a time of national need is unacceptable.

We have never before had a President, Vice President or Administration as close to the oil, gas and energy industry as yours is. This was demonstrated when, at the beginning of your administration, you convened a White House energy task force to draft a national energy policy. As we now know, large parts of that policy were drafted by your friends, allies and supporters in the oil, gas and energy industries.

Mr. President, if you can call on the oil, gas and energy industries to write national policy that benefits them, then you can certainly call them to the White House on behalf of the American people at this time of national need. America needs your leadership to prevail upon them to reduce gas prices and other fuel prices now.

Sincerely,

BARBARA A. MIKULSKI.

Ms. MIKULSKI. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are not.

Mr. BIDEN. Mr. President, may I proceed for 7 or 8 minutes as in morning business between now and the time Senator HATCH comes at 2:30?

Mr. STEVENS. We have no objection to that. The Senator is entitled to speak on any matter he wishes, using his own time. But we have time set for Senator HATCH to begin at 2:30.

Mr. BIDEN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Delaware is recognized.

PRESIDENT BUSH'S SPEECH TO THE NATIONAL ENDOWMENT FOR DEMOCRACY

Mr. BIDEN. Mr. President, today, in his speech to the National Endowment for Democracy, President Bush gave a vivid and, I believe, compelling description of the threat to America and to

freedom from radical Islamic fundamentalism. He made, in my view, a powerful case for what is at stake for every American.

Simply put, the radical fundamentalists seek to kill our citizens in great numbers, to disrupt our economy, and to reshape the international order. They would take the world backwards, replacing freedom with fear and hope with hatred. If they were to acquire a nuclear weapon, the threat they would pose to America would be literally existential.

The President said it well. The President is right that we cannot and will not retreat. We will defend ourselves and defeat the enemies of freedom and progress. But in order to know where we are going to go from here, we have to understand, in my view, how we got to this point in the fight. Unfortunately, the many fundamental mistakes this administration has made over the past 4 years have dug us into a hole that is making it harder for us to get out.

First, the administration took our eye off the ball in Afghanistan and diverted our attention and resources to Iraq prematurely. As a result, while we made progress in Afghanistan, violence in Afghanistan is now worse than it has been since the war, and the Taliban, al-Qaida, and the warlords are, once again, on the move in Afghanistan.

Meanwhile, we have captured some al-Qaida leaders, but many others have risen to take their place, and the terrorist threat has literally metastasized to many other countries. Around the world, terrorist attacks are on the rise, not decline.

Second, this administration turned unilateral military preemption from the option it has always been into a one-size-fits-all doctrine in the war on terror. We forgot that the power of our example is as important as the example of our power, that our ideas and our ideals are among our greatest assets. We forgot to draw on the totality of America's strength in order to be able to deal with the hearts and minds of 1.2 billion Muslims around the world.

Third, once we decided to focus on Iraq, we went to war too soon. We went without the rest of the world, and we went under false premises.

This administration told us we would be greeted with open arms, that we had enough troops to stabilize the country, that Iraqi oil would pay for the reconstruction. They were wrong on each of these counts and many more.

The result is a terrible irony. Iraq now risks becoming what it was not before the war: a haven for the very radical Islamic fundamentalists who would do us such harm.

But today the President of the United States seemed to recognize some of this self-inflicted damage. That is a good thing, and I applaud him for it. He said: "the terrorists have now set their sights on Iraq"—finally acknowledging that they did not before the war.

He said that in the broader fight against the radical fundamentalists and in Iraq itself, we can't succeed alone, that we need partners—finally acknowledging what many of us on both sides of the aisle have been saying for years.

He implied that while our military might is essential, it is not sufficient—finally acknowledging that we can and must call on the totality of America's strength, including our economic and political might and the power of our example.

He said that the fight for freedom is long term and that democracy can't be imposed by force—finally acknowledging that we can't simply topple tyrants and leave, that we have to work day in and day out to support moderates and modernizers and build the institutions of democracy.

And he said that much more sacrifice will be required—finally acknowledging the difficulty of the challenge and the burden every American must bear.

So the President said some very important things today. But there are also a lot of things he did not say that leaves me, and I suspect many others, feeling frustrated. He told us broadly what we have to do, but he said virtually nothing about how he plans to go about doing it and what the American people can expect.

Consider what he said, and what he did not say, on Iraq.

Yes, we have to train Iraqi forces, as he said. But we still do not know how many of those forces must be capable of operating on their own or with minimal U.S. support before we can begin to reduce our military presence in Iraq. And we do not have any idea when those numbers might be reached.

Yes, we have to support the creation of a strong Iraqi political system that enjoys legitimacy with all the major groups, as the President said. But we still do not know what the plan is to overcome deep Sunni hostility to the constitution and to reconcile the growing sectarian differences that threaten to divide Iraq, not unite it.

Yes, we have to engage the international community to stabilize Iraq, as the President has said. But we still do not know what concrete actions the administration is taking to do just that. We still do not know why it will not organize a contact group of leading nations to show a united international front. We still do not know the plans for getting Iraq's neighbors to act responsibly, as we did in the Balkans and in Afghanistan.

Yes, we have to continue to help the Iraqis rebuild, as the President said. But we still do not know what the administration is going to do to actually deliver more electricity, to clean up the sewage, to get the oil flowing.

My colleagues remember, right after we went in, Mr. Bremer laid out a game plan. He said: By August we will have X number of megawatts and pump Y numbers of barrels of oil; and by De-

cember we will have—and there were goals. If you notice, we have not heard a thing, not a single thing about any of that. We have no idea what the administration's timetables or goals are, other than generically to help them rebuild.

What do we need to do to turn the tide on delivering basic services? And when can we expect them to succeed? Because in each of these areas, Iraqis today, as I speak, are worse off than they were before the war.

The President today was eloquent, and he was determined. But eloquence and determination, although necessary, are not sufficient.

The American people need—and our troops deserve—a clear plan for the way forward in Iraq, which has now become the central front in the war against radical Islamic fundamentalism.

As I have said many times before, the American people need this administration to speak openly and forthrightly about its plan for success in Iraq, for no foreign policy can be sustained—as we are noticing by the numbers—without the informed consent of the American people. They must be informed.

The American people also need—and our troops deserve—not the assertion that we finally have a comprehensive strategy in the fight against the fundamentalists but a detailed explanation of what that strategy is and the steps the administration is taking to build it.

It is precisely because all of us recognize what is at stake for our generation and those who follow that we will continue to speak out and insist that our Government act not only with determination but with effectiveness, not only with conviction but with wisdom.

Finally, though I continue to have differences with the President about how he has gone about prosecuting the war on terror—and I have spoken out as forcefully as I know how—let our enemies make no mistake—make no mistake at all—Americans are united in the struggle for freedom. We stand together in our determination with the President to fight the forces of tyranny and terrorism. In this right, America will prevail.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I say to the Senator from Delaware, if he wishes to speak further, we will be happy to extend him more time, if he wishes.

Mr. BIDEN. No, I am fine. I thank the Senator.

AMENDMENT NO. 1896, AS FURTHER MODIFIED

Mr. STEVENS. Mr. President, I send to the desk a modification to Senator DAYTON's amendment.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

At the appropriate place, insert the following:

(1) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$60,000,000 may be made available as follows:

(A) Up to \$50,000,000 may be made available for childcare services for families of members of the Armed Forces.

(B) Up to \$10,000,000 may be made available for family assistance centers that primarily serve members of the Armed Forces and their families.

(b) NATIONAL GUARD COUNTERDRUG SUPPORT ACTIVITIES.—

(1) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title VI under the heading "DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES", up to \$40,000,000 may be available for the purpose of National Guard counterdrug support activities.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts available under title VI for that purpose.

Mr. STEVENS. Mr. President, I ask unanimous consent that the modified amendment be considered and that it be adopted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1896), as further modified, was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. That cancels the vote for 2:30, correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. The bill is still subject to amendment. No other Senator has asked us to consider an amendment.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

IRAQ

Mr. DURBIN. Mr. President, the much awaited speech by President Bush this morning about the challenges we face in Iraq and Afghanistan was promised to be a new perspective. It was promised to offer the possibility that at least we would be considering a new approach.

I was disappointed. The President has offered the American people a false choice between resolve and retreat. The real choice should be between a strategy of accountability and the vague generalities which we continue to hear from this administration. We have to move beyond the policies of fear to a plan of forceful commitment to protecting America and our values.

The most telling line in President Bush's speech this morning about the threat of terrorism was this:

There is no alternative.

Once again, the President tells us there is no alternative but to stay the course in Iraq. But he fails to answer the most basic questions that more and more Americans are asking every single day: How do we know that progress is being made? How do we measure success? How much longer will America, with its best and bravest men and women in uniform, be facing this insurgency, killing, and the terrible conditions which we find in Iraq? Most importantly, what is President Bush's plan to ensure that our troop commitment in Iraq does not compromise our safety here at home? The White House promised us new details in this speech. We did not receive them, just old generalities.

All Americans are committed to our troops, make no mistake about that. When we take a look at the appropriations bills that come before this Congress to provide the resources for the troops in Iraq, one could not pick out which Senators voted for or against Iraq in terms of the invasion. All Senators—Democrats and Republicans—regardless of their feeling about the wisdom of this strategy are committed to our troops and committed to the resources they need to come home safely. That is not the question. The question is, What is President Bush's plan to achieve the goals that he states over and over? He failed to answer that question today.

Once again, we are presented with false connections between why we are in Iraq and why we were attacked on September 11. The implication is distorting. It is false. The 9/11 Commission put that allegation to rest. They found no operational relationship between Iraq and what happened in America on September 11, 2001.

But now, 2½ years into Iraq, the war has not made us safer from terrorism. It has altered the strategic environment to our disadvantage. Today we have fewer allies in Iraq than we did when this war began. We have less credibility.

The search for Osama bin Laden has been diverted. The President quoted Osama bin Laden today. I think it is time to capture Osama bin Laden, as we have been promised so many times would happen.

We have fewer options dealing with Iran and North Korea, and the administration knows it. Our army is strong and brave and resilient, but it is being pushed to the limit. Our National Guard and Reserves and their families are loyal and courageous Americans. They have carried an extraordinary burden in this war in Iraq, and there is no end in sight.

The President gave a rousing speech, but we learned nothing about how we will either win the war in Iraq or the war on terror. The choice in Iraq is not to stay the course or withdraw tomorrow. That is a false choice. We don't want or need to retreat and allow that part of the world to descend into chaos politically. We need to implement a

strategy that gives the Iraqis a chance to build a government that stands on its own. That is the only government that can succeed in Iraq.

This morning, the Department of Defense reported that we have 148,810 soldiers in Iraq; 1,945 Americans have died since our invasion; 14,902 have been wounded. How many innocent civilian Iraqis have been killed? It is anyone's estimate at this point, but some say between 20,000 and 40,000 Iraqis have lost their lives since the invasion.

We owe it to our men and women in uniform, we owe it to those who believe in America to let them know what our path for success will be. And we certainly owe it to America's taxpayers who are spending \$1.5 billion a week in Iraq to let them know what our strategy will be.

Last week in Washington, a piece of information came out that had been protected and classified for a long period of time. I had heard about it, but we were not allowed to speak about it. Then Generals Casey and Abizaid came to testify in an open and public hearing and conceded the fact that out of over 100 battalions of the Iraqi Army in that country, only 1 out of the 100 were battle ready; 1 out of 100 prepared for battle to stand and fight on their own. That is a shocking disclosure—the billions of dollars we have put into Iraq, the amount we have invested in the premise that once the Iraqi Army was up and ready to fight, we could come home, and then to learn after all of this time that only one battalion stands ready to fight.

This week, we addressed a letter to the President—some 40 Democratic Senators joined together—and asked the President critical questions which we think need to be answered, questions which were not answered today. Here are the questions:

How many Iraqi forces must be capable of operating without U.S. assistance or with minimal U.S. support before we can begin reducing our military presence? When will that number be reached? When can we start bringing American soldiers home?

The next question: What specific measures does the administration plan to take before and after this critical October 15 constitutional referendum to forge the necessary political consensus and reconcile the growing differences, sectarian and religious, in the nation of Iraq? If such consensus is not reached, what policy changes will be required?

Just 2 weeks ago, the President of Iraq came to visit us in the Capitol. He is a man of Kurdish ethnic origin. It was interesting because his entire delegation he brought with him was Kurds. His closest aide and his security detail were all Kurdish. The interesting thing about that is, we are talking about an Iraq where all factions are coming together, and yet it appears their leaders are traveling in these little enclaves that represent their sect, their ethnic background. There is not an indication

that Iraq is viewing the prospect of nationhood in the way these top officials are conducting their public lives. How are we dealing with that?

Another question the President and the administration must face: What efforts have they made or will they make to obtain broader international support, including engaging Iraq's neighbors and other nations, particularly Muslim nations, in an effort to stabilize Iraq?

There is no question that many in Iraq resent our presence. They view us as an occupying force. When the generals brief us, they tell us bluntly: We cannot defeat the insurgency. It will take political and economic forces. We cannot do this militarily. And yet our force is there. Our sons and daughters, those in uniform whom we love, are there with their lives at risk every single day.

What is this administration doing to change the face of that force that stabilizes Iraq until they can control their own fate and their own future? What are they doing, if anything, to bring in troops from Muslim nations so that we no longer face the criticism that we are somehow invading this Muslim country? It is an important question to be answered.

How should the American people, we ask the President, assess the progress in reconstituting Iraq, in reconstructing it? What are the tangible results of the billions of dollars America has provided for Iraq's reconstruction? Does the administration have a plan to ensure that those who misuse taxpayers' funds will be held accountable? How much more will taxpayers be asked to contribute to Iraq's reconstruction? What steps is the administration taking to ensure that future investment will not be misused?

We continue to hear that when it comes to the basics of life, there is less electricity today for the families and people of Iraq than there was before the invasion. We know they are struggling with the basics of life—water, sewage, safety in the streets, safety for children to go to school.

What we are saying at this point is this administration—every administration—must be held accountable for its policies. We must be able to measure whether progress is being made and whether staying the course will result in the kind of success the President is looking for.

None of these questions were answered today. We have no clearer picture of where we go from here than we did yesterday. At this point, the President has a special responsibility to the American people—not to convince us of the danger of global terrorism; we are convinced. We lived through 9/11. We know that these people who are engaged in that terrorism are looking for an opportunity to strike again. But the President has a responsibility to explain to the American people why Iraq, which was not the testing grounds for terrorism before our invasion, has be-

come that, why it has become a magnet for these terrorists to come from all over the Middle East and around the world to detonate car bombs and to attack our troops, and what we are doing to bring it to an end.

Those are the questions the American people still face. I know why the President held this press conference. He knows as well as I do, when you speak to people across this country, they have serious misgivings, not about the bravery of our troops, not about the need to make America strong, but that this strategy this administration is pursuing will bring us to a conclusion where America and its values are truly protected.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll. The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, because we are at this point postcloture, I want to speak on a subject unrelated to the bill. I ask unanimous consent to do that.

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

THE PRICE OF ENERGY

Mr. DORGAN. Mr. President, I want to speak about the price of oil and gasoline. I know there are a lot of discussions around this country about many issues of public interest. The American people are concerned and interested about a lot of challenges we face. We have the biggest budget deficit in the history of this country. I know people say it is getting better. The fact is, it is not. They show a little smaller budget deficit by using the Social Security surpluses to make it look smaller. We also have the largest trade deficit in the history of the country. The trade deficit and the budget deficit combined are over \$1 trillion this year. We have challenges there.

We have challenges in Iraq dealing with foreign policy. We have our men and women wearing America's uniform in harm's way. Our hearts go out to them and our prayers are with them.

We have a lot of issues. The gulf coast was hit by a devastating natural disaster, by Hurricane Katrina followed by Hurricane Rita. Hundreds of thousands of Americans have lost their homes. Many of them have lost everything, living still today in shelters with a bleak prospect ahead. And our country is coming together to try to say to them, You are not alone. We face some challenges.

Let me speak about one other challenge; that is, the challenge of the people who drive up to the gas pump this afternoon and buy 15, 16, or 18 gallons of gas, put it in their tanks, and discover it costs over \$50. There are a whole lot of families in this country

who cannot afford that. While people drive to the gas pump and put in 15 or 18 gallons and have a \$50 bill to pay, the major integrated oil companies in the country have reaped the highest profits in their history. These major integrated oil companies are bigger, stronger, more powerful and muscular than they have ever been.

Thanks to megamergers that have occurred in recent years, all these oil companies fell in love with each other, started dating, got hitched, and now, instead of two companies, it is one company. It is ExxonMobil. It used to be Exxon and Mobil, but it is now ExxonMobil. The list goes on. So we have bigger, stronger, and more powerful companies that have more impact in the marketplace, and they are more profitable than ever in their history.

Let me use a few statistics.

In January of last year, the average price of oil was \$34.5 a barrel in this country. At that rate, the major integrated oil companies made the largest profits in their history—Exxon earned \$25 billion. What did they do with it? Nearly \$10 billion went to buy back their stock another story I will talk about in a moment. At \$34.5 a barrel, the integrated oil companies had the highest profits in their history. Add \$30 a barrel to that. Then ask yourself, What are the profits going to be this year? You have the answer. Profits are windfall, excess profits far above anything justified.

We use 21 million barrels of oil a day in this country. The world uses 84 million barrels of oil every single day. We use a fourth of it. Think about that. We use a fourth of the oil pumped out of the ground every day in this country. Sixty percent of it we buy from other countries, and 40 percent we produce in this country.

People say—well, those who support the oil industry; there are plenty of them here—it is fine for them to be making \$60 or \$65 or \$70 a barrel. That gives them a chance to invest in more production and refineries. Let me show you what was printed in Business Week in June of last year entitled "Why Isn't Big Oil Drilling More?"

Rather than developing new fields, oil giants have preferred to buy rivals—"drilling for oil on Wall Street."

There ain't no oil on Wall Street. Wall Street is about big finance, high finance, buying and selling. There is no oil.

"Why Isn't Big Oil Drilling More?"

Oil has been over \$20 a barrel almost continuously since mid-1999. That should have been ample incentive for companies to open new fields, since new projects are designed to be profitable with prices as low as the mid-teens. Nevertheless, drilling has lagged.

This is Business Week. This isn't some liberal rag. This is Business Week, a conservative business journal.

Far from raising money to pursue opportunities, oil companies are paying down debt, buying back shares, and hoarding cash.

While the American people pull up to the gas pumps to pay \$50 for gas, where

it is going? Is it going into the ground to look for more oil or build refineries? No, it is not. The pain of the person at the gas pump is the gain of the treasury of the major integrated oil companies. It is a fat treasury on the one hand and enormous pain on the other.

Katrina and Rita hit this country, and we have people here who say that is what is causing this angst about the price of gasoline and oil. Not true. The fact is, oil was in the mid-60s a barrel before Hurricane Katrina was bearing down on the gulf coast. The price of oil was well above \$60 a barrel. This isn't about the hurricane.

Others of my colleagues say this is a free market in oil.

I was on one television program—I think a CNBC segment—and the moderator, a real thoughtful gentleman he was, said: You are a socialist because you want to take the windfall profits that exist and tax them and use that money to give a rebate to consumers. This is socialism, he said. I was tempted to say: Grow up. But he was a television commentator, so I didn't do that. But the point is, there is no free market in oil. There is no free market. Some OPEC oil officials that sit around the table and make decisions about supply and price to some extent can influence it.

Then what you have are the now giant integrated oil companies that have been made larger by blockbuster mergers in recent years. In addition to that, you have the futures market which is supposed to provide liquidity for trading which has become an unbelievable bazaar of speculation. So those are the elements that tell me there is no free market here.

You have a market in which the price of a gallon of gasoline is delivered. In fact, nobody ever sees it. It shows up at the gasoline pumps, you pump it into the tank of your car, and the money goes from your wallet. There are a lot of hard-working families in this country and low-income people who can't afford it—from their wallet into the treasury of the major integrated oil companies.

Then the question is, Why isn't big oil drilling more? I made a proposition. I introduced a piece of legislation, along with my colleague, Senator DODD, and others, to say anything above \$40 a barrel—incidentally, \$40 a barrel is the price at which the oil companies had the largest profits in their history by far—if you are not using it to drill for more oil or build more refineries, you get hit with a 50-percent excise tax on those windfall profits, and all of that money is used to give rebates to consumers. It is not money for the Federal Treasury. It takes the money back from the oil companies that are soaking people at the gas pump and returns it to consumers. There is a huge cry about that—interfering with the market, we are told.

Let me refer to this article from the New York Times. This is February of

this year. This goes back 8 months or so.

... the worlds 10 biggest oil companies earned more than \$100 billion in 2004, a windfall greater than the economic output of Malaysia. . . . Their sales are expected to exceed \$1 trillion for 2004, which is more than Canada's gross domestic product.

Exxon Mobil, the world's largest publicly traded oil company, earned more than \$25 billion last year and spent \$9.95 billion to buy back its own stock; Royal Dutch/Shell Group . . . pledged to hand out at least \$10 billion as dividends to shareholders this year.

Last year, the largest integrated oil companies spent 24 percent of their cash on dividends, 12 percent on share buy-backs, and 12 percent on paying debt . . . As a share of exploration and production expenses, spending on exploration has declined over the last decade, and now accounts for 20 percent of the total.

There was an interesting piece in a newspaper just days ago. Most people know what AAA is, the American Automobile Association—headline:

Finger-pointing Begins After Gas Prices Jump 24 Cents in 24 Hours; Exxon Dealers—

These are the gas station dealers—

—Say They Are Chafing Under Higher Prices Decried From Atop.

A growing chorus of Exxon dealers in the Washington metro area are raising their voices and accusing the world's largest oil company, Exxon Mobil, of profiting from the exorbitant prices at the pump in the wake of Hurricane Katrina . . . In candid conversations with AAA Mid-Atlantic, a handful of local dealers accused the oil giant of raising their wholesale price to service stations by 24 cents in a 24-hour period.

The disgruntled dealers say the steep price increases put them on the horns of a dilemma . . . By raising their prices, they risk losing their loyal customer base, which has taken them years to build. By raising their voices against Exxon Mobil's practices, they risk losing their contracts.

Question: What is happening here? What is going on? It is really an interesting dilemma. The inclination, I suspect, of most people here in the Congress is to do nothing. Go to "parade rest" is the most comfortable position for politicians. It has always been and perhaps always will be. But we not only see prices at the gas pumps coming from the price of a barrel of oil, now \$30 above last year's prices and record profits, we are now heading into a winter season where folks from my home State, the State of North Dakota, folks from the home State of the Presiding Officer, the State of Minnesota, and others will be paying 70 percent more for natural gas.

We had a vote yesterday on the low-income home heating assistance program. We lost that vote. We will come back and have it again. We will eventually have that vote. We don't have a choice. Low-income folks have to heat their homes, and heating a home in winter is not a luxury.

But this is not just about them. What about the other folks, the folks who are in the middle-income ranges who are still trying to figure out how to make ends meet? How do we buy school clothes for our kids and pay for gas for

our car and pay our mortgage, buy the groceries each week, and do all the things we need to do for our family, and then pay a 70-percent increase in the cost of heating our homes for winter? What about those people? Does anybody here care, or are we just content to thumb our suspenders and light our cigar under the glare of klieg lights? God bless the free market. Let it all go. What utter, sheer nonsense.

There is no free market in oil. I know people with suits that cost a whole lot more than mine are going to be cranky about this statement. There is no free market. They will say: Of course there is a free spot market. There are people trading right now as you speak, Senator DORGAN. There are people trading back and forth, and of course there is a market.

Totally absurd. There are the OPEC ministers, there are the larger and more powerful through blockbuster mergers integrated oil companies, and then there is rampant speculation in the futures market. They are combined to make a pretty interesting dance, but there is no free market.

There is substantial pain in this country at the price of gasoline, substantial pain that will occur this winter with a 70-percent increase in natural gas prices, a 40-percent increase in home heating fuel prices, and people are going to ask the question, Why is this happening? Who is on my side? Why do we have a circumstance where the biggest in this country, the largest economic enterprises, make record profits and smile all the way to the bank while all the rest of the folks are bearing the pain?

I have often spoken about the Texas Playboys, a band from the 1930s that had the refrain in their song, "Little bees suck the blossom, but the big bee gets the honey. The little guy picks the cotton, and the big guy gets the money." If ever those lyrics meant something, it means something now in this circumstance with respect to the pain and the gain in this energy policy.

So I introduced a piece of legislation. It is very simple. It says that at oil prices above \$40 a barrel, if the windfall profits accrued from those prices are not being used to explore for more oil and natural gas and if they are not being used to build refineries and add capacity, then they shall be taxed at 50 percent, and all of the proceeds will be used to provide rebates to American consumers. It is a form of revenue sharing from the oil companies that are experiencing windfall profits to the folks who are pulling up to the gas pumps and the folks who are going to try to pay a heating bill that is exorbitant.

I don't have any idea whether this Senate will act on this legislation. It is more likely the Senate will do what it usually does in areas of controversy: it will stand with those who have the most economic clout. The question of whose side are you on, regrettably, at least in recent years, the Senate has

demonstrated that it is not on your side. It is not on the side of the little guy, that is for sure. We can pretend and act as if we have our hands over our eyes for some months and say it just didn't work out that we could do anything, really. So the market system works. If it costs \$50 to fill your tank, that is the way the market is. God bless you. See you tomorrow. Good luck, by the way.

Or when you find the 70-percent increase in your home heating fuel and it is 30 below zero and the wind is blowing 40 miles per hour—and yes, it does in some parts of our country—and you are cranking up the furnace to make sure there is enough heat in the house for you, the family, and the kids, so you can go to bed and not freeze, and those who say this is just the free market, good for you, God bless you, keep that furnace high, but you have to make it a priority to pay the heating bill. It is not our fault the heating bill is so high. Congress decided not to do anything.

By the way, now it is December and the Congress is not in session anymore, and it is, you know, good luck to you. God bless you. Go back and forth to the post office and visit a little bit about how high the prices are, but nobody is going to help you much.

I don't believe we are a country that can do without oil. We produce oil in my State. I support the oil industry in many areas. I believe we ought to produce more in this country. I believe we are dangerously addicted to foreign oil. It is unusual, to say the least, that one-fourth of the world's oil is consumed in this country every day. We share this globe with 6.5 billion people, and in this country alone we have a claim on one-fourth of all the oil that is consumed.

It is a peculiar thing that somehow given how this planet is put together, there is this little area halfway around the world covered with sand where most of the oil deposits exist, and the largest deposits are in countries called Saudi Arabia, Iran, and Iraq. That is a curious and strange thing and one that is also dangerous for us.

We have become so dependent on that supply of oil—and now I am not talking about the price and windfall profits of domestic companies; I am talking about the dangerous addiction we have to foreign oil. If we do not as a country decide we will try to find a way to break this addiction—I am not suggesting we will not always dig and drill—but if our energy policy is just digging and drilling, that is a “yesterday forever” policy and it is one that is destined for failure.

We have to become independent in terms of our energy needs, particularly of those troubled countries in the Middle East. I find it fascinating we have such a relationship with the Saudis. The Saudis have the largest reserves of oil in the world. Under their sands exist the world's largest oil reserves. Because of that, even our foreign policy is altered.

I have spoken in the Senate many times about the 28 redacted pages in the 2002 December report about the September 11 terrorist attack in this country. Fifteen of the 19 terrorists were Saudi citizens. The combined Intelligence Committees of the House and the Senate did this first investigation of September 11. They sent it to the White House. The White House published the book, but 28 pages were redacted. What were they? Twenty-eight pages, according to published reports and according to my colleague Senator GRAHAM, in his book, had to do with the Saudis. Why? Because all that we do with the Saudis, all we do with them in foreign policy, even with respect to this issue of terrorist attacks, has to do with our incredible dependence on Saudi oil and on Middle East oil.

This is dangerous for our country. We have to remove ourselves from that, remove that addiction. How do we do that? There is a wide range of things. We passed energy legislation in this Congress. It is not great, but it is not bad. I voted for it. It moves us in the right direction. That is the immediate term. In the short term, we are confronted with this unusual price for a barrel of oil which converts to an unusual price for a gallon of gasoline. Every American driving up to the gas pump today understands the shock value of having to pay these prices. Every American trying to heat their home this winter will understand the same shock value.

They will and should ask the question, Is anybody doing anything about this, or is this an appropriate form of a new market system we do not understand? The answer is, the Congress should do something about it. Again, let me say there are all kinds of reasons and excuses and especially distortions that are moved around on these subjects. Let me give an example of one.

We have people who say, look, the reason we did not have more oil flowing, which would relate to supply and demand, with the supply-demand curve, if you have more supply going in against a fixed demand or an increasing demand, a greater supply means lower price. The reason we do not have that is because of the eggheaded environmentalists, they would claim. They have prevented oil companies from building refineries, so shame on them, that is the problem today. We do not have enough refineries.

We hear that in the Senate and the House and all political debate, over and over. It is a branding technique, the notion if you say it often enough, people will start believing it: 150 refineries have been closed in the past 25 years and no new refineries have been sited in the same period.

The fact is most of the evidence points to the oil companies themselves as making the decisions about closing refineries. They have decided to shut down existing refineries and decrease

output as a business matter. They do that following big mergers and also restructuring. The big integrated oil companies control a majority of the Nation's refined oil and gas products. In many cases, they control this process from the point of pulling oil from the ground to pumping it into your gas tank.

The fact is, there is an interesting amount of evidence about this issue of refineries. We had an Energy Committee hearing about this. We had three experts who knew about all this. Why are there not more refineries being built? Because the margins are not higher, is why. That is from the experts. It has nothing to do with environmentalists. The margins are not higher. So when oil companies restructure and merge, they close refineries because they want to. The fact is there is a wealth of information about this refinery issue that suggests this is not about environmentalists; it is about the oil companies deciding in their own interests how much refining capacity they want and what kind of margins they want from refining.

My point is very simple. We have a serious problem in this country with an energy crisis. It is not getting better. We have a dislocation, terrible pain, for a lot of working folks, a lot of low-income people, not just to drive their cars but also to heat their homes as we approach this winter. And they will ask the question, and should, is anyone going to care about this? Will somebody do something about it? Will someone be on our side and stand for us?

We will have some people say this is the free market and if you do not like it, tough luck, we do not intend to intervene in a free market.

Then there are others, such as me, who say that is nonsense, this is not a free market, this is not fair competition. A free market economy is about competition. Easy entry, easy exit, competition around price. There is no free market here. We have OPEC, oil companies, and rampant speculation. They have created a distortion of so-called market prices.

The American people deserve a Senate that will stand in at times when oil prices reach \$60 and \$70 a barrel and we have profits that represent the biggest profits in the history of corporate America. The American people deserve a Senate that will stand up and say, We are on your side and we will do something about it when the market system does not work.

America can do better. The fact is we can do better on energy policy. We can do better on policy I just described. We owe it to people to intervene in circumstances where we must intervene. The Senate should make it a priority to consider this kind of legislation.

We have meandered our way through this year. There has been no discernible pattern, no discernible journey that makes much sense to me. But in this Congress we have wandered

around, place to place. We did not pass our appropriations bills, intervened in a whole range of issues, including the Terri Schiavo case. I could go on and on and on. We intervened in all the other issues.

The key things most people are concerned about in their daily lives, that they talk about at the supper table when they sit around and have something to eat together—this is one of those key issues. What is the price of energy? Can we afford it? If not, what do we do?

The proposal I have offered with some of my colleagues for a windfall profits recapture would not injure any major integrated oil company under any set of circumstances because they would not have to pay it. They would choose not to pay it if, in fact, they are using their windfall profit to explore for more oil and build more refineries; and if not, they would choose to repay part of that profit in a form of rebate back to their consumers.

My hope remains in these coming days as the Congress lurches toward the end of this year, that Congress and the Senate, particularly, will find time to do what is the bull's eye, the agenda the American people want, to deal with things that affect them every day in a very significant way.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REPEAL LAW

Mr. DORGAN. Last Friday I was in the Senate briefly and indicated we were introducing legislation that repeals the law that was passed in the emergency response to Hurricane Katrina that took the limitation on the credit cards carried by Federal employees from \$2,500 to \$250,000. That is right, the bill that responded with emergency funding for Katrina also included a provision that increased the limit on Federal credit cards that are carried by some 300,000 Federal workers, increased the top limit from \$2,500 per purchase for \$250,000 per purchase.

When I discovered that, I thought, that is not right, that cannot be believable. It, in fact, was. I discovered the White House had requested that increase in the limit on Federal credit cards be provided.

In fact, the person who came down to brief the Congress on that was Mr. Safavian, top procurement officer at the Office of Management and Budget, who was arrested 2 weeks later by the FBI and now has been indicted. But all this happened some weeks ago. The credit card limit went from \$2,500 to \$250,000 on the credit card that is carried by a Federal worker, and there are 390,000 or so around.

I introduced with my colleague Senator WYDEN a bill that would restore it back to the \$2,500 limit. My point was, this is nuts. It is goofy to put a \$250,000 limit on a credit card. It is unbelievable. I pointed out the Inspector General's reports and also the GAO reports about abuse of credit cards by some Federal employees.

One Federal employee put breast enlargements for his girlfriend on a Federal credit card. Buying liquor, trips, guns, unbelievable expenditures in the abuse found by the GAO, and we will increase the top limit on the credit cards to \$250,000?

I introduced that legislation and I am pleased to say on Monday of this week the Office of Management and Budget and the White House announced they support the legislation to take this back to \$2,500. So it is actually \$2,500 plus an emergency \$15,000 post September 11, that happened after September 11, which is what we would take this back to. The White House has said they want to rescind the \$250,000 and take it back to \$2,500.

That is the legislation I have introduced with my colleague Senator WYDEN. My hope is at the first opportunity, given the support of the White House, that I can offer this as an amendment, perhaps not to this bill, because I think we are limited in amendments and we are probably on auto pilot with respect to the amendments. The very next piece of legislation, it would be my intention to offer that.

As I said, that will have the support of the White House. Without it, of course, the law still exists. It was put in law at the request of the White House to take the top limit from \$2,500 to \$250,000. I want to take it back. The White House says they want it back. So let's decide here in the Senate to put it on a bill and get it to conference and get this sort of thing done.

Let me also say to OMB and the White House, I appreciate their candor and their willingness to do the right thing. Everyone understood what was requested was a mistake. It should not have been requested. The decision now is to change the law and to make it where it ought to be, a \$2,500 limit on the credit cards.

Yes, we have to respond in a significant way to Hurricane Katrina. Sometimes that might encourage somebody or require somebody in certain circumstances to have a larger purchase, but there are plenty of ways to accommodate that without risking the waste, fraud, and abuse that will go with having credit cards with \$250,000 limits.

Our legislation is pending. I make the point I appreciate the administration deciding to do a U-turn on this policy. We will offer this legislation in the Senate as soon as we are eligible to offer it on perhaps the next piece of legislation brought to the floor.

I yield the floor and 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 (Mr. CHAFEE). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator from South Dakota be entitled to introduce a bill and have time as though in morning business, with the clock on cloture continuing to run.

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

(The remarks of Mr. THUNE pertaining to the introduction of S. 1840 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THUNE. Mr. President, I yield back the remainder of my time.

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.

Mr. STEVENS. Mr. President, the hour is now almost 4:30 p.m. We have waited and waited and waited for Senators to bring their amendments. No further amendments have been noticed to either side.

AMENDMENTS NOS. 1981, 2053, 2054, 2055, EN BLOC

Mr. STEVENS. Mr. President, I have a managers' package which I send to the desk for Senator CHAMBLISS, amendment No. 1981, literacy on military installations; an amendment for myself on advisers for the Joint Chiefs of Staff; an amendment for Senator FRIST on certain youth organizations; and an amendment for Senator BYRD regarding Hurricane Katrina relief.

I ask these items be considered en bloc.

The PRESIDING OFFICER. Without objection, the Senate will consider the amendments en bloc.

Mr. STEVENS. Mr. President, I ask that the Senate consider the amendments and adopt them en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to, en bloc.

The amendment (No. 1981) was agreed to.

(The amendment is printed in the RECORD of Monday, October 3, 2005, under "Text of Amendments.")

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 2053

(Purpose: To increase the rate of basic pay for the enlisted member serving as the Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff)

At the appropriate place, insert the following:

SEC. ____ . INCREASE IN RATE OF BASIC PAY OF THE ENLISTED MEMBER SERVING AS THE SENIOR ENLISTED ADVISOR FOR THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) INCREASE.—Footnote 2 to the table on Enlisted Members in section 601(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 37 U.S.C. 1009 note) is amended by striking “or Master Chief Petty Officer of the Coast Guard” and inserting “Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff”.

(b) PERSONAL MONEY ALLOWANCE.—

(1) ENTITLEMENT.—Section 414(c) of title 37, United States Code, is amended by striking “or the Master Chief Petty Officer of the Coast Guard” and inserting “the Master Chief Petty Officer of the Coast Guard, or the Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on April 1, 2005.

AMENDMENT NO. 2054

(Purpose: To support certain youth organizations, including the Boy Scouts of America and Girl Scouts of America, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ . SUPPORT FOR YOUTH ORGANIZATIONS.

(a) SHORT TITLE.—This Act may be cited as the “Support Our Scouts Act of 2005”.

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Federal agency” means each department, agency, instrumentality, or other entity of the United States Government; and

(B) the term “youth organization”—

(i) means any organization that is designated by the President as an organization that is primarily intended to—

(I) serve individuals under the age of 21 years;

(II) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(III) promote the development of character and ethical and moral values; and

(ii) shall include—

(I) the Boy Scouts of America;

(II) the Girl Scouts of the United States of America;

(III) the Boys Clubs of America;

(IV) the Girls Clubs of America;

(V) the Young Men’s Christian Association;

(VI) the Young Women’s Christian Association;

(VII) the Civil Air Patrol;

(VIII) the United States Olympic Committee;

(IX) the Special Olympics;

(X) Campfire USA;

(XI) the Young Marines;

(XII) the Naval Sea Cadets Corps;

(XIII) 4-H Clubs;

(XIV) the Police Athletic League;

(XV) Big Brothers—Big Sisters of America; and

(XVI) National Guard Youth Challenge.

(2) IN GENERAL.—

(A) SUPPORT FOR YOUTH ORGANIZATIONS.—

(i) SUPPORT.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth

organization) than was provided during the preceding fiscal year. This clause shall be subject to the availability of appropriations.

(ii) YOUTH ORGANIZATIONS THAT CEASE TO EXIST.—Clause (i) shall not apply to any youth organization that ceases to exist.

(iii) WAIVERS.—The head of a Federal agency may waive the application of clause (i) to any youth organization with respect to each conviction or investigation described under subclause (I) or (II) for a period of not more than 2 fiscal years if—

(I) any senior officer (including any member of the board of directors) of the youth organization is convicted of a criminal offense relating to the official duties of that officer or the youth organization is convicted of a criminal offense; or

(II) the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds.

(B) TYPES OF SUPPORT.—Support described under this paragraph shall include—

(i) holding meetings, camping events, or other activities on Federal property;

(ii) hosting any official event of such organization;

(iii) loaning equipment; and

(iv) providing personnel services and logistical support.

(c) SUPPORT FOR SCOUT JAMBOREES.—

(1) FINDINGS.—Congress makes the following findings:

(A) Section 8 of article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

(B) Under those powers conferred by section 8 of article I of the Constitution of the United States to provide, support, and maintain the Armed Forces, it lies within the discretion of Congress to provide opportunities to train the Armed Forces.

(C) The primary purpose of the Armed Forces is to defend our national security and prepare for combat should the need arise.

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation, logistics, and leadership required for defending our national security and preparing for combat.

(F) For example, Boy Scouts of America’s National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a “tent city” capable of supporting tens of thousands of people for a week or longer. Camporees at the United States Military Academy for Girl Scouts and Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT.—Section 2554 of title 10, United States Code, is amended by adding at the end the following:

“(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

“(2) The Secretary of Defense may waive paragraph (1), if the Secretary—

“(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

“(B) reports such a determination to the Congress in a timely manner, and before such support is not provided.”.

(d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—Section 109 of the Housing and Com-

munity Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b) by inserting “or (e)” after “subsection (a)”; and

(2) by adding at the end the following:

“(e) EQUAL ACCESS.—

“(1) DEFINITION.—In this subsection, the term ‘youth organization’ means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

“(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum.”.

AMENDMENT NO. 2055

(Purpose: To make appropriations for certain activities related to Hurricane Katrina relief)

At the appropriate place, insert the following:

TITLE ____ .

SEC. 101.

(a) There are appropriated out of the Employment Security Administration Account of the Unemployment Trust Fund, \$14,000,000 for authorized administrative expenses.

(b) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Office of the Inspector General of the Department of Health and Human Services \$5,000,000 for oversight activities related to Hurricane Katrina.

(c) The amounts appropriated under subsection (a) and (b)

(1) are designated as an emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress); and

(2) shall remain available until expended.

Mr. CHAMBLISS. Mr President, I rise today in favor of the amendment I am offering to H.R. 2863 that will establish pilot projects regarding pediatric early literacy on military installations.

Reach Out and Read, ROR, is a program that trains doctors and nurses to advise parents about the importance of reading aloud to their children. The program provides books for all children from the age of 6 months to 5 years receiving a check up at participating pediatric centers. From the start, the purpose of ROR was to encourage parents to read to their children and provide them with the tools to do so. This premise is the basis for the ROR model utilized by 2,337 program sites across the United States today.

Currently, the program sites are all located at clinics, hospitals, office practices and other primary care sites serving more than 2 million children distributing more than 3.2 million books annually. While I am pleased that the program has a strong presence in Georgia, with over forty participating sites, I am also aware that none of the participating sites are on any of our thirteen military installations.

It is important that the children growing up on our Nation’s military installations are allowed the option to

participate in the same federally funded programs that are offered to non-military families and children. Initially, Reach Out and Read began as a collaboration between pediatricians and early childhood educators. By working together, these two groups found that pediatricians and nurse practitioners were in a unique position to promote early literacy because they enjoyed and had regular contact with young children and their parents through well-child check-ups. Reach Out and Read builds on the unique relationships between medical providers and parents, and helps families and communities encourage early literacy skills so that children will enter school better prepared for success in reading.

ROR plans to launch 300 new program sites per year for the next 5 years, which will double the number of children receiving books and guidance. My amendment will establish Reach Out and Read pilot programs on a limited number of military bases across the country. I ask for support of this amendment.

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, again I say, we have told our colleagues time and time again we were waiting for amendments. No amendments have been noticed on either side.

I ask for third reading.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

Ms. LANDRIEU. I object. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator may debate.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. 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. CARPER. Mr. President, I ask unanimous consent that my 1 hour of time of debate be yielded to Senator LANDRIEU from Louisiana.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. Mr. President, I ask to speak for as much time as I may consume. I understand there will be other amendments that may be offered. We are trying to debate and pass the

Defense appropriations bill. I thank the Senator from Alaska and the Senator from Hawaii for their good work in trying to move this bill through because they have done an outstanding job.

I find myself in a very unusual position because, of course, I voted for cloture because I want to pass this bill. We absolutely have to pass a Defense appropriations bill. Unfortunately, we have had 48 soldiers from Louisiana die, many more wounded. Families are still mourning those losses and we have to figure out a way to get the job done over there, and get it done right and get our soldiers home.

We need to move on with this bill. As my colleagues know, at about 4:30 this morning this bill will pass under the cloture rules and we are going to go on. But I have decided to take some time until 4:30 this morning to talk about a war that is going on at home and that is a war we are fighting on the gulf coast to stay alive, to protect our way of life, to keep the American flag flying over Louisiana, Mississippi, and Alabama.

Mr. STEVENS. Mr. President, may I inquire how much time does the Senator have?

The PRESIDING OFFICER. Does the Senator from Louisiana yield for a parliamentary inquiry?

Ms. LANDRIEU. Yes.

Mr. STEVENS. How much time does the Senator from Louisiana have remaining?

The PRESIDING OFFICER. There is 94 minutes.

Ms. LANDRIEU. Mr. President, I probably will not take all 94 minutes at this moment, but I will probably take that and even some more as we move through the evening trying to get some closure on a subject we have now been talking about, unfortunately, it seems, with no end in sight, or no resolution on the horizon to try to get some real money—not photo ops, not promises, not press conferences, not visits, but some real money to some real people in Louisiana who need help, our cities that have been devastated, our parishes that have been crippled, our law enforcement that has been set back on its heels. Three hospitals stayed open the entire time in the New Orleans metropolitan area to provide desperately needed emergency health care in a region of almost 1.5 million people. Heroically, they stayed up, and because they did, one of those hospitals cannot claim insurance because the only way they can claim it is if they closed down. They stayed open so they may lose their hospital if we do not try to get some money.

The reason I do not feel the least bit guilty standing here asking for it on this bill is because the underlying Defense bill—if the staff will bring me the final numbers of this bill—has a tremendous amount of money we are spending in Iraq for our defense and for the standing up of Iraq. While I have questions about some of the things we are doing, some of the things we have

done, and how we are going to get ourselves back home after stabilizing it, I have to say when I went on the Web site today, it was hard to actually read. The people of Louisiana, Mississippi, and Alabama are going to be quite surprised if they go on this U.S. Army Corps of Engineers Web site and pull up this gulf region division because they might think this is about the gulf region right here in the United States. But it is not. It is about the gulf region in Iraq.

In the underlying bill we are passing, and we need to pass, I am trying to get the administration—the leadership here to at least agree to take \$1 billion of the FEMA money we have already allocated, \$62 billion, and send to Louisiana to begin some construction projects and some standing up of some critical programs to keep cities, parishes, and law enforcement whole as we begin our rebuilding program from the largest natural disaster that ever occurred. That is all we are trying to do is give \$1 billion to the cities and parishes so they can hold heart and soul together, so as we pass additional help, whether it comes from levee construction, or whether it comes from small business, or whether it comes from health care, the entities of the government, the parish presidents, the cities, the sheriffs, the police officers, and the fire departments are there to help us build a region.

I was surprised to see on the Web page that this is the goal we have in Iraq: to establish a government, provide security, enhance basic services to the Government of Iraq. It sounds like something we are trying to do in Louisiana, Mississippi, and Alabama—provide security, enhance basic services, and keep our cities, our police forces, our fire departments operating through the worst and largest natural disaster in the history of the United States.

We are getting ready to send billions of dollars to Iraq, finance billions of tax cuts for other people, finance billions for programs. We have already given \$62 billion to FEMA that everyone says does not work, and I can personally testify to that, having been in the State now almost every day since this hurricane. We cannot seem to get an agreement to get \$1 billion for the people of the gulf coast to keep their security open, their basic services operating, their electricity running, and their water turned on.

We have been working for weeks diligently on these 815 projects in Iraq for ports of entry, military facilities, police facilities, fire facilities, prisons, and courts. The last time I checked the New Orleans court system, we did not even have a court operating. The last time I checked, the supreme court had moved to Zachary. The supreme court used to be operating in New Orleans until Katrina came. The whole supreme court went to Zachary, LA. They do not even have a court building to operate in.

I am all for this bill. To my knowledge, I have never voted against a Defense appropriations bill and do not intend to tonight, but because Senator VITTER and I have been asking for some money directly, not even new money, not even money out of this bill, for the House of Representatives to send us a commitment, for the President to send us a commitment of \$1 billion to our sheriffs, to our police force, to our firefighters for 3 months, to keep them operating, is it any surprise that I cannot sit in my chair and smile while we are sending all of this money to stand up public works in Iraq—354 planned projects in water treatment, sewer projects, buildings for health and education; 1,091 projects, including schools, primary health care centers, hospitals, and public buildings?

This is what my city looks like. Actually, this is not New Orleans. This is probably Waveland or Bay St. Louis, but it could be New Orleans. It could be Slidell.

This is what the gulf coast of the United States looks like today. Most of it is gone. These are the cities Senator VITTER and I and our delegation have been trying to get help to. I do not see any houses here, but maybe someone does. I do not know how we collect ad valorem taxes to pay for police and fire protection. There are no stores people can shop in to generate the sales tax necessary to keep the mayor and city hall functioning. When we pass tax credits, which we might want to do and have already done to entice businesses to come back, where would they go to get a permit? When they file their plans for construction, who would review them? When they have to file their plan to meet the EPA standards that would be required before they could build here, who would be there to take their application?

This photo is what my constituents look like. I wouldn't be surprised if this man was in the Army or the Navy. Maybe he is a Reserve officer. I wouldn't be surprised at all because I have thousands of them who put the uniform on and went to Iraq and came back, and this is what they have come back to. I have an administration that is going to pass this Defense bill to put electricity in Baghdad, build schools in Baghdad, and will not give the Louisiana delegation \$1 billion—out of \$62 billion that has already been allocated so it wouldn't cost anybody a penny—to help keep the lights on in the cities that were destroyed.

This is what my people look like. I don't know how many times they have to cry. I am sorry she doesn't have a lobbyist to send to Washington. I happen to be her lobbyist.

Here is one for the books. "Here lies Vera. God help us." I think this grave is in New Orleans. I am not certain. But neighbors in the middle of the flood, when no one would come to get them, took this 65-year-old woman who was killed in the flood and built a grave for her and wrote "Here lies Vera. God help us," before they left.

This is a picture of a woman who the news media does not think a lot of—not all of them, but a lot of them don't think she is self-reliant. We don't have self-reliant people in Louisiana because we have the nerve to come up here and ask for money. That is our money that we put in the Treasury. We don't have self-reliant people, one of the newspapers said, in Louisiana.

Our people put money in the Federal Treasury thinking they belonged to the United States of America, so when one county or one parish or one State is hurt, the other 49 might come to their aid. That is what the United States is about.

This woman looks pretty self-reliant to me. She does not have much, but you know what. She has her two children in her arms. And if she had three, I am sure she would have figured out how to bring the other one on her back. She brought them to safety.

This woman may be complaining, but I can tell you I have seen a lot of people who have been through a lot of stuff, and they still come up to me and say: Senator, we appreciate everything everybody is doing for us. I just wish you would hurry up.

Not everybody is complaining. But let me put it down right now: I am complaining. This Senator is complaining about the treatment that our people have received.

I tried to be patient. I tried to say: Fine, FEMA is not working. I understand it. We all made a mistake. We all messed up. We put it where it can't work. We put someone in charge who didn't know what he was doing. We gave them money, they can't spend it, so let me just have \$1 billion of the \$62 billion that they have. There is \$43 billion sitting there they cannot even use. Let me just please get it to my firemen, to my police officers, to the mayors to let them operate for 3 more months.

I have to be told: Senator, I am sorry. We want to go home on a break. You know what. We are not leaving until 4:30 in the morning. We might go home on a break, but it will be 4:30 tonight.

Right after the storm, a lot of people didn't have electricity. After hurricanes you don't have a lot of electricity, so people are used to it. After about a week or 2 weeks, the electricity comes on, but of course a lot of things are ruined in your house. But I still have places with no electricity. How do you get businesses to come back if they don't have electricity? I still have places that don't have running water.

Please stop sending us bottled water. We have enough. It is not the bottles we need, it is the faucets that need to get turned on. But we are going to stand here and pass a bill delivering on power for Iraq.

A total of 2,760 megawatts of power have been added to the grid in Iraq to service more than 5 million Iraqi homes, and I can't get \$1 billion to help

keep electrical workers on the ground in New Orleans turning on the power in Louisiana, Mississippi, or Alabama.

We never have any money for anything, but here in the Corps of Engineers budget here is \$4.3 billion allocated from supplemental appropriations for general system improvements for electricity. The World Bank estimates the total necessity to be \$12 billion, so I am sure we are going to come up with the other \$8 billion to turn the lights on in Iraq. But the people who produce the electricity in the United States of America to turn on lights everywhere in the country, from Chicago to New York to California, can't get the lights turned on in their own backyard because nobody around here can find \$1 billion to give to us.

They say: Senator, how do you know FEMA is not working? I have been home just about every day and have been to most of the shelters, talked to most of my mayors, talked to my sheriffs, talked to everybody at home, trying to be patient, understanding they are working little kinks out. But let me tell you what comes into our office on a daily basis.

Phone calls to my office:

The attached pages are records of some [underline some] of the calls received in the last few days. Nearly all of them from constituents who have not received any assistance from the Federal Government or Red Cross.

Some of the first calls were for search and rescue, and in the 35 days since Hurricane Katrina made landfall, countless Louisianans are in no better shape than they were on the day the hurricane hit.

I am sure Senator VITTER has a stack at least this thick, if not thicker, as has every member of our congressional delegation, and even some of our neighbors from the neighboring States. They have calls recorded—names, phone numbers.

When people say, Senator, how do you know FEMA is not working, I do have an idea it might not be working very well. So we could take \$1 billion from FEMA, send it through an already existing program called the Community Disaster Loan Program that worked in New York, that worked in Puerto Rico, that has worked everywhere in the country when disasters strike, and transfer some of that money there and just give it to our cities, our sheriffs, our law enforcement, and the three hospitals that stood up. Not the 21 other hospitals that are closed, not all the other needs that we have, from levees to environment to housing to education to health care—none of that. We can wait for that until we get back. Just keep us operating while we are on vacation.

We have yet to hear from the White House, from the House of Representatives. I know the Senate would pass such a proposal, but the reason I cannot accept the passage from the Senate is because all that would be is a Senate-passed bill.

I am sure the Senate would pass it unanimously, but it would pass and it

would sit and no one in Louisiana or Mississippi would get help because until the House of Representatives acts, until the President says that he will do this, it cannot be done.

I know the President wants to help. He has been down to the State. He recognizes that FEMA is having some problems. He has said he wants to help. But we just cannot keep waiting. So I am going to stay here through the evening. I am going to continue to negotiate. I am going to continue to talk with the Senators handling this bill. I am going to continue to have telephone calls and meetings with anybody who would like to talk about this subject and see what we can do to get this money committed, in real dollars, in any bill in any way for this one community disaster assistance program.

Then we need a commitment when we get back to have a vote on Grassley-Baucus, a bill that gives emergency health care that this Senate has already approved in a bipartisan way, and three amendments to that bill. They would cover some emergency education for elementary and secondary grades and emergency education for our universities that are teetering on the brink of collapse—all of them, public and private, and historically black colleges included. If we can have a vote when we come back—the Senate can vote no, the House can vote no, or you know what—the President can veto the bills. But at least I will think I did everything I could to try to get people help. If the President wants to veto the bills, fine. If the Senate wants to vote them down, fine. If the House wants to vote them down, fine. But at least we can get a commitment to get votes on those bills, get the \$1 billion now, and we will come back.

I assure you we will be working on this not for weeks but for months, for perhaps years—until we stand up this region.

I am not one who doesn't believe in nation building. Some people don't think we should be engaged in it. I happen to be inspired by the idea that maybe the United States has some things we could share in a positive way and help countries to achieve what we have achieved, which is remarkable in the history of the world. But I have to tell you, the first nation we need to be building is our own. We have had the largest natural disaster in the history of the country, Katrina, followed by Rita, which was a vicious and very tough storm, and in between those things a disastrous collapsing of a levee system that put the Nation's energy coast underwater—or a large segment of it. It put 10 feet of water in a major American city and virtually has shut it down and shut down the surrounding areas.

I have to walk around the Senate for 31 days pretending. Are people saying to me, What can we do to help? We have laid down many things that can help. Many committees have responded. Yet the only thing that has

happened for 31 days is that we have given FEMA money, and they can't seem to get it out. So we need to try something a little different. We need to try something a little different.

I wish FEMA was the way it used to be, and maybe it will be again. But it is not today, and it won't be next week, and it won't be next month. We can't keep waiting for FEMA to organize itself. We are the Congress of the United States. We are Senators. We understand these things. We have been through them before. And to just keep doing the same old thing and expecting different results is crazy. It doesn't make any sense. It is not right.

Let us figure out a way to take \$1 billion out of FEMA, transfer it either through this bill or through another vehicle, and send the money to our parishes, to our cities, to our police, to our fire for 3 months of operation, which is already authorized in the law. But the reason it can't be done administratively is because there is a legislative cap of \$5 million. The budget for the city of New Orleans alone, salaries only, is \$20 million a month. Why would anybody think that a program that only allows you to borrow \$5 million would help them? We have to find \$1 billion, approximately, to keep these entities up and running, or by the time we get back in 10 days they might have already had to lay off police, fire, and critical personnel. How do you start building up again once you have closed down your city hall, shut down your fire department, shut down your police department, and people have had to go out and search for jobs elsewhere? How do you recruit them to come back? How do you get them back after you have broken their spirits and laid them off is beyond me.

Let me correct myself. No matter what Congress does, having represented this State for a long time, I want to say that you are not going to break our spirit. It has been around a long time. We are a pretty old place. We were here before the country and are worth saving. We will figure it out.

But people in Louisiana are having a hard time figuring out how we can spend weeks on the Defense appropriations bill, which is doing more than supporting our troops, which is building up Iraq, actually, with a gulf coast region. I want to repeat, gulf region division. We don't even have a gulf region division of the Corps of Engineers in the United States of America today. We have a New Orleans district which covers the southern part of Louisiana. We don't even have a gulf coast region. That would be an advancement. But we have one in Iraq. Meanwhile, the gulf coast of this United States, the heart of the energy industry, looks something like this with the water down.

As I said many times, while there is a lot of vacationing that goes on in the gulf coast, particularly along the coast of Mississippi, we have enjoyed that beautiful coastline for years, and we have enjoyed the beautiful sandy

beaches in Alabama. Most of the people in the coast of Louisiana and many in Mississippi and Alabama work at the ports. They work at shipbuilding. They are shipbuilders or they are commercial fishermen who put food on the table that everybody in America eats, and around the world. They light up Chicago, and they are proud of it.

Do you know what the National Geographic said about it? I think this is a very reputable publication, and it is written, I am very proud to say, with the help of the Times-Picayune, our newspaper which has been in the city I think as long as the city has been there, evacuated itself. They are writing the paper in Baton Rouge and printing it in Houma. We don't even have a newspaper in the city of New Orleans, not the major newspaper. We have several other good publications, and they are all struggling to stay in business. But with nobody in the city, where would you deliver your paper and to whom would you sell the advertising? There are no businesses in the city that are operating very well. But our newspaper, thank goodness, is still working. They collaborated with the National Geographic and the Dallas Morning News and put together this amazing report on Hurricane Katrina, "Why It Became a Manmade Disaster and Where It Could Happen Next." I highly recommend it for reading here and around the country.

On page 49, it talks about an economic powerhouse brought to its knees. We are not a charity case in Louisiana. We are an economic powerhouse, and we have been so for over 350 years. I reminded my colleagues today, thank God for President's like Thomas Jefferson who understood borrowing money and what you borrow it for. He borrowed money from the Treasury and bought the Louisiana Purchase for 3 cents an acre because he knew that this country could not grow and meet its destiny, that western expansion and getting to the West was impossible without the Mississippi River.

Andrew Jackson went down there after he fought one war and defended it again. Why? Because after he won the first war, the British tried to come and take New Orleans because if they could take New Orleans, we could never be the country we are. Thank God Andrew Jackson knew about it, and thank goodness the storm didn't topple his statue, which is still in Jackson Square.

An economic powerhouse brought to its knees. Eight hundred manned and thousands of unmanned platforms are in the Gulf of Mexico. The largest platform, Mars, is teetering on its side. They cannot produce oil and gas. We are trying to get it stood up again.

If anybody wants to know why the price is going up, it is because this monster hurricane hit the heart of the oil and gas industry. Despite our best efforts to protect these infrastructures, despite begging for decades—decade after decade after decade—to restore

our marsh, to protect the investment this country has made, for 200 years we have been turned down time and time again. So now it is time to pay the piper. And I am sorry if it is going to cost \$40 billion. I am sorry that is what it is going to cost over the next 10 to 20 years to stand this powerhouse up again. If anybody wants to check the figures, just come to the Hart Building on the 7th floor, and I will go over every single dollar with you.

Do you know what the biggest ports are in America? It is not New York, it is not Seattle, and it is not Houston. It is the Port of South Louisiana, the Port of New Orleans and the Port of Baton Rouge. We dwarf the other ports. We dwarf them. Our port comes up here and asks for some money, and they get told they are a charity case. They have been taking grain out of Kansas for 200 years. We have been draining the whole continental United States for 200 years. We have been shipping everything—goods—all over the world for 200 years. And I have to hear that when our port comes here for help, maybe not even a grant, just a loan to get them through the next 3 or 4 months until they can get back up on their feet, that there is something un-American about them, they need to be more self-reliant.

Over 9,000 miles of pipeline connect the gulf with the Eastern United States. We have laid pipelines. No one in America wants them, but we have been laying them down for a long time. Why? Because we have oil and gas. We believe in energy, energy independence. We don't think we should get everything from Saudi Arabia. We would like America to be more independent, so we produce some oil and gas, and we make no apologies for it. But when you lay these pipelines and do not invest in the marsh in which you lay them down and you let it erode and the saltwater comes in and you levee your rivers for channelization and you don't invest in the technology and science that we know would protect our marsh, catastrophes happen.

Unfortunately, as in every case, the poor have suffered the worst. But they are not the only ones who have suffered. Middle-class families, very successful, money in the bank, house paid for, children through college, looking forward to the next 10 or 15 years, 20 years maybe, and they deserve it; they have worked hard all of their lives, they have paid their taxes, they have kept up with their interests, they go to church every week, and this is what they look like today. They are told to be more self-reliant? I do not know how much more self-reliant people can be.

I will continue to explain why our region is an economic powerhouse, why it needs to be so again, why we need to rebuild it, and why, unfortunately, it is going to be more expensive than it should have been because of the things we should have been doing for the last 40 years and haven't, the investments the Federal Government should have made and didn't, even when they knew that

this was inevitable. Yet there are some things that we didn't do at our State level. And yes, there are some things we didn't do at our city level.

But again, this river does not serve only the 4.5 million people who live in Louisiana, it serves the 300 million people who live in this Nation and the billions of people who live in this world and depend on trade for prosperity and for commerce and for peace, because the more we trade with each other, the more we know each other, the more we can rely on each other in a mutually respectful way, the greatest chance we have for peace.

These levees do not just protect the people who live in the neighborhoods around them. They protect billions and billions of dollars in investment made by this country over a long period of time. And a levee system failed. We have struggled to keep the levees up. We have spent a lot of money keeping them up. But we needed more help from the Federal Government. We could have been more efficient on our end as well. We could have taxed our people more. But it gets hard on all of those fronts. People want tax relief. They don't really want to face the expense of what we have to do. We are not always disciplined about the way we build.

But again, it is not impossible if we make some decisions now to get some emergency money to our cities, to our sheriffs, to our law enforcement officers, and to our very basic health care in the region. This is not just New Orleans, this is all through south Louisiana and Mississippi and Alabama. This would cover all of them. Under current law, that is no help to them right now—or very little help. We can cover some places in Texas if they need help. I don't know if they need as much help as we do in Louisiana or as we do along the gulf coast in Mississippi which I am more familiar with than I am the coast of Texas, although of course I have been there. I really grew up on the coast of Mississippi, as well as on the coast of Louisiana, so I am more familiar with it. But I can tell you that these cities that look a lot like this throughout the gulf coast are going to have a hard time meeting payroll.

Some cities have money in the bank, but the needs are so great and so overwhelming and FEMA has not been, as I said, very efficient. If we can't get them just a bridge loan, if you will, for 3 months a lot of our cities won't operate.

Now, I understand—and this is a Mississippi coast. You can tell because they have white beaches. We don't have beaches. Our coastline is marshy. I am pretty sure this is Mississippi. In Mississippi, I understand their legislature has borrowed \$500 million so their cities could get some money, and that might be a solution for them. The problem with Louisiana is that our Constitution prevents us from borrowing money for operating expenses. And

that is, in my view as a former State treasurer and current Appropriations Committee member, not a bad rule, if you will. You don't want to borrow money for operating expenses. If you are going to borrow money and have people have to pay it back, you want to invest it in that which will return to you something in the future. So you borrow money to build ports, to build highways, for capital improvements. So our State cannot borrow money at the legislative level to give out to our cities for operating expenses or to our firefighters and police. The FEMA law today only allows the payment of overtime. So while we can get overtime paid, we can't get straight time paid. We can't get regular time paid. Even if we would, they can't lend them more than \$5 million. And as I said, the operating budget in the city of New Orleans is \$20 million a month, so \$5 million will not do us very much good. If I thought we could organize a constitutional amendment in 30 days and have a vote, I might suggest that. But the polling places have been washed away, and I am not sure how we would find all of our people to vote since there are people in all 50 States, and we have no mechanism right now to do that, to my knowledge.

So we cannot borrow money at the State level to help them. The cities can't go to the capital market. We are restricted by the Constitution. FEMA has \$63 billion, with \$43 billion sitting there, and Senator VITTER and I and our delegation have asked for \$1 billion to keep the lifeline until we get back from our vacation, and we are told we can't afford it, but we are going to stay here and pass a bill to stand up the country of Iraq by building schools, health care facilities, electric grid, sewer and water, water treatment plants.

Well, I can understand, you all can understand why the people of my State would want me to stand here and try to make this case. So we will be standing here, I will be standing here until 4:30 in the morning until we get a resolution on what we are asking for. I am asking for \$1 billion of real money anyway, outside of FEMA or take the \$1 billion from FEMA. Let us keep our lifeline going until we get back, and when we get back have a vote on Grassley-Baucus, which this Senate has put together in a bipartisan way, with three amendments for emergency funding for our schools and our universities, for health care, and housing.

I reserve the remainder of my time.

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

The PRESIDING OFFICER Without objection, it is so ordered.

VOTE CORRECTION

Mr. SANTORUM. Mr. President, on rollcall vote 252, I voted "yea." The official record has me "absent." Therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

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

Mr. SANTORUM. I thank the Chair.

Mr. LEAHY. 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. BYRD. 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. BYRD. Mr. President, I understand that the distinguished Senator from Louisiana, Ms. LANDRIEU, wishes to continue her speech. I ask unanimous consent that I may speak briefly for not to exceed 10 minutes and that she then be recognized to continue her speech.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I would object to that. The Senator from Louisiana has not asked for time. The Senator does not have to ask for time. He is entitled to an hour right now at his own request. So we do not have to have any consent. But I do not object to the Senator speaking as long as he wishes. But I do object that only the Senator from Louisiana can be recognized when he is finished. And Senator HATCH, by the way, is here. He had a very sad thing occur in his office, and he wants to speak when the Senator is finished.

Mr. HATCH. If I could.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. I thank the distinguished Senator from Alaska, and I thank the distinguished Senator from Utah.

Mr. President, last night, in a closely divided vote, the Senate rejected an attempt to add much of the Defense authorization bill to the Defense appropriations bill. Each of these bills is vitally important to the men and women of the U.S. Armed Forces but for different reasons. Inasmuch as I am a member of both the Senate Appropriations Committee and the Senate Armed Services Committee, the importance of each of these bills is very clear to me.

The Defense appropriations bill contains the funds that are needed to keep our military running. This bill contains \$440 billion that is required to, among other things, pay, train, and equip our troops for the next 12 months. It is often said that our troops are the best trained, the best equipped, and the most capable military force in the world. In large part, this is true because Congress has appropriated the moneys that are needed to create this outstanding fighting force. That, in a nutshell, is the importance of the Defense appropriations bill.

The Defense authorization bill also has an important purpose. That bill is intended to establish in law critical defense policies. The Defense authorization bill contains provisions that relate, among other things, to the setting forth of the number of military personnel that the United States is to maintain; expanding health care options for our troops and their families; and increasing pay and compensation for active-duty, National Guard, and retired servicemembers. The bill also includes many complex technical provisions, such as changes to military acquisitions policy. The authorization bill is important to our troops, but it is a very different bill from the Defense appropriations bill.

Last night, I opposed the effort to fuse these two bills into one. That move, had it been approved, would have resulted in a delay in our troops getting the appropriations that they require. It also would have resulted in less attention to the policy matters in the authorization bill that affect our troops in so many ways.

The Senate owes our troops and their families a conscientious, well-informed debate on such important authorization matters as improving health care benefits for the National Guard, among other things. The American people need to know what their elected representatives in Washington are doing when it comes to defense policy. The American people have given their sons and daughters to fight for their country. Can't the Senate give a few days to them? Can't the Senate give them a few days of debate to inform them about what the Congress proposes to make the law of the land concerning defense policy?

Many believe that the Senate could debate, amend, and approve the Defense authorization bill within a week, plus or minus a few days, if it were brought before the Senate for open debate and amendment. Passing the authorization bill in that way would serve our troops far better than keeping that legislation on the shelf, where it has been for several months now.

The Senate will pass the Defense appropriations bill later today. Surely—surely—Senators can spare the time required to finish action on the Defense authorization bill. Our troops are overseas. They are serving in harm's way and need both of these bills to be debated, passed, and signed into law.

The Senate has spent all too much time conjuring up complex parliamentary procedures instead of facing the real issues confronting our military servicemembers. The Senate should call up the Defense authorization bill and let the sun shine on our deliberations and debate.

We are the servants of the people. We are the servants of the people, not their masters. We owe the people a public accounting of decisions on such important matters, instead of a fast shuffle that avoids difficult issues and difficult votes.

IRAQ

Mr. President, on another matter, next week, the people of Iraq will go to the polls and cast a critical ballot. They will decide whether to endorse the constitution as drafted by their political leaders. It is an important day, and I pray that it goes well.

No matter how well the vote goes, whether or not the constitution is ratified, it appears that the men and women of our Nation's Armed Forces will be in Iraq for a long time to come.

I applaud those men and women. Our soldiers, our sailors, our airmen, our marines, our National Guard, our Reserves—our troops—have displayed unique courage in the face of great trials. My support for them has never—and will never—waiver. They have earned the respect and thanks of this Nation.

But even more than laudatory words, our troops deserve a plan for Iraq from their Commander in Chief. The American people deserve the same. We must have a plan with measurable goals and objectives, a plan that gives some surer to our military as well as to the people of this Nation.

Today, in a speech to the National Endowment for Democracy, the President talked a great deal of why we have forces in Iraq, but the President did little to provide any plan for success.

The American people want to know how we will measure progress. In response, the President said:

We never back down, never give in and never accept anything less than complete victory.

No specifics, no plans, no way to measure success.

Maybe the President did not offer specifics because the specifics are not very encouraging.

Consider the Iraqi troops. For a new American soldier, basic training takes 9 weeks to complete—9 weeks. The United States has, for more than 2½ years, been training a new Iraqi military. Basic training for all Iraqis, and specialized training after that—2½ years.

In June, the Senate was told by the Department of Defense that 3 of 100 Iraqi battalions were fully trained, equipped, and capable of operating independently—what the Defense Department calls "level one trained." Two and a half years: three battalions—three battalions.

Between June and the end of September, one would assume that we would be growing that number. Yes, one would assume that we would be growing that number. We are training more Iraqi forces, so more Iraqis should be ready to stand up and defend themselves.

Yet, in testimony before the Senate Armed Services Committee on September 29—just a few days ago—GEN John Abizaid, the Commander of the U.S. Central Command, poured cold water—cold water—on hopes for progress. Between June and September,

the number of “level one trained” battalions went from three to one. How about that? Instead of moving forward, we are going backward.

Perhaps the reason that the President did not tell the American people how to gauge success is because he does not have success to report. I must admit, I listen to every address—every address—about Iraq with great skepticism. And it is because of the track record of this administration. Don’t just take my word for it. The record is replete with examples that cause one to look askance at the White House claims.

One example is from this past May. Vice President CHENEY was asked about progress against the insurgency by CNN. He responded:

I think they’re in the last throes, if you will, of the insurgency.

The Vice President was confident. The Vice President was unwavering. The Vice President was wrong.

Again, in testimony before the Senate Armed Services Committee last Thursday, GEN George Casey, the Commanding General of the Multi-national Force in Iraq, explained that the “last throes” was a rosy scenario.

The average counterinsurgency in the 20th century has lasted nine years. Fighting insurgencies is a long-term proposition, and there’s no reason that we should believe the insurgency in Iraq will take any less time to deal with.

Now, those are the words not of ROBERT C. BYRD, but they are the words of General Casey.

Whom should the American people believe? What should the American people believe? It is time for the deceptions and the distortions and the misrepresentations to end. The American people deserve the truth.

Instead of broad platitudes, the American people deserve the facts. Most importantly, the American people deserve a plan. When will the Iraqi people be able to defend themselves? When will the Iraqi military be able to fight the insurgency without the American forces? When will the Iraqi police forces be able to control the streets? What is the timetable for reconstruction? What is the target for constant electrical power in the major cities? For communications? For safe transportation? What is our strategy for preparing the Iraqi people to be able to defend themselves?

We seem to have no strategy—no strategy—with benchmarks for success, no plan for progress. How will we know victory if we cannot even define it? What is the plan for our heroes in Iraq? What is the plan to stabilize that nation? The American people and the Iraqi people deserve to know the answers.

The people of the United States must know not only how their country became involved, but where we are heading.

That is the end of the quotation. I agree with those words. But they are not mine. Those words belong to a Congressman from the State of Illinois in

August 1965. Those words belong to our current Secretary of Defense, Donald Rumsfeld. And they echo as true today as they did in that summer 40 years ago.

I urge the Bush administration to level with the American people. Moreover, I urge the White House to level with itself. Face the facts. Stop the spinning. Get a grip on the situation. Then please, please, oh, please, explain to us all where we are heading in Iraq.

Mr. President, I thank all Senators and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

TRIBUTE TO SHAWN M. BENTLEY

Mr. HATCH. Mr. President, I rise with a heavy heart to announce the untimely passing of one of the Senate’s own, our long-time staffer and former colleague, Shawn Bentley.

What can you say about a 41-year-old man who died: That he was brilliant and talented; that he was a loving family man, a wonderful father to Katie and Samantha, and a devoted husband to his wife, Becky; That he loved James Joyce and William Shakespeare and Elton John; and the law; and the Senate; and life.

Shawn worked for the Judiciary Committee for a decade, from 1993 to 2003. Starting as my counsel, in the minority, Shawn worked on a variety of legal issues, from healthcare antitrust, to radiation compensation, to the balanced budget amendment. He rose through the ranks, ending his Senate tenure as the majority’s chief intellectual property counsel and deputy chief counsel to the committee, one of the top jobs in the Senate.

Although we were sad to see him leave the Senate, I was so proud of him when he joined Time Warner as vice president of intellectual property and global public policy.

In the Senate, the major bills Shawn helped write are among the most important laws in the intellectual property world: the Satellite Home Viewer Improvement Act; the Digital Millennium Copyright Act, the American Inventors Protection Act, the Patent Fee Integrity and Innovation Protection Act, the Anti-Counterfeiting Consumer Protection Act, and the Trademark Dilution Act, just to name a few.

Shawn was so bright and so accomplished a lawyer, that we did not hesitate to assign him any subject. And it was such a joy to work with him, because all knew he was a model of decency, humility, and spirituality. As the Elders’ Quorum President of his church congregation, and man of remarkably strong faith, Shawn lived a life of service to his fellow man and woman. In whatever he did, Shawn handled the matter with both talent and a remarkable good humor.

In all the years that Shawn worked for me, I cannot recall one time when he was not warm and engaging. Even when he was a little frustrated, as all of us are sometimes, Shawn still had a smile on his face. In fact, Shawn had a

calmness about him that was almost serene. Yet, he had a very sharp sense of humor that made him a delight to be around.

Shawn was among the brightest and most informed. Yet, he was never arrogant, a rare quality in one so talented, especially on Capitol Hill!

Shawn was more than the chief intellectual property counsel to the Judiciary Committee, he was our in-house professor of arts and humanities. Visiting Shawn’s office was not like visiting a typical counsel’s office on the Hill. Visiting Shawn was more like visiting your favorite classics professor at his desk with his exquisite fountain pen in hand.

To be fair, Shawn’s lair in the Hart Building had the requisite congressional directories, codes and public laws. But he also had a vast book collection of classics, poetry, Shakespeare anthologies, first edition novels, and British history books. And did I mention the miniature busts of philosophers and great thinkers?

Then, there was the collection of CDs ranging from Creed and Metallica to Beethoven to Brahms to Mozart and Bach. While his book collection in the office was impressive, we knew there had to be a much more extensive collection at home.

Pressed about his office supply of nonlegal books, Shawn admitted that it was growing because his wife Becky had imposed a moratorium on bringing any more books to their home, so the overflow ended up in the office. When Shawn found out that a colleague lived near the used book store in Bethesda where he often located some treasures, he enlisted her to pick us some volumes from time to time, thus saving him the trip and the explanation of a voyage to Bethesda. That was probably Shawn’s closest thing to a vice: sneaking a volume of poetry into his collection.

Shawn was the only heavy metal enthusiast I know who also loved to read Shakespeare and could discuss both topics with equal enthusiasm and knowledge. Indeed, it was this respect for the importance of creativity in helping shape culture that may have attracted Shawn to IP—intellectual property—law and policy. He helped me with so many important IP issues, many of which I listed before, it is hard to single out Shawn’s most important work.

One event does stand out in my mind. In 2000, as chairman of the Judiciary Committee, I scheduled a hearing on peer-to-peer copyright infringement. Shawn arranged to have witnesses from Metallica, Lars Ulrich, the Recording Industry Association of America, and several Internet company executives testify on the same panel. To demonstrate how P-2-P services worked, Shawn suggested I download from the Internet the rock band Creed’s then-hit “With Arms Wide Open.”

Just then, the bells rang for a vote and committee members started to

leave. I'll never forget looking back as I left Hart 216 and seeing the almost surreal scene of Senators mixing with media and staff, talking to Internet pirates and heavy metal band rock stars with rock music playing in the background. It was a scene that only Shawn could have pulled off.

Shawn did all this—he succeeded at all he undertook—without boasting or calling attention to himself. He knew there were more important things in life than a battle of wills and, as a result, he won the respect and trust of people on both sides of the aisle.

There is not one person on the Hill or in business who would call Shawn an adversary or enemy. Those who worked with Shawn learned a lot more from him than the other way around.

Two other fond memories of Shawn from early in his career come to mind. When the Senate was debating the constitutional amendment for a balanced budget, the BBA, I asked Shawn to develop some materials supporting the need for the amendment.

With customary good staffing, Shawn put together a very impressive set of volumes which he drove out to my home the weekend before the debate. I was astounded by the depth, and to be truthful, the volume of the materials. "Shawn," I said, "I'm just overwhelmed by the amount of material you developed. You didn't need to do all that." Shawn thought a moment, paused, and said, "With all due respect, Senator, could you have told me that yesterday?" That was the wit of Shawn Bentley. Quickly recovering, I replied, "Shawn, I don't need all those materials if I have you sitting by my side. That's good enough."

And I meant it. I could always count on Shawn to be well-prepared, succinct, and oh-so-witty. But Shawn was Shawn. So, then we got to the floor with the BBA.

As chairman of the Judiciary Committee, I was managing this constitutional amendment's debate on the floor with Shawn right there beside me. One of the most contentious issues was over how the amendment would affect the Social Security fund.

Senator Fritz Hollings, then the junior Senator from South Carolina, for some 40 years I might add, was recognized by the Chair to speak in opposition. Knowing his remarks were long, I took that opportunity to go to the cloakroom and make a phone call. I asked Shawn and another capable staffer, Larry Block, to please take notes and write down five points to respond to Senator Hollings.

The trouble was that with his deep South Carolinian accent, neither Shawn nor Larry had absolutely any idea what Senator Hollings said. After about five minutes, my two staffers were getting pretty nervous on the floor anticipating my return. Suddenly, Shawn gave a big smile. "I've got it," he said. "All we need to do is write down five points supporting the BBA and why its enactment would not

have a negative impact on Social Security."

I soon returned and read the talking points, adding several points of my own. All went well. Only later did I realize what Shawn had intuitively grasped. If we could not understand Senator Hollings, no one else could either!

The moral of this story: As President Andrew Jackson opined many years ago, "Take time to deliberate, but when the time for action arrives, stop thinking and go in."

Shawn was probably one of the most deliberate lawyers ever to have worked on the Judiciary Committee. On Capitol Hill, where the emphasis too often seems to be on getting there first, Shawn's primary concern was always getting it right first. I could count on him to have the right answer to my questions, and if he did not know the answer, he wouldn't guess—he would do the work and get it right and then make his recommendation to me.

I cannot say enough good things about Shawn Bentley. Indeed, his loss is a loss to the Senate family, to his family, and indeed the Nation.

As we head into this season of Autumn, as the leaves change colors and the temperature turns, some verses from Ecclesiastes 3 seem so appropriate:

There is a time for everything,
And a season for every activity under heaven:

A time to be born and a time to die,
A time to plant and a time to uproot,
A time to tear down and a time to build,
A time to weep and a time to laugh,
A time to mourn and a time to dance,
A time to embrace and a time to refrain,
A time to search and a time to give up,
A time to tear and a time to mend,
A time to be silent and a time to speak, and
A time to love and a time to hate.

Let us take comfort in those words, knowing that it was God's will that this be Shawn Bentley's time. But we can still rejoice in his life, and embrace all that was good about Shawn Bentley, the son, husband, father and friend we all loved so dearly. And may his family find comfort in the lasting memory of this great man, Shawn Marion Bentley, who indeed lived his life by the words of "With Arms Wide Open":

"If I had just one wish
Only one demand
I hope he understands
That he can take his life
And hold it by the hand
And he can greet the world
With arms wide open . . ."

Shawn Bentley's untimely passing is this Nation's loss.

On behalf of the Senate, let me say that our hearts go out to the Bentley family—to his loving wife Becky, their beautiful daughters Katie and Samantha, his parents DeAnna and Marion, and his five brothers Jared, Derek, Justin, Christopher and Gavin.

Mr. LEAHY. Mr. President, the Senator from Utah and I are here to talk about something where somebody's

schedule has been terribly changed, the schedule of his whole family. I am talking about Shawn Bentley and how all of us who knew him are offering our deepest sympathy for him.

Certain people on the Senate Judiciary Committee are like family, and Shawn had most Senators and staff among his many friends. He was extremely well liked on both sides of the aisle, both for who he was and for what he did.

In his decade as a senior intellectual property counsel to my friend from Utah, Senator HATCH, he touched every significant piece of legislation that we undertook: The Satellite Home Viewer Act, the Digital Millennium Copyright Act, the Federal Trademark Dilution Act. Those were the significant ones. There are a lot of others, important ones, that he was intimately involved with. But he touched us not only with his skill as a lawyer, his devotion as a public servant, his generosity as a colleague, but especially just his innate decency as a human being.

I know that he was a loving and devoted husband, father, and son. Leaving behind a young family makes it even more tragic. I hope his family, his young daughters who did not begin to get enough time to know their father, will know that those of us in the Senate mourn his loss. It is a tragic one.

My wife Marcelle and I will keep him and his loved ones in our prayers.

I thank the distinguished senior Senator from Utah for arranging the time for us to speak.

I yield the floor.

Mr. HATCH. Mr. President, I am grateful to my distinguished colleague from Vermont for the kindness that he has shown here today and the friendship that he has shown to me and to the family of Shawn Bentley. I am very grateful to him.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that whatever time remains to me in the hour allowed under cloture be transferred to the time of the distinguished Democratic leader.

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

RECESS

Mr. STEVENS. Mr. President, there are no speakers present. I ask unanimous consent that the Senate stand in recess until 7 p.m., with the time continuing to run against cloture.

There being no objection, the Senate, at 6:16 p.m., recessed until 7 p.m. and reassembled when called to order by the Presiding Officer (Mr. DEMINT).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. The Senator from Alaska.

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