

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1268, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

Pending:

Mikulski Amendment No. 387, to revise certain requirements for H-2B employers and require submission of information regarding H-2B nonimmigrants.

Feinstein Amendment No. 395, to express the sense of the Senate that the text of the REAL ID Act of 2005 should not be included in the conference report.

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

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I was about to call up amendment No. 366, which I am going to pull back from at this point. We are working with a number of subcommittees to get exact language, but I would like to go ahead and frame the debate. Senator BROWNBACK will be joining me.

This is actually the Darfur Accountability Act which we had introduced on the floor at an earlier point. We have 30 cosponsors of the amendment. We will continue to work with the appropriate subcommittees and others to refine the language before we bring it back.

This amendment we will be offering is one that parallels the importance which is now being placed on moving this supplemental, which is absolutely essential to support our men and women in uniform. They deserve our support. We all know that. It is most certain that I will be voting positively with regard to making sure that our deeds and words match in our support of the troops and that we allocate our resources accordingly. That is what the debate on the supplemental is about. I look forward to working on that.

But so, too, there are those the Congress and the administration have already acknowledged are being subjected to acts of genocide, the Black Muslim villagers of Darfur, Sudan. This genocide is being committed by their own countrymen with the support of their Government. It is time for action. Here, too, we need to put our

words and deeds into a match. They need to be congruent. This amendment is intended to deal with the emergency, the urgently needed response to this ongoing genocide taking place in Darfur as I stand here, a place where there have been killings of up to 10,000 people every month, 300 to 350 human beings almost every day.

Never have we been so aware of mankind's horrible history, and yet so reluctant to act on its lessons as it applies to this situation in Darfur. This month we are commemorating the 11th anniversary of the Rwandan genocide. "Hotel Rwanda," the movie, is showing on thousands of screens in homes across the country, and we continue to recall our shameful failure to prevent the slaughter of 800,000 people. Do we need to have a play 5 years from now or 10 years from now called "Hotel Darfur"?

April 17 marks the 30th anniversary of the Khmer Rouge takeover in Cambodia, the beginning of a genocide that killed between 1 and 2 million people. Do we need to revisit the killing fields? In January, the liberation of Auschwitz was commemorated by the Congress and by a special session of the United Nations General Assembly. Throughout all of these commemorations and remembrances, we hear the same words: Never again. Never again will we accept the slaughter of our fellow human beings. Never again will we stand by and let this happen.

As Vice President CHENEY said eloquently at the Holocaust commemorations in Poland:

[We] look to the future with hope—that He may grant us the wisdom to recognize evil in all its forms . . . and give us courage to prevent it from ever rising again.

There is perhaps no more powerful moral voice over the last half century than author and Holocaust survivor Elie Wiesel. Last year he spoke to the Darfur issue.

He said:

How can a citizen of a free country not pay attention? How can anyone, anywhere not feel outraged? How can a person, whether religious or secular, not be moved by compassion? And above all, how can anyone who remembers remain silent? That is what the issue in Darfur, Sudan, is about. That is why this Darfur Accountability Act—this amendment that we are speaking to today—is so important.

I ask unanimous consent that the full remarks by Mr. Wiesel on Darfur be printed in the RECORD.

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

[Remarks delivered at the Darfur Emergency Summit, New York, July 14, 2004]

ON THE ATROCITIES IN SUDAN

(By Elie Wiesel)

Sudan has become today's world, capital of human pain, suffering and agony. There, one part of the population has been—and still is—subjected by another part, the dominating part, to humiliation, hunger and death. For a while, the so-called civilized world knew about it and preferred to look away. Now people know. And so they have no

excuse for their passivity bordering on indifference. Those who, like you my friends, try to break the walls of their apathy deserve everyone's support and everyone's solidarity.

This gathering was organized by several important bodies. The U.S. Holocaust Memorial Museum's Committee on Conscience (Jerry Fowler), the Graduate Center of the City University of New York, the American Jewish World Service (Ruth Messinger) and several other humanitarian organizations.

As for myself, I have been involved in the efforts to help Sudanese victims for some years. It was a direct or indirect consequence of a millennium lecture I had given in the White House on the subject, "The Perils of Indifference". After I concluded, a woman in the audience rose and said: "I am from Rwanda." She asked me how I could explain the international community's indifference to the Rwandan massacres. I turned to the President who sat at my right and said: "Mr. President, you better answer this question. You know as well as we do that the Rwanda tragedy, which cost from 600,000 to 800,000 victims, innocent men, women and children, could have been averted. Why wasn't it?" His answer was honest and sincere: "It is true, that tragedy could have been averted. That's why I went there to apologize in my personal name and in the name of the American people. But I promise you: it will not happen again."

The next day I received a delegation from Sudan and friends of Sudan, headed by a Sudanese refugee bishop. They informed me that two million Sudanese had already died. They said, "You are now the custodian of the President's pledge. Let him keep it by helping stop the genocide in Sudan."

That brutal tragedy is still continuing, now in Sudan's Darfur region. Now its horrors are shown on television screens and on front pages of influential publications. Congressional delegations, special envoys and humanitarian agencies send back or bring back horror-filled reports from the scene. A million human beings, young and old, have been uprooted, deported. Scores of women are being raped every day, children are dying of disease, hunger and violence.

How can a citizen of a free country not pay attention? How can anyone, anywhere not feel outraged? How can a person, whether religious or secular, not be moved by compassion? And above all, how can anyone who remembers remain silent?

As a Jew who does not compare any event to the Holocaust, I feel concerned and challenged by the Sudanese tragedy. We must be involved. How can we reproach the indifference of non-Jews to Jewish suffering if we remain indifferent to another people's plight?

It happened in Cambodia, then in former Yugoslavia, and in Rwanda, now in Sudan. Asia, Europe, Africa: Three continents have become prisons, killing fields and cemeteries for countless innocent, defenseless populations. Will the plague be allowed to spread?

"Lo taamod al dam reakha" is a Biblical commandment. "Thou shall not stand idly by the shedding of the blood of thy fellow man." The word is not "akhikha," thy Jewish brother, but "reakha," thy fellow human being, be he or she Jewish or not. All are entitled to live with dignity and hope. All are entitled to live without fear and pain.

Not to assist Sudan's victims today would for me be unworthy of what I have learned from my teachers, my ancestors and my friends, namely that God alone is alone: His creatures must not be.

What pains and hurts me most now is the simultaneity of events. While we sit here and discuss how to behave morally, both individually and collectively, over there, in Darfur and elsewhere in Sudan, human beings kill and die.

Should the Sudanese victims feel abandoned and neglected, it would be our fault—and perhaps our guilt.

That's why we must intervene.

If we do, they and their children will be grateful for us. As will be, through them, our own.

Mr. CORZINE. Tragically, since that speech by Mr. Wiesel, we have seen precious little actionable courage in preventing the genocide that rages in Darfur. Last July, the Congress recognized that genocide is taking place and voted on it here on the floor of the Senate. In September, the Bush administration did the same. Yet, since then, the situation has only deteriorated.

Estimates of the death toll in Darfur now range from between 250,000 to over 300,000 human beings. Killings, torture, destruction of villages, rape and other forms of sexual violence all continue. More than 1.8 million persons have been forced from their homes, and unless the attacks subside and access by humanitarian organizations improves, as many as 3 million Sudanese people could be displaced by the end of the year.

Let me say that these displaced individuals are going into camps strategically. We need to understand that this is not breeding a community of good will to the rest of the world. These are people who are disenfranchised, dislocated, and will pose a strategic threat, potentially, as a breeding ground of terrorism for the future.

This tragedy is that the Government of Sudan remains deeply complicit in this genocide, supporting jingawiet militias and participating in attacks on civilians. Helicopter gunships strafe villages, spraying nail-like flachettes unsuitable for anything other than killing.

International monitors of all kinds have been attacked, including members of the African Union force deployed to Darfur to try to bring about a monitoring of the peace agreements that have been set forth. Government-backed militias have threatened foreigners and U.N. convoys.

In recent weeks, an American aid official was shot and wounded, and the U.N. was forced to withdraw its international staff in west Darfur to the provincial capital. Other NGOs are uneasy about their people and are talking about withdrawal.

Even today, we get reports of a new rampage—an attack on a village in Darfur by 350 armed militia. The report by the UN and the AU called it a "senseless and premeditated savage attack." The militia "rampaged through the village, killing, burning and destroying everything in their paths and leaving in their wake total destruction, with only the mosque and the school spared."

I have a U.N. report, and I ask unanimous consent that it be printed in the RECORD.

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

[From UN News Service, Apr. 8, 2005]

UN, AFRICAN UNION CONDEMN "SAVAGE ATTACK" ON DARFUR VILLAGE BY ARMED MILITIA

United Nations and African Union representatives today condemned a "senseless and pre-meditated savage attack" Thursday on a town in the western Darfur area of Sudan by more than 350 armed militia while the Government dragged its heels in designating land for the AU monitoring force meant to deter such incidents.

Having learnt "with utter shock and disbelief" of the relentless daylong attack on Khor Abeche by armed militia of the Misiriyah tribe of Niteaga, "we condemn this senseless, and pre-meditated savage attack," Jan Pronk, the Special Representative of UN Secretary-General Kofi Annan, and AU Ambassador Baba Gana Kingibe said in a joint statement.

Nasir Al Tijani Adel Kaadir was identified as having commanded the initial force of over 200 on horses and camels and they were later reinforced by a further 150, also from Niteaga, they said in a statement.

His name and those of his collaborators would be sent to the UN Security Council sanctions committee to be brought to justice and they expected the Sudanese Government to take appropriate action, the two said.

The attackers "rampaged through the village, killing, burning and destroying everything in their paths and leaving in their wake total destruction with only the mosque and the school spared," their statement said.

"This attack, the savagery of which has not been seen since the sacking of Hamada in January 2005, was apparently in retaliation for the alleged theft of 150 cattle whose tracks were supposedly traced to Khor Abeche village," Mr. Pronk and Mr. Kingibe said.

They noted that since 3 April the AU had prepared to deploy troops in Niteaga and Khor Abeche to deter precisely this kind of attack, "but was prevented from acting by what can only be inferred as deliberate official procrastination over the allocation of land for the troops' accommodation."

Mr. CORZINE. Mr. President, how has the international community responded to these issues? In recent weeks, the U.N. Security Council passed three resolutions. To be sure, to give them credit, there has been some progress. One resolution referred the situation in Darfur to the International Criminal Court. Another established a U.N. committee to recommend targeted sanctions against those responsible for human rights abuses.

But much has not been done. There have been no efforts to impose, or even seriously threaten, sanctions against the Government of Sudan. In fact, the Security Council promised significant assistance as a reward for the welcomed implementation of the January peace agreement, the north-sought agreement between Khartoum and the south, without any conditions related to Darfur. Our amendment, which Senator BROWNBACK and I will be proposing, supports the peace agreement and allows assistance to implement that agreement. But we should not be rewarding the Government of Khartoum while thousands upon thousands of civilians in Darfur are dying.

This amendment will call for military no-fly zones over Darfur. Neither

the Bush administration nor our NATO allies have addressed this critical issue. We need to act so that the kinds of tragedies we see in this picture to my right are no longer permitted.

This amendment calls for accelerated assistance to the African Union. A retired Marine colonel, Brian Steidle, who worked alongside the AU, has described the AU's effectiveness where it has been deployed. But there are currently only 2,200 African Union troops on the ground. Over 3,400 are authorized, and we hope it can grow to over 6,000 in the next year. We need to increase their numbers and provide whatever assistance they need. Therefore, I am offering a second amendment later in the debate on this underlying supplemental with Senators DEWINE, BROWNBACK, and others. It is a money appropriation or allocation for the AU to accelerate the deployment of boots on the ground.

But money alone will not bring security to Darfur. The Darfur Accountability Act calls for an expansion of the AU's mandate to include the protection of civilians. Ultimately, we will have to be realistic about what it takes to police an area the size of Texas. It will take many thousands of troops, more than the AU will be able to field. The 10,000 new U.N. troops authorized by the Security Council are therefore a welcome development. But, again, their role in Darfur is virtually undefined, certainly vague and uncertain as to whether they can be involved in this.

Mr. President, the people of Darfur will not be saved unless stopping genocide becomes a priority. Words and deeds need to match. This amendment will call on the administration to raise Darfur in all relevant bilateral and multilateral meetings. I hope we can get it raised.

I am pleased that Deputy Secretary of State Zoellick is going to Sudan this week. But unless we mobilize an international effort, this engagement will be insufficient. We have already seen a lot of lost opportunities. I will leave that for the record where President Bush, Secretary of Defense Rumsfeld, and the Secretary of State have been in international areas where we can mobilize that kind of support. We simply cannot just keep calling it genocide and labeling it and talking about it; we need to do something about it. Stopping this evil is an urgent and highly moral issue for all of us to take on. That is why there is so much bipartisan focus on this issue.

We want to evoke the culture of life. We ought to be protecting those 10,000 people a month who are dying. How can we claim to be learning the lessons of history when we fail to act? How can we do that? We cannot continue to talk about moral responsibilities and then not act on them.

In his remarks in the piece that I put in the RECORD, Elie Wiesel put this clearly:

What pains and hurts most now is the simultaneity of events. While we sit here and

discuss how to behave morally, both individually and collectively, over there, in Darfur and elsewhere in Sudan, human beings kill and die.

Mr. President, we must act. The United States must lead a coalition of conscience to stop the genocide. That is what this amendment calls for. I urge my colleagues to support it. We will be back with the exact details. I am very appreciative of the leadership of Senator BROWNBACK, Senator DEWINE, and a number of individuals on both sides of the aisle. We need to make that coalition of conscience real. It is time to act. I believe this is an appropriate amendment on the supplemental.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I am delighted to join my colleague from New Jersey on this amendment. I think by definition a supplemental is about emergency needs and emergency spending. I don't know of a bigger one taking place right now in the world than in Darfur. So it is my hope that within this supplemental we will be able to deal with this issue of Darfur, both in funding and in some language to be able to stop this. This is a completely manmade genocide; it is a completely manmade disaster. It is one that can be stopped with a reasonable number of troops on the ground, with a reasonable engagement strategy.

This can stop. Instead of the 300,000 deaths going on up, this can and will stop. They need food aid, and they need allocation of funds for African Union forces. We will have Assistant Secretary Zoellick on the ground in Khartoum. He is going to go to the south, and then to the western part of Sudan after that, to look and to press the situation. The administration is engaged and is pushing. We need to do this in the supplemental. It is important for it to take place.

Lest people think this was last year's disaster that we are just putting forward more now and saying wasn't that terrible then, we should have acted, I want to show you pictures from this year. Senator CORZINE showed pictures earlier. This is of a village; it was taken by African Union monitors. It is completely burned out, razed. You can still see the smoke smoldering. This was taken by monitors, and they got there just after the village was burned.

I have some very graphic pictures I am going to be showing. If people don't want to see them, please turn away. It is the face of genocide. Genocide, by definition, involves the killing of one group of people by another. That is taking place and is taking place now. This is a young child who was shot in the upper right portion of the torso, and it exits here. You can see the gash here. We don't know if this child lived or died. He probably died given the state of health care there. This happened after a raid that took place. This is a child shot in a raid because he was an African child.

This is a gentleman who was killed and burned.

This is a village that is on fire. Someone in a helicopter took this picture, supported by the African Union.

These are all current pictures.

This one I believe my colleague showed as well. It is of a gentleman who was tied up, killed, and probably brutalized in Darfur.

These are the faces, and this is the picture of genocide. It is continuing to occur, and it is occurring now. I encourage my colleagues to vote for the passage of the amendment Senator CORZINE and I and others are putting forward. It is an amended version of the Darfur Accountability Act. It has the wide bipartisan support of 30 members. The amendment calls for several steps to be taken, which my colleague outlined: a new U.N. Security Council resolution with sanctions against the Government of Sudan; an extension of the current arms embargo to cover the Government of Sudan; military no-fly zone over Darfur; expansion of the U.N. mission in the Sudan; and a mandate to protect civilians in all of Sudan, which includes Darfur. It calls on the United States to appoint a Presidential envoy to Sudan and to raise this issue at the highest diplomatic levels in bilateral relations with Sudan, the Chinese, and other governments that can be of assistance. This calls for accelerated assistance to the African Union mission in Darfur and an expansion of the size and mandate of the mission necessary to protect civilians.

In addition, I hope the administration will push for a coalition of conscience. My colleagues mentioned a coalition of willing nations to join the efforts and demand an end to the genocide by making a declaration of conscience and backing it by actions if the U.N. Security Council fails to do so.

Last week was the 11th-year anniversary of the genocide in Rwanda, when we declared and the world declared "never again." We are now seeing it take place yet again. Can we learn from that? This is stoppable, and it is not by a huge commitment. We are not asking for 100,000 U.S. troops to go there. We are not asking for any U.S. troops. We are asking for financial support for the African Union and food aid to be able to maintain the villagers who have been run out of their village. With that, we believe firmly that this can and will stop and that people will be able to return to their villages.

Time is of the essence. Every day in this harsh climate in this region is a day that more people die. There simply are not the resources in the area to be able to support the individuals who are involved.

My colleague covered most of the points. I plead with my colleagues to pass this amendment in the supplemental. It is an emergency need. It is an emergency that is taking place. With this, we will be able to save lives. Keep it in the conference report so it gets to the President, it gets imple-

mented and the help does come, so when Secretary Zoellick returns from the region, he will have this level of resources to work with, he will have this commitment from the Congress to work with, and we will be able to move forward.

If the U.N. fails to act—and I am terribly disappointed in what the U.N. is doing in this situation; they are not doing anything at all—the United States must press forward with those willing to act so the genocide can stop, so the killing will stop, so we can move forward with peace and people can go back to their lives.

I hope people can start to feel and see some of that pain in front of our very eyes that we can stop. We can stop this. I plead with my colleagues to please stop it and support this amendment.

I do believe we will get this passed. We need to pass it. I hope it is kept in the bill through the entire process.

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. BROWNBACK. 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. BROWNBACK. Mr. President, I add one postscript on this Darfur Accountability Act. The House has language dealing with Darfur. We did not have as much of it in here. It is two parts: food and military assistance. We are working closely with the committee to try to get this worked through. It will not go over the amount that is in it. It will be offset in other places within the budget. I want to make sure that is clear to my colleagues who are interested in this. They are supportive, but they do not want to bust the supplemental caps. This will be taken from other places we are working on right now.

Senator McCONNELL, Senator COCHRAN, and other of our colleagues are working diligently with us. It is in two places as far as food aid and its assistance to peacekeepers. These will be African Union peacekeepers. So I want to get the practicalities of it out.

I also admonish my colleagues that where we sit as the most powerful Nation on the face of the Earth, we are called on to remember those who are in bondage as if we were in bondage ourselves. That may seem a strange concept, but when others are free, we are free. If others are in bondage, we are going to feel those chains and it will constantly rub against our souls. This is something that is important and it is also historic for us.

When we fought against slavery in this country, the issue was that the bondage of others was our bondage and people felt it, they fought against it. It is in the great heritage of this country to fight for freedom for other people, so

that when they are in bondage we feel that, but when we can help break that, we will also break bondages on ourselves and make us use the greatness of America for the goodness of the world. It is that goodness that keeps us moving toward greatness.

This is not a large sum of money we are talking about, but it is critically important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I salute the Senator from Kansas. I know he and the Senator from New Jersey have demonstrated extraordinary leadership on many issues that have come before this Senate, but certainly on the Darfur Accountability Act. I am an original cosponsor of that bipartisan measure and a strong supporter.

The latest estimates tell us more than 300,000 people have died in Darfur. The world has let this happen. In spite of all of our anguished promises after Rwanda that this would never happen again, it is happening again. Reports from aid workers back from Sudan state that attacks on the ground are still taking place. Villages are still being burned. Much of Darfur is still in a climate of terror. People are still afraid to go out for basics, to venture out for water, for wood, or the necessities of life.

Early this week, Human Rights Watch released a new report that Sudanese security forces, including police deployed to protect displaced persons, and allied jingawit militias continue to commit rape and sexual violence on a daily basis. Refugee camps are no refuge. Women who fled Darfur to refugee camps in Chad have been imprisoned by Chadian authorities for trying to collect firewood outside their camps. Many of them were raped while in jail.

This has become a charnel house. This is an inferno. This is one of the rings of hell, and it is happening on our watch.

In some areas of Sudan, women who are raped by the jingawit militia are now being threatened with prosecution. In short, Darfur still cries out for action. If these conditions do not constitute an emergency, I do not know what does.

Do we want to return to the Senate 6 months from now and lament the fact that another 300,000 victims have been added to the death tolls in this area? The amendment which will be offered later seeks a new U.N. Security Council resolution with sanctions, concerted United States diplomacy, an extension of the current arms embargo to cover the Government of Sudan, the freezing of assets and denial of visas to those responsible for genocide, crimes against humanity and war crimes, accelerated assistance of the African Union Mission, and a military no-fly zone in Darfur.

One of the other components of this amendment is the appointment of a new special envoy to seek peace in

Sudan to fill the role Ambassador Danforth played so well. As in many things, Pope John Paul II was ahead of this. He sent a special envoy last year so that voices of the people of Darfur might be heard.

The Bible tells us: Blessed be the peacemaker. We need to be peacemakers today. Let us hold the Government of Sudan accountable for its crimes and for these atrocities. Let us help the people of Darfur, and in doing so let us help to end this genocide.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I have requests to make on behalf of the managers of the bill with respect to amendments that have been cleared on both sides of the aisle.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 422

Mr. COCHRAN. I send an amendment to the desk, on behalf of Mr. LEAHY and Mr. OBAMA, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LEAHY and Mr. OBAMA, proposes an amendment numbered 422.

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

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

The amendment is as follows:

On page 194, line 14, delete "should" and insert in lieu thereof "shall".

On page 194, line 16, delete "Avian flu" and insert in lieu thereof "avian influenza virus, to be administered by the United States Agency for International Development".

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

The amendment (No. 422) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 370, AS MODIFIED

Mr. COCHRAN. Mr. President, I call up amendment No. 370, as modified, on behalf of Mr. SALAZAR, concerning democracy assistance for Lebanon.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. SALAZAR, proposes an amendment numbered 370, as modified.

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

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

The amendment is as follows:

(Purpose: To provide assistance to promote democracy in Lebanon)

On page 175, on line 24, strike "\$1,631,300,000" and insert "\$1,636,300,000". On page 176, line 12 after the colon insert the following: "Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available for programs and activities to promote democracy, including political party development, in Lebanon and such amount shall be managed by the Bureau of Democracy, Human Rights, and Labor of the Department of State."

On page 179, line 24, strike "\$30,500,000" and insert "\$25,500,000".

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

The amendment (No. 370), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 423

Mr. COCHRAN. Mr. President, I now send an amendment to the desk, on behalf of Mr. LEAHY, providing reprogramming authority for certain State Department accounts. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LEAHY, proposes an amendment numbered 423.

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

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

The amendment is as follows:

(Purpose: To provide reprogramming authority for certain accounts in the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act, 2005)

On page 183, after line 23, insert the following new general provision:

SEC. —. The amounts set forth in the eighth proviso in the Diplomatic and Consular Programs appropriation in the FY 2005 Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act (P.L. 108-447, Div. B) may be subject to reprogramming pursuant to section 605 of that Act.

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

The amendment (No. 423) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 361

Mr. COCHRAN. Mr. President, I now send an amendment to the desk, on behalf of Mr. REID and Mr. LEVIN, regarding retired pay and veterans disability compensation, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. REID, for himself, and Mr. LEVIN, proposes an amendment numbered 361.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate that veterans with a service-connected disability rated as total by virtue of unemployability should be treated as covered by the repeal of the phase-in of concurrent receipt of retired pay and veterans disability compensation for military retirees)

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

SENSE OF SENATE ON TREATMENT OF CERTAIN VETERANS UNDER REPEAL OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS DISABILITY COMPENSATION

SEC. 1122. It is the sense of the Senate that any veteran with a service-connected disability rated as total by virtue of having been deemed unemployable who otherwise qualifies for treatment as a qualified retiree for purposes of section 1414 of title 10, United States Code, should be entitled to treatment as qualified retiree receiving veterans disability compensation for a disability rated as 100 percent for purposes of the final clause of subsection (a)(1) of such section, as amended by section 642 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1957), and thus entitled to payment of both retired pay and veterans' disability compensation under such section 1414 commencing as of January 1, 2005.

Mr. REID. Mr. President, I rise today to speak on the issue of concurrent receipt and the Bush administration's unfair attempt to continue to restrict some of our Nation's veterans from receiving the full pay and benefits they have earned.

We have debated the ban on concurrent receipt for many years. It is an unfair and outdated policy that I and many others in this Chamber have worked hard to end.

Over the years, we have made some progress.

In 2003, the Congress passed my legislation which allowed disabled retired veterans with at least a 50-percent disability rating to become eligible for full Concurrent Receipt benefits over a 10-year period. This was a significant victory, and as a result of the legislation, hundreds of thousands of veterans today are on the road to receiving both their retirement and disability benefits.

And we made further progress last year, with the help of Senator LEVIN and others, when we were able to elimi-

nate the 10-year phase-in period for the most severely disabled veterans—those who were 100 percent disabled. A 10-year waiting period was particularly harsh for these veterans, some of whom would not live to see their full benefits restored over the 10-year period, and others who could not work a second job and were in fact considered "unemployable." So we passed legislation to end the waiting period and provide some relief to these deserving, totally disabled veterans.

Unfortunately, the administration's implementation of this legislation has created a new inequity by discriminating between two categories of totally disabled retirees.

There are those veterans who have been awarded a 100 percent disability rating by the VA and those whom the VA has rated "totally disabled". The veterans considered totally disabled are paid at the 100 percent disabled rate. This is because the VA has certified that their service-connected disabilities have left them unemployable.

I ask unanimous consent to have printed in the RECORD a letter sent by the Defense Department to the Office of Management and Budget on this issue last December.

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

(See exhibit 1.)

Mr. REID. The letter indicates clearly the Defense Department General Counsel's opinion that both of these groups should be paid their full retired pay and disability compensation under the law Congress passed last year, and it requested permission from OMB to execute the payments to unemployables.

That permission apparently was not forthcoming, since the Pentagon is still withholding payments for the "unemployable" group after all these months—contrary to its own General Counsel's legal review.

For all other purposes, both the VA and the Defense Department treat unemployables exactly the same as those with 100 percent disability ratings.

In fact, these unemployables must meet a criterion that not even the 100 percent-rated disability retirees have to meet. They are certified as unable to work because of their service-connected disability. The administration pays equal combat-related special compensation to both categories. Yet the administration is discriminating unemployables and 100 percent disabled retirees with noncombat disabilities in flagrant disregard for the letter of the law as interpreted by its own legal counsel.

The time to act is now.

As we stated last year, these veterans do not have 10 years to wait for the full phase-in of their benefits. The administration needs to act quickly.

Hopefully, the expression of the Senate contained in this bill will clarify the intent of the Congress so those most severely disabled veterans will begin to reap the benefits of last year's legislation.

EXHIBIT 1

OFFICE OF THE
UNDER SECRETARY OF DEFENSE,
Washington, DC, Dec. 21, 2004.
Dr. KATHLEEN PEROFF,
Deputy Associate Director for National Security,
Office of Management and Budget, Wash-
ington, DC.

DEAR MS. PEROFF: This letter is to advise your office of how the Department intends to compensate members for full concurrent payment of military retired pay in addition to their Veterans' Affairs (VA) disability compensation under the provisions of section 1414 of title 10, United States Code, as amended by section 642 of the Ronald Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375). Section 642 eliminated the phase-in period for those retirees/veterans determined by the Department of Veterans Affairs to have a disability or combination of disabilities rated as 100 percent disabled.

An issue has arisen as to whether this change in the law includes those who are rated as less than 100 percent disabled, but for whom a rating of 100 percent (total) disability is assigned by the VA because the individual is deemed unemployable. Based on a legal review of the relevant statutory authority and legislative intent language (10 U.S.C. 1414; H. Rept. 108-767), we intend to consider these unemployable retirees/veterans covered by the exemption to the phase-in period and grant them full concurrent payments beginning January 1, 2005.

The determination to include these unemployable retirees/veterans will result in an added cost of about \$1.3 billion in Military Retirement Fund (MRF) outlays over the course of the phase-in period. It will not affect costs after the phase-in period or carry any added increase in accrual costs. Further, all the added cost of full concurrent receipt is passed directly to the Treasury for payments to the MRF. While verbal communication with relevant congressional committee staff suggests that Congress may not have intended to exempt from the phase-in period those unemployable retirees/veterans compensated for 100 percent disability, neither the amended statute nor legislative intent language support this position.

We plan to issue guidance to the Defense Finance and Accounting System and the Services on the matter as quickly as possible. Please advise us if the Administration has any differing views.

Sincerely,

CHARLES S. ABELL.

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

The amendment (No. 361) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 424

Mr. COCHRAN. Mr. President, I now send an amendment to the desk, on my own behalf, to make a technical correction to the bill. I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 424.

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

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

The amendment is as follows:

On page 219 of the bill, line 16, strike “or” and insert “and”:

On page 219 of the bill, line 17, after “and” insert “seismic-related”.

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

The amendment (No. 424) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 387

Mr. LEAHY. Mr. President, I notice we have been in a quorum call and realize I am not taking time from others. I thought this might be a good time to note that I am a cosponsor of the Mikulski amendment.

We all know, from the discussion we had yesterday with the distinguished Senator from Maryland and others, that the amendment makes additional visas available for aliens who wish to perform seasonal work in the United States. We are well aware of that in my State of Vermont. We are also aware of the fact that for the second year in a row the statutory cap on so-called H-2B visas was met before businesses that needed additional summer employees were even eligible to apply for visas.

This is kind of a catch-22. They are told they have to wait for a period of time to be eligible to apply for the visas, and then when the time comes, the visas are already used. It has hurt businesses across the country. This amendment would provide needed relief.

In Vermont, many hotels and inns and resorts that have a busy summer season use these visas. I have heard from dozens of these businesses in Vermont over the past year. They have struggled mightily to manage without temporary foreign labor. I know the Lake Champlain Chamber of Commerce, the Vermont Lodging & Restaurant Association, and many small businesses in Vermont are vitally concerned, and I expect similar associations and businesses in the other States are as well.

It is interesting, one of the places I have heard from is a summer business where I worked when I was working my way through college. I know even then, in our little State, to keep it open, to go forward, they needed those foreign workers.

You have a wide range of industries that use these visas. This is not a parochial issue. It is not just Vermont. I suspect the same argument, one way or the other, could be made in virtually every State. I would be surprised if there is any Senator who has not heard from a constituent who has been harmed by the sudden shortage of H-2B visas. Many of them fear they are going to go out of business altogether if Congress does not make these visas available.

Now, the amendment would not raise the cap on the program but would allow those who had entered the United States in previous years through the H-2B program to return. It seems to be a very fair, very reasonable compromise. After all, these are people, by definition, who came to the United States legally. Then, after coming to the United States legally, they returned to their own countries legally, as they are required to do. The amendment also addresses those concerns some Members have expressed about fraud.

I have been working to solve this crisis for more than a year. I joined, last year, with a very substantial coalition of both Republican and Democratic Senators in introducing S. 2252, the Save Summer Act of 2004. This was going to increase the cap on the H-2B program. Unfortunately, there was a small number of Republican Senators who opposed it, so they put a hold on it. It was never allowed to have a vote. Our constituents suffered the consequences.

This year, I have urged the Mikulski-Gregg bill, on which this amendment is based, S. 352, be considered by the Judiciary Committee without delay. It is a bipartisan bill. It deserves to win a broad majority in this body. But this is not one of these things we can talk about and delay and delay and delay on throughout the spring and summer. Many of these businesses, if they are even going to open their doors, if they are going to stay in business this year, need the relief today.

Most of them are small businesses. An awful lot of them—I know the owners in my State; I suspect Senator GREGG from New Hampshire knows them in his State—are people who work very hard, with 80- and 90-hour weeks. They are sort of mom-and-pop operations. They own their businesses, and they need this seasonal help or they go out of business. If they go out of business, the other people they hire year-round are out of a job, and the local community has lost a significant place.

We should move forward. These are people relying on us. I do not know the politics of any of these people. I do not care. They are relying on us to help keep their businesses afloat.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

AMENDMENT NO. 427

Mr. DURBIN. Mr. President, those following the debate on the floor understand we are considering the supplemental appropriations bill that deals with the war in Iraq and Afghanistan, the tsunami relief, and some other very important elements. I understand there are pending amendments and also an effort to reach an agreement about how future amendments will be offered. So even though I will not be offering an amendment at this time, I would like to say a few words about an amendment which I plan to offer as soon as an agreement is reached and to alert my colleagues and those following the debate what we are seeking to achieve.

This amendment, which I am proud to cosponsor with Senator KENNEDY and Senator LEVIN, relates to troop training in Iraq. I thank the chairman and ranking member for their hard work on the bill. I believe it is imperative we continue to support our troops and address other emergencies in the world, including the devastating tsunami that swept across the Pacific right after Christmas.

We fully support our troops. We also want to see them come home. Training Iraqi troops to take the lead in Iraq is critical to our success in that country and to getting our service men and women back where they belong—with their families at home. Therefore, we are offering an amendment today to measure our progress toward that goal.

In this bill, the Senate is appropriating \$5.7 billion for the Iraqi Security Forces Fund. The accompanying committee report states:

The funds shall be available to train, equip, and deploy Iraqi security forces as well as provide increased counterinsurgency capabilities.

That is certainly very good. Our troops cannot come home until Iraqi forces can hold their own.

When I was in Iraq just a few weeks ago, General Petraeus took us from the Baghdad airport to a training field nearby, where we saw about 12 Iraqi soldiers who were masked to hide their identity for fear of retribution from their fellow Iraqis as they went through training drills.

I have not been in the military. I can't grade these troops as to their progress. It certainly appeared that they were learning important skills. How many troops in Iraq are reaching that level of competence, I can't say. That is the purpose of the amendment.

Iraqi forces and police must be able to take the lead in conducting counterinsurgency operations. They must be able to protect their own borders, safeguard civilian populations, uphold and enforce the rule of law. When I met with General Petraeus, he said he believed he was making progress toward that goal, but I think

we need to have a better metric to evaluate. We have received mixed messages and mixed information and statistics from the administration about how many Iraqis are trained and what their training really means.

Recent figures we received from the Department of Defense tell us that 136,000 Iraqis have been officially trained and equipped, but it is still not clear what that means. Does it mean that 136,000 Iraqi police, military, and border personnel are ready to defend their country, to protect its citizens and borders? Are they ready to take on and defeat the serious insurgent threat against American troops and Iraqis?

A March GAO study was very skeptical about the numbers. Joseph Christoff, Director of the GAO, testified before the House Government Reform Committee that:

Data on the status of Iraqi security forces is unreliable and provides limited information on their capabilities.

That was a result of a GAO report of the progress being made by our Department of Defense. We need answers to basic questions. That is why we are offering the amendment—Senator KENNEDY, Senator LEVIN, and I—requiring the Department of Defense to assess unit readiness of Iraqi forces and evaluate the effectiveness and status of training of police forces.

Our amendment is straightforward. It is a reporting requirement asking for regular assessments of both the military forces and the police who are being trained with our tax dollars. This is simply accountability. As American tax dollars go into Iraq for the training of forces, American taxpayers have the right to know whether we are making progress. Are we meeting our goals? The GAO report indicated, for example, substantial desertions from the ranks of police in Iraq, the number in perhaps the tens of thousands. That is something we need to know if it continues. We need to know how many battalions of soldiers are trained, how effectively they can operate. They face a fierce insurgency. Are they ready for battle? We want to give them the tools to successfully confront it.

Finally, we also ask for an assessment of how many American forces will be needed in 6, 12, and 18 months. We are not imposing a deadline. What we are doing is saying to the administration: Tell us on the one hand the level of success which you are experiencing in training Iraqis to defend their own country and tell us what it means in terms of American forces. When can we expect troops to start returning if this Iraqi training is successful?

As Iraqi troop training expands and improves, we certainly hope American troops will come home. We all want to see progress in Iraq. I want to be able to measure it in a way that everyone in Congress—and certainly everyone across the country—knows we are making meaningful progress.

Mr. KENNEDY. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. Yes, I am happy to.

Mr. KENNEDY. The Senator points out the part of the amendment which is asking for an estimate of the number of troops. I am a member of the Armed Services Committee. This issue has come up in a number of different contexts. We are talking about an estimate. We are looking for an estimate in 6 months and 12 months and 18 months. I am just wondering whether the Senator from Illinois saw the New York Times on April 11 where General Casey, top commander in Iraq, told CNN a week ago that if all went well, “we should be able to take some fairly substantial reductions in the size of our forces.” And another senior military official said American forces in Iraq could drop to around 105,000 by early next year from 142,000 now.

Clearly, there are estimates that are being considered. It seems that the American people would like to know what these numbers are rather than reading them in the paper. I believe that is what the purpose of the amendment is—to try to communicate to the American people what the best judgment is in terms of the troops. Estimates can vary. As authors of the amendment, we understand that. But I do thank the Senator for referring to the GAO report, the fact that the GAO report of March 14 said that U.S. Government agencies do not report reliable data on the extent to which the security forces are trained and equipped. The number of Iraqi police is unreliable, and the data does not exclude police absent from duty.

All we are trying to do is to get estimates for the American people. Am I correct?

Mr. DURBIN. The Senator from Massachusetts is correct. He makes a valuable point. When we in Congress ask the Department of Defense, how are we doing in terms of training troops for the Iraqi side, what are your guesses and best estimates in terms of when American troops can come home, many times they tell us, we can't share that information. They give us widely different numbers.

The Senator from Massachusetts makes the point that spokesmen for the U.S. military apparently speak to the media frequently, volunteering information about how quickly troops can come home to the United States. If it is good enough for CNN, should it not be good enough for the USA; should not American taxpayers be given this information? I think we want to know that.

I understand that we have to stay the course and finish our job. I am committed to that, even though I shared Senator KENNEDY's sentiments about the initiation of the invasion. One of the problems with the insurgency is the question of whether we are a permanent occupying force. I hope we make it clear to the Iraqis that we are

there to finish the job, to stabilize their country, and come home. As we start moving down the line on this amendment, which the Senator from Massachusetts and Senator LEVIN have cosponsored, we are going to be moving toward that goal and delivering the right message.

Mr. KENNEDY. I thank the Senator. I agree with his conclusions. Many of us believe this will be enormously helpful in trying to establish the independent Iraq that all of us would like to see. But I thank the Senator for bringing up this matter.

This follows other evidence that we have had at other times in Defense appropriations legislation, basically to provide this kind of information to the parents, to the military. We are looking for a best judgment, best estimate. Clearly, today the military is thinking in those terms. I believe we ought to have some opportunity to share that information.

I thank the Senator from Illinois for offering this amendment.

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

The PRESIDING OFFICER (Mr. MARTINEZ). Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, and Mr. LEAHY, proposes an amendment numbered 427.

Mr. DURBIN. 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 require reports on Iraqi security services)

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

REPORTS ON IRAQI SECURITY FORCES

SEC. 1122. Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit an unclassified report to Congress, which may include a classified annex, that includes a description of the following:

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

(2) The estimated strength of the Iraqi insurgency and the extent to which it is composed of non-Iraqi fighters, and any changes over the previous 90-day period.

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

(4) The extent to which recruiting, training, and equipping goals and standards for Iraqi security forces are being met, including the number of Iraqis recruited and trained for the army, air force, navy, and other Ministry of Defense forces, police, and highway patrol of Iraq, and all other Ministry of Interior forces, and the extent to which personal

and unit equipment requirements have been met.

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

(6) An evaluation of the operational readiness status of Iraqi military forces and special police, including the type, number, size, unit designation and organizational structure of Iraqi battalions that are—

(A) capable of conducting counterinsurgency operations independently;

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

(C) not ready to conduct counterinsurgency operations.

(7) The extent to which funding appropriated by this Act will be used to train capable, well-equipped, and effectively led Iraqi police forces, and an evaluation of Iraqi police forces, including—

(A) the number of police recruits that have received classroom instruction and the duration of such instruction;

(B) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(C) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(D) a description of the field training program, including the number, the planned number, and nationality of international field trainers;

(E) the number of police present for duty;

(F) data related to attrition rates; and

(G) a description of the training that Iraqi police have received regarding human rights and the rule of law.

(8) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by the Coalition Forces, including defending Iraq's borders, defeating the insurgency, and providing law and order.

(9) The extent to which funding appropriated by this Act will be used to train Iraqi security forces in counterinsurgency operations and the estimated total number of Iraqi security force personnel expected to be trained, equipped, and capable of participating in counterinsurgency operations by the end of 2005 and of 2006.

(10) The estimated total number of adequately trained, equipped, and led Iraqi battalions expected to be capable of conducting counterinsurgency operations independently and the estimated total number expected to be capable of conducting counterinsurgency operations with United States or Coalition mentors and enablers by the end of 2005 and of 2006.

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

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

(13) A list of countries of the North Atlantic Treaty Organisation ("NATO") participating in the NATO mission for training of Iraqi security forces and the number of troops from each country dedicated to the mission.

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

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

(16) A list of foreign countries that have withdrawn troops from the Multinational Security Coalition in Iraq during the previous 90 days and the number of troops withdrawn.

(17) A list of foreign countries that have added troops to the Coalition in Iraq during the previous 90 days and the number of troops added.

(18) For offers to provide forces for training that have been accepted by the Iraqi government, a report on the status of such training efforts, including the number of troops involved by country and the number of Iraqi security forces trained.

(19) An assessment of the progress of the National Assembly of Iraq in drafting and ratifying the permanent constitution of Iraq, and the performance of the new Iraqi Government in its protection of the rights of minorities and individual human rights, and its adherence to common democratic practices.

(20) The estimated number of United States military forces who will be needed in Iraq 6, 12, and 18 months from the date of the report.

Mr. DURBIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank Senator DURBIN for bringing up this matter on the supplemental. I welcome the opportunity to join with him and our colleague from Michigan, Senator LEVIN, and others who support the amendment. As we have outlined, this amendment basically requires periodic reports on the progress we are making in training Iraqi security forces.

The Senate is currently debating an appropriations bill that would provide \$81 billion, primarily for our ongoing war effort in Iraq. This funding will bring the total U.S. bill for the war in Iraq to \$192 billion—and still counting.

All of us support our troops. We obviously want to do all that we can to see that they have proper equipment, vehicles, and everything else they need to protect their lives as they carry out their mission. It is scandalous that the administration has kept sending them into battle in Iraq without proper equipment. No soldier should be sent into battle unprotected. No parents should have to go in desperation to the local Wal-Mart to buy armored plates and mail them to their sons and daughters serving in Iraq.

Our military is performing brilliantly under enormously difficult circumstances. But they don't want—and the American people don't want—an open-ended commitment. After all the blunders that took us into war, we need to be certain that the President has a strategy for success.

The \$5.7 billion in this bill for training Iraqi security forces is a key element of a successful strategy to stabilize Iraq and withdraw American military forces.

The administration has spoken frequently about the need for these funds. But there has been no accountability. It is time to put some facts behind our policy, and that is what this amendment does.

The administration has never really given us a straight answer about how many Iraqi security forces are adequately trained and equipped. We're ob-

viously making progress, but it is far from clear how much. The American people deserve an honest assessment that provides the basic facts.

But that is not what we're being given. According to a GAO report in March:

U.S. government agencies do not report reliable data on the extent to which Iraqi security forces are trained and equipped.

It goes on to say:

The Departments of State and Defense no longer report on the extent to which Iraqi security forces are equipped with their required weapons, vehicles, communications, equipment, and body armor.

It is clear from the administration's own statements that they are using the notorious "fuzzy math" tactic to avoid an honest appraisal.

On February 4, 2004, Secretary Donald Rumsfeld said:

We have accelerated the training of Iraqi security forces, now more than 200,000 strong.

Then, a year later, on January 19, 2005, Secretary Condoleezza Rice said that:

We think the number right now is somewhere over 120,000.

On February 3, 2005, in response to questions from Senator LEVIN at a Senate Armed Services Hearing, General Richard Myers, chairman of the Joint Chiefs of Staff, conceded that only 40,000 Iraqi security forces are really capable. He said:

48 deployable (battalions) around the country, equals about 40,000, which is the number that can go anywhere and do anything.

Obviously, we need a better accounting of how much progress is being made to train and equip effective and capable Iraqi Security forces.

I am encouraged by reports from our commanders in Iraq that we are making enough progress in fighting the insurgents and training the Iraqi security forces to enable the Pentagon to plan for significant troop reductions by early next year.

On March 27, General Casey, our top commander in Iraq, said, if things go well in Iraq, "by this time next year . . . we should be able to take some fairly substantial reductions in the size of our forces."

According to the New York Times, on Monday, senior military officials are saying American troop levels in Iraq could "drop to around 105,000" by early in 2006.

These reports are welcome news after 2 years of war in Iraq.

April 9 marked the second anniversary of the fall of Baghdad, and in these last 2 years we have paid a high price for the invasion of Iraq.

America went to war in Iraq because President Bush insisted that Iraq had strong ties to al-Qaida. It did not. We went to war because President Bush insisted that Saddam Hussein was on the verge of acquiring a nuclear capability. He was not. Long after the invasion of Iraq began, our teams were scouring possible sites for weapons of mass destruction. Finally, last January, 21

months after the invasion, the search was called off all together.

As Hans Blix, the former chief U.N. weapons inspector, said in a lecture last month, the United States preferred “to believe in faith based intelligence.”

Today, American forces continue to serve bravely and with great honor in Iraq. But the war in Iraq has made it more likely—not less likely—that we will face terrorist attacks in American cities, and not just on the streets of Baghdad. The war has clearly made us less safe and less secure. It has made the war against al-Qaida harder to win.

As CIA Director Porter Goss told the Senate Intelligence Committee on February 16, we have created a breeding ground for terrorists in Iraq and a worldwide cause for the continuing recruitment of anti-American extremists.

He said:

The Iraq conflict, while not a cause of extremism, has become a cause for extremists . . . Islamic extremists are exploiting the Iraqi conflict to recruit new anti-U.S. jihadists . . . These jihadists who survive will leave Iraq experienced in and focused on acts of urban terrorism. They represent a potential pool of contacts to build transnational terrorist cells, groups, and networks in Saudi Arabia, Jordan and other countries.

Three and a half years after the 9/11 attacks, al-Qaida is still the gravest threat to our national security, and the war in Iraq has ominously given al-Qaida new incentives, new recruits, and new opportunities to attack us.

According to CIA Director Goss, “al-Qaida is intent on finding ways to circumvent U.S. security enhancements to strike Americans and the homeland.”

Admiral James Loy, Deputy Secretary of Homeland Security, also warned the Intelligence Committee about the threat from al-Qaida. He said, “We believe that attacking the homeland remains at the top of al-Qaida’s operational priority list . . . We believe that their intent remains strong for attempting another major operation here.”

The danger was also emphasized by Robert Mueller, the FBI Director, who told the Intelligence Committee, “The threat posed by international terrorism, and in particular from al-Qaida and related groups, continues to be the gravest we face.” He said, “al-Qaida continues to adapt and move forward with its desire to attack the United States using any means at its disposal. Their intent to attack us at home remains—and their resolve to destroy America has never faltered.”

In addition to taking the focus off the real war on terror—the war against al-Qaida—the war in Iraq has cost us greatly in human terms.

Since the invasion began, we have lost more than 1500 servicemen and women. More than 11,500 have been wounded. That’s the equivalent of a full Army division, and we only have 10 active divisions in the entire army. Despite recent progress, since the Iraqi

elections in January we have still lost more than one soldier a day.

We need to train the Iraqis for the stability of Iraq. But we also need to train them because our current level of deployment is not sustainable. Our military has been stretched to the breaking point, with threats in other parts of the world ever-present.

As the Defense Science Board told Secretary Rumsfeld last September, “Current and projected force structure will not sustain our current and projected global stabilization commitments.”

LTG John Riggs said it clearly: “I have been in the Army 39 years, and I’ve never seen the Army as stretched in that 39 years as I have today.” A full 32 percent of our military has already served two or more tours of duty in Iraq or Afghanistan. That fact makes it harder for us to respond to threats elsewhere in the world.

The war has also undermined the Guard and Reserve. Forty percent of the troops in Iraq are Guard or Reservists, and we are rapidly running out of available soldiers who can be deployed.

The average tour for reservists recalled to active duty is now 320 days, close to a year. In the first Gulf War, it was 156 days; in Bosnia and Kosovo, 200 days. In December, General James Helmley, the head of the Army Reserves warned that the Reserve “is rapidly degenerating into a ‘broken’ force” and “is in grave danger of being unable to meet other operational requirements.”

The families of our military, Guard and Reserves are also suffering. Troops in Iraq are under an order that prevents them ever from leaving active duty when their term of service is over.

A survey by the Defense Department last May found that reservists, their spouses, their families, and their employers are less supportive now of their remaining in the military than they were a year ago.

The war has clearly undermined the Pentagon’s ability to attract new recruits and retain those already serving. In March, the active duty Army fell short of its recruiting goal by a full 32 percent. Every month this year, the Marines have missed their recruiting goal. The last time that happened was July 1995.

The Army Reserves are being hit especially hard. In March, it missed a recruiting goal by almost half, falling short by 46 percent.

To deal with its recruiting problems, the Army National Guard has increased retention bonuses from \$5,000 to \$15,000 and first-time signing bonuses from \$6000 to \$10,000. The Pentagon has raised the maximum age for Army National Guard recruits from 34 to 39. Without these changes, according to General Steven Blum, Chief of the Army National Guard, “The Guard will be broken and not ready the next time it’s needed, either here at home or for war.”

We all hope for the best in Iraq. We all want democracy to take root firmly and irrevocably.

Our men and women in uniform, and the American people deserve to know that the President has a strategy for success. They want to know how long it will take to train the Iraqi security forces to ably defend their own country so American men and women will no longer have to die in Iraq. They want to know when we will have achieved our mission, and when our soldiers will be able to come home with dignity and honor.

At a March 1 hearing in the Senate Armed Services Committee, General Abizaid, the leader of the Central Command, gave the clearest indication so far about when our mission might end.

General Abizaid said, “I believe that in 2005, the most important statement that we should be able to make is that in the majority of the country, Iraqi security forces will take the lead in fighting the counterinsurgency. That is our goal.”

Speaking about the capabilities of the Iraqi security forces, General Abizaid said, “I think in 2005 they’ll take on the majority of the tasks necessary to be done.” That’s this year.

On March 27, General Casey, commanding General of the Multi-National Force in Iraq said, “By this time next year . . . assuming that the political process continues to go positively . . . and the Iraqi army continues to progress and develop as we think it will, we should be able to take some fairly substantial reductions in the size of our forces.”

Our troops are clearly still needed to deal with the insurgency. Just as clearly, we need an effective training program to enable the Iraqis to be self-reliant.

But there is wide agreement that the presence of American troops fuels the insurgency. If the Iraqis make significant progress this year, it is perfectly logical to expect that more American troops will be able to return home.

Shortly after the elections in Iraq in January, the administration announced that 15,000 American troops that were added to provide security for the elections would return.

Additional reductions in our military presence, as Iraqis are trained to take over those functions, would clearly help take the American face off the occupation and send a clearer signal to the Iraqi people that we have no long-term designs on their country.

In US News and World Report in February, General Abizaid emphasized this basic point. He said “An overbearing presence, or a larger than acceptable footprint in the region, works against you . . . The first thing you say to yourself is that you have to have the local people help themselves.”

Deputy Secretary Wolfowitz stated in a hearing at the Senate Armed Services Committee on February 3, “I have talked to some of our commanders in the area. They believe that over the course of the next six months you will see whole areas of Iraq successfully handed over to the Iraqi army and

Iraqi police." Today 2 of those 6 months have passed, and all of us hope that we are on track to meet his goal.

Before the election in Iraq in January, the administration repeatedly stated that 14 of the 18 provinces in Iraq are safe. We heard a similar view in a briefing from Ambassador Negroponte earlier this year.

If some areas can soon be turned over to the Iraqis, as Secretary Wolfowitz indicated, it should be done. It would be a powerful signal to the Iraqi people that the United States is not planning a permanent occupation of their country. If entire areas are being turned over to the Iraqis, we should be able to bring more American troops home.

We know the road ahead will be difficult, because the violence is far from ended.

The President's commitment to keeping American troops in Iraq as long as it takes and not a day longer is not enough for our soldiers and their loved ones. They deserve a clearer indication of what lies ahead, and so do the American people.

President Bush should be able to tell us how much progress—how much real progress—we are making in training the Iraqi security forces. Our amendment asks for specific information on that progress, if it's happening.

President Bush should be able to tell us how many American soldiers he expects will still be in Iraq 6 months from now, 12 months from now, 18 months from now.

General Abizaid and other military officials have begun to provide clarification of that very important issue, and I hope the President will as well.

Our amendment contributes significantly to that goal, and I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I rise to support the amendment Senator KENNEDY has addressed, which was introduced by Senator DURBIN. It represents an effort to obtain information that is critically important to the American people in reaching a judgment, critically important to the Congress in reaching a judgment, critically important, I believe, to our military leaders, first and foremost, in reaching a judgment as to how quickly we can remove forces from Iraq.

It is in everybody's interest that we succeed in Iraq. Some of us who were highly critical of the way we went into Iraq—more unilaterally than we should have, without the support of any Muslim nations, making our presence a Western occupation of a Muslim nation, with all of the problems that unleashes, and many of us who have been critical of the way in which the Iraqi army was disbanded unilaterally, without much thought, and the way in which we did not have a plan for a violent aftermath when we went in, the way in which we didn't listen to our military leaders in terms of the need to prepare for the possibility of the vio-

lent aftermath. All of us, those of us who were critics and those of us who were supporters, now have a common interest in Iraq and have had, once the decision was made to go into Iraq, and that is that we succeed in Iraq.

Success in Iraq requires that the Iraqis take over their own defense and their own security. This amendment will help give us a roadmap toward understanding how long it will take, what is necessary, what the cost will be for the Iraqis to take over their own security, the key to our exit, first reductions in our American forces, and then to our ultimate departure from Iraq, and the key to it is how quickly we can turn over to Iraq their own security.

This amendment sets forth a number of reporting requirements, which will help us to make a judgment as to how quickly that can be done, which will help the American people to understand there is a strategy here, there are markers along the road we are on which will tell us whether we are achieving that essential security and, more importantly, whether the Iraqis are achieving that essential security for themselves.

Two things are going to be necessary here for success to be achieved. One is to secure the area and the other is a political accommodation between the people in Iraq—people who have different religious beliefs, different ethnic backgrounds, people who are now going to have to put themselves together to form a nation.

In terms of the training of Iraqi troops, we have very different estimates over the months, and it is very difficult for us in Congress and for the American people to make a judgment as to how quickly we are going to be able to reduce our presence in Iraq—a presence which has fueled the insurgency against us, which is used as a propaganda tool against us, because we are characterized as Western occupiers in a Muslim nation. The longer we stay there, the more troops we have there, the more we play into the hands of those who want to destroy us and destroy the hopes of Iraqis for a nation.

I want to give a few examples of the discrepancies in the characterization of the ability of the Iraqis to protect and defend themselves. Back in September of last year, President Bush said the following:

Nearly 100,000 fully trained—

I emphasize fully trained.

—and equipped Iraqi soldiers, police officers, and other security personnel are working today.

But then George Casey, our commander of the multinational force in Iraq, in January said the following:

When Prime Minister Allawi took office in June of 2004, he had one deployable battalion. Today, he has 40. When you multiply 40 battalions that are deployable with the number of people in each battalion, it comes out to approximately 30,000 personnel.

So when General Casey spoke in January, months after President Bush told us there were 100,000 fully trained and

equipped Iraqi soldiers, there were still but 30,000 personnel in Iraq who were deployable.

This is what General Myers said in February: That there are about 40,000 Iraqis in the police and military battalions, 40,000 that can "go anywhere in the country and take on almost any threat."

That is a very different impression than is given by the weekly status reports we get from the administration. This is the State Department's most recent weekly status report as to what they call trained-and-equipped Iraqi forces—152,000 this week.

There are not 152,000 Iraqi forces capable of taking on insurgents. If we are lucky, the number is about one-third of that. But we have to know two numbers, not just one, not just the weekly State Department number as to how many people are trained and equipped, but how many of those people are sufficiently trained and equipped so they can take on the insurgency. That is the critical number—how many are capable militarily of taking on insurgents.

I will give one other example of the discrepancy of the characterization of the capability of Iraqi forces.

When this supplemental in front of us was provided to us in February, this is what the supplemental represented to us: That 89 of the 90 battalions of Iraqi security forces that have been fielded—89 of 90—are "lightly equipped and armed and have very limited mobility and sustainment capabilities." That is about 95 percent plus of the Iraqi security forces today, according to the supplemental request; 95 percent are lightly equipped and armed and have limited mobility and sustainment. How different that is from the most recent weekly report we just received of 152,000 troops.

It is essential, it is critically important, no matter what one's views of the war are—the wisdom of going in, how well run it has been since we went in—no matter how pessimistic or optimistic one is, no matter how critical or positive one is, in terms of the operations and the way they were planned or not planned and the decision to go in as we did, we must have numbers, we must have estimates, which this amendment would require in regular reports, as to what the capabilities are of the Iraqi forces.

We need two numbers. We need that total number, 152,000, but we need the number of Iraqi forces that are capable of taking on the insurgents: How many are deployable? how many have real mobility and sustainment capabilities? How many are well trained and equipped so they can take on the insurgents?

That number is critical to Iraq. It is critical to Americans. Americans have the right to know the information this amendment requires be provided in regular reports.

I have one other comment before I yield the floor. In addition to the security requirements that must be met so

we can say that our involvement in Iraq has been a success, there must be a political accommodation. That political accommodation, in many ways, is more complicated than the military situation. We need people who now distrust each other, people who have attacked each other over the decades, to now come together politically and to work out a new constitution which will protect the rights of minorities in Iraq.

We have a major group in Iraq, the Shi'a, who feel, and properly so, that a small minority of Sunni Baathists, particularly in the leadership of the Baathist political movement, attacked the Shi'a with gas and with other means. These are Iraqis who were destroyed by Iraqis, by Saddam Hussein and the henchmen who were around Saddam Hussein. So the Shi'a community needs to accommodate themselves to a significant protection for a Sunni minority, and that Sunni minority must get used to the fact, the reality, the Shi'a are the majority of Iraqis, and they have elected a majority of members who are going to be present in the Iraqi Assembly. Of course, there is the yearning of the Kurds for significant autonomy. All that needs to be put together.

It is a very complicated equation for that to happen. As we hopefully achieve some success on the security side, we must keep a very wary eye open as to what is happening or not happening on the political side of the challenge in Iraq.

The constitution will be written by a commission which will be selected by an assembly which is now in place. That assembly will have its Prime Minister within the next few days and will then be able to select a constitutional commission which will write a constitution. That commission needs to reflect the Iraqi people, not the make-up of the assembly which has much too small a percentage of Sunnis, given the fact they did not vote. But the Shi'a majority needs to be wise enough, in selecting the commission that will write the constitution, to have a broadly representative commission that will write a constitution that is protective of the minorities in Iraq, that will guarantee majority rights, of course, but that in any decent nation will protect the minority as well.

That is the challenge they face. They are supposed to meet that challenge by August. They will not do that, obviously. They have a 6-month extension beyond that where they must write a constitution. Getting that constitution written is a major challenge, and anything we can do to facilitate that, it seems to me, would be very wise, indeed.

We have two challenges, one of which is addressed in the amendment before us relative to Iraqi security and the progress they are hopefully making, to give us the information that is important for a judgment to which the American people, the Congress, and our uniformed military are entitled from

this administration. I hope this has broad support and the Senate adopts the Durbin amendment.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 387

Mr. ALLEN. Mr. President, I rise today to speak in support of an amendment that my good friend from Maryland, Senator MIKULSKI, and I and a number of other Senators have offered and which does have bipartisan support. It has to do with the H-2B visa program.

Small businesses all over our Nation count on the H-2B visa program to keep their businesses operating. Many use this program year after year because it is the only way they can legally hire temporary or seasonal positions when no American workers are available. These companies hire all the American workers they can find, and they do look for American workers. But if they cannot find them, they need to get additional seasonal help, they need to find workers to meet the demands of their businesses and, indeed, to stay in business. These businesses are in construction, seafood, yard services, tourism and other season enterprises.

Congress has capped the H-2B visa program at 66,000 visas per year. That has not been adjusted since this visa category was initially capped in 1990. So since 1990 the visa cap has been 66,000. However, during those years, and here we are 15 years later, there are a variety of factors that have hampered U.S. employers from having the ability to find and hire more willing American workers for short-term positions. The shortages occur for a variety of reasons. It is actually getting much worse because Americans are unwilling to engage in low-skilled, semi-skilled short-term employment. In most instances, Americans are unwilling to relocate to a new location for several months out of a year, a move that many of these short-term jobs require. That is logical. People aren't going to want to move for 3 or 4 months and then move back to another place.

According to the Department of Homeland Security, the H-2B cap of 66,000 was reached a few months into the fiscal year. This is the second year in a row the cap has been reached this early. You may wonder why we are reaching the cap at such an early stage. What is the problem? Under current law employers cannot file an H-2B application until 120 days before they need the employee. Therefore, the H-2B program puts businesses whose peaks are in the summer and in the autumn at a disadvantage because the Citizenship and Immigration Services cannot process their applications until at least January or February, since these jobs generally start around Memorial Day. Therefore, if the cap is reached in January and February, as it was in the last several years, these employers who

rely on seasonal workers are clearly put at a disadvantage.

I have heard from these employers. One of our most important jobs that I have as a Senator is to listen to people out there in the real world, to see what are the effects of certain laws and see if there are ways to allow those in the free enterprise system, particularly small businesses, to continue to operate. I do listen to my constituents. My constituents have clearly voiced their concerns about the H-2B program and have asked for help. I think it is important that we respond.

I will give some examples of what is going on. There is a company called WEMOW. WEMOW is a landscaping design and lawn maintenance company in Blacksburg, VA. This company relies heavily on the H-2B program, and sadly they have had to cut back on services they can provide because of the lack of a workforce to meet that demand. Christopher Via, who is the president of WEMOW, wrote me. I will quote from his letter. He said:

While my company spends considerable time and money to recruit U.S. workers, the positions we need to fill are hot, labor intensive, physically exhausting low- and semi-skilled jobs that many Americans do not want to fill. Therefore, our ability to meet seasonal demand and stay in business relies on finding temporary workers. H-2B workers have proven critical in filling this need.

Of course, they are late in the season, so therefore they do not get the workers they could to meet those needs.

Another letter I received is from a company in Yorktown. Yorktown is a very famous tourism area. Stephen C. Barrs, the president of C.A. Barrs Contractor, Inc., wrote:

While our company recruits U.S. workers, our company and our industry as a whole have been unable to find American workers. We have presented evidence to the Department of Labor that there are no U.S. workers available to fill our vacant positions. Our company employs approximately 100 people, and we specialize in road construction. The H-2B program provides foreign employees who have proven tremendous employees. We have relied on the H-2B program for 6 years and find this program invaluable. Once our season ends, our H-2B workers return home. This is more a small business issue than an immigration issue. We fear this program is in jeopardy, and if it is cut in any way, our small businesses will sustain a very damaging loss.

These are two of hundreds of letters I have received from small businesses all across Virginia, asking for our immediate help. Our amendment does that. It provides an immediate legislative remedy that helps these businesses get part-time seasonal workers.

Before I get into the details of what this amendment does, I want to clearly outline what this amendment does not do. I first want to stress that this amendment in no way changes the existing requirements for applying for an H-2B visa. U.S. employers must demonstrate to State and Federal departments of labor that there are no available U.S. workers to fill vacant seasonal positions. Subsequently, they

must obtain an approved labor certification from the U.S. Department of Labor, file a visa petition application with the Citizenship and Immigration Service for H-2B workers, and obtain approved H-2B visas for workers in their home countries.

With that understanding, I would like to outline what this amendment does effectuate. Specifically, our amendment would exempt temporary seasonal workers who have participated in the H-2B visa program, and have completely followed the law during the past 3 fiscal years from counting toward the statutory cap of 66,000.

Second, this amendment has a number of new antifraud provisions. One such provision requires employers to pay an additional fee of \$150 on each H-2B petition, and those fees are placed into the fraud and prevention detection account of the U.S. Treasury.

Third, this amendment creates new sanctions for those who misrepresent facts on a petition of an H-2B visa. This provision is designed to further strengthen the Department of Homeland Security's enforcement power to sanction those who violate our Nation's immigration laws. If an employer violates this section, the Department of Homeland Security will have the power to fine the individual employer and/or not approve, of course, their H-2B petitions.

Fourth, moreover, the amendment divides the cap more equitably, giving half of the visas to fall and winter businesses and half to spring and summer businesses. So you do not get into this whole gaming situation of when do the applications get in, and end up with a frustrating disruption at the end of the year.

Finally, this amendment adds some simple, commonsense reporting requirements that will allow Congress to get more information on the H-2B program users as we in Congress move toward a more comprehensive, long-term solution to this problem.

Our amendment provides the needed temporary addressing and the fix that is needed to a problem that, if left unresolved, will ultimately harm our economy. Jobs will be lost, whether they are in landscaping, whether they are in seafood, whether they are in contracting, whether they are in tourism. These are all small businesses. They are good, law-abiding citizens. They are trying to use and will use this program lawfully, but we need to bring some common sense into this program.

We need to act as soon as possible. Many of these businesses are family businesses, and they need to stay in operation. They provide services which their customers and the people in their communities desire.

I strongly and respectfully urge my colleagues to vote in favor of this amendment. It is not solely an immigration issue. As my friend and constituent from Yorktown said, this is a small business issue as well.

I thank the Chair. I yield the floor.

THE PRESIDING OFFICER. The Senator from Colorado is recognized.

MR. SALAZAR. Mr. President, I ask unanimous consent that the pending amendments be set aside.

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

AMENDMENT NO. 351

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

THE PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 351.

MR. SALAZAR. 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 express the sense of the Senate that the earned income tax credit provides critical support to many military and civilian families)

At the appropriate place, insert the following:

SEC. __. SENSE OF THE SENATE ON THE EARNED INCOME TAX CREDIT.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) In an effort to provide support to military families, this Act includes an important increase in the maximum payable benefit under Servicemembers' Group Life Insurance from \$150,000 to \$400,000.

(2) In an effort to provide support to military families, this Act includes an important increase in the death gratuity from \$12,000 to \$100,000.

(3) In an effort to provide support to military families, this Act includes an important increase in the maximum Reserve Affiliation bonus to \$10,000.

(4) The Federal earned income tax credit (EITC) under section 32 of the Internal Revenue Code of 1986 provides critical tax relief and support to military as well as civilian families. In 2003, approximately 21,000,000 families benefitted from the EITC.

(5) Nearly 160,000 active duty members of the armed forces, 11 percent of all active duty members, currently are eligible for the EITC, based on analyses of data from the Department of Defense and the Government Accountability Office.

(6) Congress acted in 2001 and 2004 to expand EITC eligibility to more military personnel, recognizing that military families and their finances are intensely affected by war.

(7) With over 300,000 National Guard and reservists called to active duty since September 11, 2001, the need for tax assistance is greater than ever.

(8) Census data shows that the EITC lifted 4,900,000 people out of poverty in 2002, including 2,700,000 children. The EITC lifts more children out of poverty than any other single program or category of programs.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) Congress should take steps necessary to support our troops and their families;

(2) it is not in the interests of our troops and their families to reduce the earned income tax credit under section 32 of the Internal Revenue Code of 1986; and

(3) the conference committee for H. Con. Res. 96, the concurrent resolution on the budget for fiscal year 2006, should not assume any reduction in the earned income tax credit in the budget process this year, as provided in such resolution as passed by the House of Representatives.

MR. SALAZAR. Mr. President, before commenting on this amendment, I wish to take a minute to thank the chairman and ranking member, Senators COCHRAN and BYRD, for all their hard work on this important bill. I am especially appreciative of the help and support they have offered this Senator on two amendments.

They and their staffs have been helpful as we try to ensure that the brave Lebanese people who stood up to their Syrian occupiers know we are here to support them. Earlier today we made a down payment on a commitment to help ensure they have the free and fair elections and strong and vibrant democracy they have earned. I want especially to thank the staffs of Senators MCCONNELL and LEAHY for the help on the Lebanon amendment.

I am also hopeful that we will be able to fix something that I have considered an injustice since I came to the Senate earlier this year. The assistance we provide to military families in the event of a loss of their family member is referred to as the "death gratuity." That is a misnomer, and I am hopeful that we will be able to correct that by renaming this assistance as something more fitting, namely, "Fallen Hero Compensation."

Regarding the amendment I have just sent to the desk, it is quite simple. It clearly states our support for the earned income tax credit, especially because this program benefits working families and a large amount of our active duty military personnel.

Given that we are considering a bill that provides critical support to our troops and their families and that later this week many millions of Americans will be filing their taxes, I believe this amendment needed to be heard on this bill this week.

The EITC was first enacted in 1975 to aid the working poor. According to an analysis released just this week by a highly respected, non-partisan institute in Denver, the Bell Policy Center, in the past year, more than 150,000 active military personnel nationwide qualified for the EITC. In my State of Colorado alone, over 3,000 members of the military qualified for the EITC.

The EITC has long enjoyed bipartisan support because the credit is extended only to families that have work income. Most recently, under the leadership of Senator MARK PRYOR, this body overwhelmingly approved the expansion of the EITC to more military families.

That is as it should be . . . given all that these families give for our country, it is the least the country can do for them.

Now, however, it appears that this effective program that has lifted over 2.7 million children above the poverty level is coming under attack.

Recently the House of Representatives indicated that it is considering cutting the EITC in its budget reconciliation. Such cuts, if enacted by

the full Congress, could lead to higher taxes for many of our military families.

This is not fair and this is not right.

At a time when many of our military personnel are overseas and when our national guard reserves have been called up at historic rates, we should be providing for our men and women in uniform. We should not be taking away from them and placing them at a greater financial disadvantage.

I hope the Senate will be heard loudly and clearly that this is not the right thing to do. Our troops and their families deserve no less.

I urge my Senate colleagues to reject any cuts to the EITC.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Colorado. In fact, I rise to discuss an individual who the Senator from Colorado and I met when we were part of a bipartisan delegation led by the Democratic leader, HARRY REID, a couple of weeks ago. On that trip, we visited a number of countries—Kuwait, Iraq, Israel, France, Georgia, Ukraine, and the Palestinian territory. We saw a number of emerging democracies. It made me think of what our own country might have been like more than 200 years ago. We visited with two men who were named Prime Minister and Speaker of the Iraqi Parliament a week later. In Georgia, we saw the young government. Many of them were educated here in the United States as students. When we went to Ukraine, we met Mr. Yuschenko and some of the students who had been part of this revolution. What we saw was very impressive, as were those people we were introduced to.

But from my way of thinking, there was no one more impressive than the Finance Minister of the Palestinian Authority, Salam Fayyad, who instituted a number of reforms to fight corruption and bring transparency to the finances of that Authority.

This remarkable individual was born Palestinian, and his family fled the West Bank for Jordan in 1968. He studied at the American University in Beirut. He later received a Ph.D. in economics from the University of Texas at Austin. He worked for the Federal Reserve in St. Louis and the International Monetary Fund in Washington, DC. He became the IMF representative to the Palestinian Authority and moved to Jerusalem in 1995. Then, in 2002, he was named Finance Minister of the Palestinian Authority.

What is remarkable is that all of us either know or suspect that when Arafat was in power, there was gross corruption with the moneys that came into Palestine. Mr. Fayyad has done the following things: He centralized control of the Palestinian Authority's finances. Previously, agencies had collected the money and kept it. That meant, for example, that education was

poorly funded since it collected little money. Mr. Fayyad forced all the incoming funds to be put into the general treasury and disbursed by the Finance Minister.

The next thing he did was direct deposits for Palestinian security forces. Previously, money was given in plastic bags to commanders for them to distribute. Obviously, this led to what might generously be called a lot of mismanagement of those funds. Now soldiers are much happier because they get their pay on time, and the government is sure the money is going where it should. The soldiers and the government both know the money is not going to somebody who didn't earn it.

Public budgeting: He issued the first publicly detailed budget for the Authority, which totaled about \$1.28 billion. The Ministry now issues public monthly reports of the government's financial status.

Eliminating graft: Due to his efforts, revenue of the Palestinian Authority is up from \$45 million to \$75 million, largely because money that was skimmed off the top in the past is going into the treasury where it belongs. I am not just saying this today because I want to give a pat on the back to Mr. Fayyad, who, in taking these steps, has shown a great deal of courage. I am sure there are a good number of people in the Palestinian territory who were skimming money off the top before who are not going to be happy with him now. I am bringing this up today because it has to do with a vote we are about to take here in the Senate.

The bill before us, the supplemental appropriations bill, provides \$200 million of the President's request for aid to the Palestinian territories. There is another \$150 million in the normal budgeting process. Unlike the House version of this supplemental appropriations bill, our version—the Senate version as it is coming to us—preserves the President's waiver authority that would allow him to designate a portion of those funds as he sees fit by the use of the Palestinian Authority. I believe that policy—the Senate policy—is the right policy. In other words, our policy would permit our President, President Bush, to decide that Mr. Fayyad and the government of the Palestinian Authority could properly spend this money. Some people are saying they stole money over there before. Yes they did. Yasser Arafat is dead and buried. It is time to make a new start.

The Finance Minister has made great strides to ensure that funds are publicly accountable. We will be able to keep track of where our taxpayer money goes. The Palestinian Authority needs some money. There is no poorer part of the world than the Gaza Strip. Someone has to provide security in the Gaza Strip. We look to the Palestinian Authority to do that if the Israelis pull out. Someone has to provide a social services safety net for these poor people so they are not tempted to join

with the terrorists. We look to the Palestinian Authority to do that.

Why in the world would we keep our President from making the decision that would give the money to the Palestinian Authority, which is the group we are counting on to provide security and to provide the social safety net?

Nongovernment agriculture organizations can provide valuable help in support of what the Palestinian Authority is doing. If we are going to do business with the Palestinian Authority, and are going to expect them to be accountable for keeping things safe and providing a basic level of social services so people are able to eat, we should deal directly with them. At the very least we should give the President of the United States the authority, as the Senate bill does, to deal directly with the Palestinian Authority.

I am happy with what our Committee on Appropriations has done. I disagree with what the House of Representatives has done, and I suppose the matter will go to conference. I hope in the conference the Senators will insist on the Senate provision, and I hope our House Members will see the wisdom of giving our President the discretion to give the money to the Government that we are going to hold accountable.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mrs. CLINTON. Mr. President, my colleague from South Carolina, Senator LINDSEY GRAHAM, and I come to the floor this afternoon to speak about the necessity of expanding TRICARE for National Guard members and reservists. I especially thank Senator GRAHAM for his hard work and advocacy on behalf of this legislation.

Almost 2 years ago exactly, in the spring of 2003, Senator GRAHAM and I joined at the Reserve Officers Association building to announce the first version of this legislation. In the intervening years, we have made a great deal of progress in expanding access to TRICARE, the military health program. But we agree there is still a long way to go.

We recently discovered our proposed legislation to ensure that National Guard and Reserve members have access to the military health program known as TRICARE does not have a cost this year, so it was not appropriate for us to attempt to attach this to the supplemental appropriations bill that is currently on the floor. But we are extremely hopeful we will be able to include legislation in this year's Department of Defense authorization bill.

Because Senator GRAHAM and I serve on the Armed Services Committee, we have heard firsthand, as have many of my colleagues, about the extraordinary

strain being placed on our Guard and Reserve Forces. We are well aware that a major part of our military success in Iraq and Afghanistan has been because of the role played by reservists and Guard members who heeded the call to serve their country—for some, not once, not twice, but three times in Iraq and/or Afghanistan.

Since September 11, our reservists and National Guard members have been called upon with increasing frequency. From homeland security missions where they were absolutely essential in New York after 9/11, National Guard men and women patrolled and guarded our subways, the Amtrak lines in Penn Station, other places of importance. We have seen in so many other instances where they were called to duty here in our own homeland. We also know they have paid the ultimate sacrifice, losing their lives in serving the missions they were called to fulfill in Iraq and Afghanistan or being grievously wounded and returning home, having given their all to our country.

In New York we have over 30,000 members of the Guard and Reserves, and over 4,000 are currently deployed in support of Operation Iraqi Freedom. When I have visited with our activated reservists and National Guard in New York, I have been greatly impressed by their willingness and even eagerness, in some cases, to serve. But I have also heard about the strains they face, that their families have borne, that their businesses have endured. It is abundantly clear we are having some difficulty in recruitment and retention of the Guard and Reserve because of the extraordinary stresses being placed on these very dedicated individuals. Now more than ever, we need to address the needs of our Guard and Reserve members. The general of the Army Reserves, General Helmly, has expressed concern about whether we are going to be able to meet our needs for the Reserve component.

The legislation Senator GRAHAM and I have been working on for 2 years is bipartisan. It is not a party issue. It is a core American issue. Our TRICARE legislation allows Guard and Reserve members the option of enrolling full time in TRICARE, getting the family health insurance coverage that is offered to active-duty military personnel. The change would offer health care stability to families who lose coverage under their employers' plans when a family member is called to active duty. In fact, one of the most shocking statistics was that about 25 percent of our active-duty Guard and Reserve had some medical problems, but the numbers were particularly high for the Guard and Reserve because so many of these—primarily but not exclusively—young people either had jobs which didn't offer health insurance or worked for themselves and could not afford health insurance. So when they were activated and reported, they were not medically ready to be deployed. This is not simply the right thing to

do; this is part of our military readiness necessity.

The legislation addresses these critical issues. I am very grateful for Senator GRAHAM's leadership and the support of so many in this body. He and I will be working with Chairman WARNER and Ranking Member LEVIN and the rest of the Armed Services Committee to get our TRICARE legislation authorized in this year's Department of Defense authorization bill.

Finally, I know there are questions of cost that obviously have to be addressed. I don't think you can put a price on the military service these men and women have given our country. When I was in Iraq a couple of weeks ago, I was struck by how many men I saw with white hair. I think I was surprised there were so many people in their fifties, late fifties, who had been called back to active duty, members of the Individual Readiness Reserve. The men I spoke with had flown combat missions in Vietnam. There they were again, having left their families, left their employment, their homes, and doing their duty in Baghdad or Fallujah or Kirkuk and so many other places of danger.

We have an all-volunteer military. That all-volunteer military has to be given not only the respect it so deserves but the support and the resources it has earned.

I am hopeful we will have unanimous support in the Armed Services Committee to add this legislation, that we will have support from the administration and, in an overwhelming vote in both Houses of Congress, not give lip-service and rhetorical pats on the back to our Guard and Reserve members but show them in a tangible way that we appreciate and respect their service and we understand the strains they are living under and often their families are suffering under. One small way to show our appreciation as a nation is to make sure once and for all they and their families have access to health care.

It is a great pleasure to be working with Senator GRAHAM, and I look forward to successfully ensuring that this legislation is once and for all enacted, first in the Armed Services Committee and then on the floor of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I will take up where my colleague left off. Before she leaves the floor, I acknowledge what a pleasure it has been to work with her and other members of the Democratic Party and the Republican Party to do something for our Guard and Reserve Forces. She has outlined very well what we are trying to do. It shows what can happen when the body will come together on an issue that should never divide us. Whether you are Republican or Democrat or independent, this war affects us all. No one asked the young men and women fighting the war their party

identification or affiliation or their political background when they went off to serve our Nation.

The least we can do as a body is stand behind them and their families to provide a benefit they need.

We had a hearing yesterday, to build upon what Senator CLINTON said. We had the chief of the Army, Air Force, Marine Corps, Reserve components, and the Naval Reserve, and we talked about the stress on the force in terms of the Reserve community. We have 175,000 people today who have experienced duty in this war from the Guard and Reserve. Forty percent of the people in Iraq and Afghanistan are guardsmen and reservists. We could not fight without them.

This is the biggest utilization of the Guard and Reserve since World War II. The skill set they bring to the fight is indispensable. There are civil affairs people helping Afghan and Iraqi officials set up a democracy. We have medical personnel and many others who are indispensable. The military police are predominantly guardsmen and reservists, and they are indispensable in Iraq and Afghanistan. They have done a terrific job.

The reason we are involved in this legislation and we have so much bipartisan support for what we are trying to do is the Guard and Reserve is the only group of part-time Federal employees—and as a guardsman or reservist, you work for the Federal Government. You also work for the State government, but you have a dual status. Reservists are part of the Federal military, the DOD. They are the only group in the whole Federal Government that is not eligible for some form of health care from the Federal Government.

A temporary employee in your office or my office, somebody working in a temporary capacity, is able to sign up for Federal health care benefits that we enjoy. They have to pay a premium. A part-time worker is able to sign up for Federal health care benefits. The only group that works part time and doesn't get any benefits is the Guard and Reserve. The one thing we found from the hearing is that is a mistake. At least 10 percent of the people being called to active duty from the Guard and Reserve are unable to be deployed because of health care problems. About 30 percent of the people in the Guard and Reserve have no private health care insurance. So from a ratings point of view, about 10 percent of the force is taken out of the fight without a shot being fired. That makes no readiness sense. The health care network for the Guard and Reserve today is not doing the job in terms of making the force fit and ready to serve.

When a person is deployed from the Guard and Reserve, they leave behind a family more times than not. Half of the people going into the fight from the Guard and Reserve suffer a pay reduction, having no continuity of health care or predictability of what the benefits will be in a continuous fashion.

How long you will be gone and when you are coming home matters in terms of recruiting and retention. Sixty-eight percent of the Army Reserve's goal is being met in recruiting. The Guard and Active Forces are suffering in recruiting because this war has taken a toll. The more attractive the benefit package is, the more we can appreciate the service, the more likely we are to get the good people and recruit patriotic Americans.

What this legislation is designed to do is fill in that gap and solve the problem that faces the Guard and Reserve families, and that is lack of health care. Every Reserve component chief says that when they talk to the troops, the one thing that means the most to them, on top of every other request, is continuity of health care. So we are proposing a benefit for the Guard and Reserve that they will have to pay for, but we will allow, for the first time, Guard and Reserve members to sign up for TRICARE, the military health care system, like their Active-Duty counterparts have, with one major difference: they will have to pay a premium, unless they are called to active duty, similar to what we pay as Federal employees.

I believe that is a fair compromise. It will allow uninsured guardsmen and reservists to have health care at an affordable price. It will allow people who have uneven health care in the private sector to get constant health care. We will have a system where people, when they are called to active duty, will have the same set of doctors and hospitals that service the family as when they are in the Guard and Reserve status. We think it desperately will help recruiting and retention and readiness, and it will make people ready for the fight.

We have worked on the costs. We are looking at cutting the cost of the program in half by requiring a slightly higher premium from the force and offering TRICARE standard versus TRICARE prime. I believe it fiscally makes sense but still achieves the goal of the original legislation of providing continuity of health care.

The reason we are not offering the amendment on the supplemental is that because of the cost saving we have achieved in redesigning the program, there is no cost to be incurred in 2005. We are working in a bipartisan manner with the chairman of the Armed Services Committee to go ahead and offer a full-time military health care benefit to guardsmen and reservists that they can sign up for, to give them continuity of care at a fair premium. It is a good deal for all concerned. The reason we are doing this is obvious: We are utilizing the Guard and Reserve in a historic fashion. If we don't change the benefit structure, we are going to drive the men and women away from wanting to serve. After a while, it gets to be too onerous. I hope we will be able to produce a product in committee in the authorization bill that will allow this

program to be offered to the entire force.

Here is what we did last year. I will end on this note. The body reached a compromise last year. Last year, we came up with a program that for every person in the Guard and Reserve who was mobilized for 90 days or more, from September 11, 2001, forward to today, for every 90 days they served on active duty, they would get a year of TRICARE for themselves and their families. That program goes into effect April 26 of this year, a few days from now. I have the brochure called TRICARE Reserve Select. About a third of the force would be eligible. It will cover the Selective Reserve, drilling reservists. That is one change we made.

I am still in the Reserves, but I am in an inactive status. I do my duty over at Bolling Air Force Base. I am not subject to deployment, so I will not be included. The bill we are designing covers people subject to being deployed and being sent to the site. The compromise of last year will allow a year of TRICARE for every 90 days you are being called to active duty.

There are thousands of reservists who will be eligible for this program, and this brochure called TRICARE Reserve Select will be available to your unit, and you need to inquire as to whether you and your family would be eligible to join TRICARE because of your 90-day-plus deployment. The goal this year is to build upon what we did last year by offering the program to the entire drilling force.

The other two-thirds of the Select Reserves who are subject to being deployed, who drill and prepare for combat-related duties so that when they get called, if they do, they will be ready to go to the fight, it will be a benefit for their families that I think most Americans would be glad to provide.

So we have a program in place for those who have been called to active duty for 90 days or more since September 11, 2001. It goes into effect in a week. It will make you and your family eligible for TRICARE a year for every 90 days you serve. So if you serve a year in Iraq, you get 4 years. The goal this year is expanded to total drilling Selected Reserve force. We cut the program in half by increasing the benefit payment required of the Guard and Reserve member and reshaping the benefit package. I think it is more affordable than ever, but the cost of having 10 percent of the force unable to go to the fight is financially and militarily very large. The cost of lack of continuity of health care for Guard and Reserve families is emotionally devastating.

With about two-tenths of 1 percent of the military budget, we can fix this problem and reward Americans who are doing a great job for their country. The likelihood of the Guard and Reserve being involved in a deep and serious way in the war on terror is probably unlimited.

The last fact I will leave with you is this: We talked to the Reserve commander yesterday about the utilization of the Air Reserves. Fifty percent of the people flying airplanes in terms of transport into the theater of operation and servicing the theater of operation with a C-130 are Reserve or Guard crews. I have been to Iraq 3 times now, and I have flown about 16 or 17 flights on a C-130 from Kuwait into Iraq and Afghanistan. Every crew except one has been a Reserve or Guard crew.

There is a rule in the military that a Guard or Reserve member cannot be deployed involuntarily for more than 24 months. That rule has served the force well because it takes stress off the force, it keeps people gainfully employed because if you are gone all the time, it is hard to keep a civilian job. So we put a cap of 24 months of involuntary service into the theater of operations, into the war zone.

What astonished me was that two-thirds of the pilots and the aircrews in the Guard and Reserve have already reached that mark. Two-thirds of those who serve in the Guard and Reserve have already met their 2-year involuntary commitment.

One fact that keeps this war afloat is that they are volunteering to go back. Legally we cannot make them go back, but they are volunteering to keep flying. And God bless them because two-thirds of 50 percent statutorily do not have to go to this fight. They choose to go to this fight. This benefit package is a recognition of that commitment.

I am very optimistic—to all those Guard and Reserve families who may be listening today—that help is on the way, that this body is going to rise to the occasion, and we are going to improve your health care benefits because you earned it.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 430

Mr. BYRD. Mr. President, in every year since 1951, Congress has included a provision in the General Government Appropriations Act which states the following:

No part of any appropriation contained in this or in any other act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by Congress.

I am quoting from section 624 of Public Law 108-447.

This is the law of the land, and yet despite the law, the Congress and the American people continue to hear about propaganda efforts by executive branch agencies. On more than one occasion, this administration has provided tax dollars to well-known conservative talk show hosts to promote its agenda. One was paid a hefty fee to promote the No Child Left Behind Act. Another talk show host was paid to promote the administration's welfare and family policies.

If those examples are not bad enough, in an effort to blur the line between

independent media and administration propaganda, some agencies have produced prepackaged news stories designed to be indistinguishable from news stories produced by free market news outlets.

According to the Government Accountability Office, the GAO, which is an arm of the Congress, in an opinion dated February 17, 2005, the administration has violated the prohibition on publicity and propaganda. In a memorandum sent to executive branch agencies, the GAO stated:

During the past year, we found that several prepackaged news stories produced and distributed by certain Government agencies violated this provision.

So very simply, according to the GAO, the administration broke the law. The GAO specifically cited the Office of National Drug Control Policy and the Department of Health and Human Services for violating the antipropaganda law. But these are not the only agencies pretending to be a credible news outlet.

On March 13, 2005, the New York Times wrote about the administration's approach in an article entitled "Under Bush a New Age of Prepackaged TV News."

I ask unanimous consent that the entire article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. BYRD. The Times article spotlighted three new segments that each looked the same as any other 90-second segment on the local news. But these are not new. The Federal Government produced all three of these. The Times told of a news segment produced by the State Department featuring a jubilant Iraqi American telling a news crew in Kansas City: "Thank you, Bush. Thank you, USA."

The Department of Homeland Security apparently produced a so-called news report on the creation of the Transportation Security Administration. The reporter called the establishment of TSA "one of the most remarkable campaigns in aviation history." But what the American people, the viewers, did not know was that the so-called reporter was actually a public relations professional working under a false name for the Transportation Security Administration. How about that?

A third segment broadcast in January was based on a news report produced by the Department of Agriculture. The Agriculture Department apparently employs two full-time people to act—listen now—to act as reporters. They travel the country and create their own so-called news, distributing their work via satellite and mail, always pushing the White House line.

What are things coming to?

In the January report, these U.S. Department of Agriculture employees, claiming to be independent journalists,

called President Bush "the best envoy in the world."

I am not here to argue whether George W. Bush is America's best envoy to the world, but I would rather leave that discussion to independent analysts, not to administration employees or on-the-payroll journalists pushing the White House line.

Yes, the administration should explain its ideas and positions to the American people. No one argues that fact. Educating the public about issues affecting their lives is an essential role of the Government. But the administration should not engage in a blatant manipulation of the news media. Leave the work of manipulation to the Rush Limbaughs of the world. Keep the job of Government focused on the people. Manufacturing propaganda is a blatant misuse of taxpayer dollars, and it is your money, your money, Mr. and Mrs. Taxpayer.

The administration has disputed GAO's views. The administration takes the view that it is OK to mask the source as long as the ads are "purely informational."

The White House Office of Management and Budget, with the support of the Justice Department, went so far as to issue a memorandum to agency heads dated March 11, 2005, specifically contradicting the conclusions of the Government Accountability Office. The Justice Department concluded that the Government Accountability Office's:

... conclusion fails to recognize the distinction between covert propaganda and purely informational Video News Reports, which do not constitute propaganda within the common meaning of the term and therefore are not subject to the appropriations restriction.

If paying national columnists and talk show hosts, faking news segments, hiring actors to pretend to be reporters "do not constitute propaganda," what does? What does constitute propaganda? It is time for the administration to back off.

We, the American people, trust the media to provide us with independent sources of information, not biased news stories produced by the administration at the taxpayers' expense. It is time for the White House to be upfront with the American people: no propaganda, no manipulation of the press. The administration should tell the people its position on issues, yes, but should do so honorably and without such deliberate manipulation of the free press. Propaganda efforts such as these are not the stuff for a Republic such as ours. The American people must be able to rely on the independence of the news media. The constitutionally guaranteed freedom of the press is not for sale. The country must know that reporters—real reporters—are presenting facts honestly, presenting facts fairly, presenting facts without bias. Democracy should not be built on deception.

Just yesterday, the Federal Communications Commission, on a unanimous vote—on a unanimous vote of 4 to 0—

approved a public notice that directs—that directs, hear me—that directs television broadcasters to disclose to viewers the origin of video news releases produced by the Government or corporations when the material runs on the public airwaves. The Commission acknowledged the critical role that broadcast licensees and cable operators play in providing information to the audiences they serve. This information is an important component of a well-functioning democracy. Along with this role comes a responsibility, the responsibility that licensees and operators make the sponsorship announcements required by the foregoing rule and obtain the information from all pertinent individuals necessary for them to do so. The public notice goes on to stress that the Commission may impose sanctions, including fines, including imprisonment, for failure to comply with the ruling. You better watch out. So the FCC, by a unanimous vote, I say, made clear, crystal clear, as clear as the noonday Sun in a cloudless sky, what their rules are. They made clear to the broadcasters what their rules are.

Now Congress should make clear what the rules are for Federal agencies. Just yesterday, the Federal Communications Commission, on a unanimous vote, 4 to 0, approved this public notice, I am saying it again, that directs television broadcasters to disclose to viewers the origin of video news releases produced by the Government or corporations—I will say this a third time—when the material runs on the public airwaves.

So this is a warning. We, in the Congress, ought to do our best in support of the ruling and to enforce it.

Let me say now that my amendment prevents any agency from using taxpayer dollars to produce or distribute prepackaged news stories intended to be viewed, intended to be heard, intended to be read, which do not clearly identify the so-called news was created by a Federal agency or funded with taxpayer dollars. That is plain common sense.

I urge Senators to back the law that we, Congress, have passed each year since 1951:

No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by Congress.

Back it up. My amendment simply makes it clear, I say again, that Congress does mean what Congress says. I urge adoption of the amendment. I will yield the floor, but I want to send my amendment to the desk.

EXHIBIT 1

[From the New York Times, Mar. 13, 2005]
UNDER BUSH, A NEW AGE OF PREPACKAGED TV NEWS

(By David Barstow and Robin Stein)

It is the kind of TV news coverage every president covets.

"Thank you, Bush. Thank you, U.S.A.," a jubilant Iraqi-American told a camera crew

in Kansas City for a segment about reaction to the fall of Baghdad. A second report told of “another success” in the Bush administration’s “drive to strengthen aviation security”; the reporter called it “one of the most remarkable campaigns in aviation history.” A third segment, broadcast in January, described the administration’s determination to open markets for American farmers.

To a viewer, each report looked like any other 90-second segment on the local news. In fact, the federal government produced all three. The report from Kansas City was made by the State Department. The “reporter” covering airport safety was actually a public relations professional working under a false name for the Transportation Security Administration. The farming segment was done by the Agriculture Department’s office of communications.

Under the Bush administration, the federal government has aggressively used a well-established tool of public relations: the pre-packaged, ready-to-serve news report that major corporations have long distributed to TV stations to pitch everything from headache remedies to auto insurance. In all, at least 20 federal agencies, including the Defense Department and the Census Bureau, have made and distributed hundreds of television news segments in the past four years, records and interviews show. Many were subsequently broadcast on local stations across the country without any acknowledgement of the government’s role in their production.

This winter, Washington has been roiled by revelations that a handful of columnists wrote in support of administration policies without disclosing they had accepted payments from the government. But the administration’s efforts to generate positive news coverage have been considerably more pervasive than previously known. At the same time, records and interviews suggest widespread complicity or negligence by television stations, given industry ethics standards that discourage the broadcast of pre-packaged news segments from any outside group without revealing the source.

Federal agencies are forthright with broadcasters about the origin of the news segments they distribute. The reports themselves, though, are designed to fit seamlessly into the typical local news broadcast. In most cases, the “reporters” are careful not to state in the segment that they work for the government. Their reports generally avoid overt ideological appeals. Instead, the government’s news-making apparatus has produced a quiet drumbeat of broadcasts describing a vigilant and compassionate administration.

Some reports were produced to support the administration’s most cherished policy objectives, like regime change in Iraq or Medicare reform. Others focused on less prominent matters, like the administration’s efforts to offer free after-school tutoring, its campaign to curb childhood obesity, its initiatives to preserve forests and wetlands, its plans to fight computer viruses, even its attempts to fight holiday drunken driving. They often feature “interviews” with senior administration officials in which questions are scripted and answers rehearsed. Critics, though, are excluded, as are any hints of mismanagement, waste or controversy.

Some of the segments were broadcast in some of nation’s largest television markets, including New York, Los Angeles, Chicago, Dallas and Atlanta.

An examination of government-produced news reports offers a look inside a world where the traditional lines between public relations and journalism have become tangled, where local anchors introduce pre-packaged segments with “suggested” lead-ins written by public relations experts. It is

a world where government-produced reports disappear into a maze of satellite transmissions, Web portals, syndicated news programs and network feeds, only to emerge cleansed on the other side as “independent” journalism.

It is also a world where all participants benefit.

Local affiliates are spared the expense of digging up original material. Public relations firms secure government contracts worth millions of dollars. The major networks, which help distribute the releases, collect fees from the government agencies that produce segments and the affiliates that show them. The administration, meanwhile, gets out an unfiltered message, delivered in the guise of traditional reporting.

The practice, which also occurred in the Clinton administration, is continuing despite President Bush’s recent call for a clearer demarcation between journalism and government publicity efforts. “There needs to be a nice independent relationship between the White House and the press,” Mr. Bush told reporters in January, explaining why his administration would no longer pay pundits to support his policies.

In interviews, though, press officers for several federal agencies said the president’s prohibition did not apply to government-made television news segments, also known as video news releases. They described the segments as factual, politically neutral and useful to viewers. They insisted that there was no similarity to the case of Armstrong Williams, a conservative columnist who promoted the administration’s chief education initiative, the No Child Left Behind Act, without disclosing \$240,000 in payments from the Education Department.

What is more, these officials argued, it is the responsibility of television news directors to inform viewers that a segment about the government was in fact written by the government. “Talk to the television stations that ran it without attribution,” said William A. Pierce, spokesman for the Department of Health and Human Services. “This is not our problem. We can’t be held responsible for their actions.”

Yet in three separate opinions in the past year, the Government Accountability Office, an investigative arm of Congress that studies the federal government and its expenditures, has held that government made news segments may constitute improper “covert propaganda” even if their origin is made clear to the television stations. The point, the office said, is whether viewers know the origin. Last month, in its most recent finding, the G.A.O. said federal agencies may not produce prepackaged news reports “that conceal or do not clearly identify for the television viewing audience that the agency was the source of those materials.”

It is not certain, though, whether the office’s pronouncements will have much practical effect. Although a few federal agencies have stopped making television news segments, others continue. And on Friday, the Justice Department and the Office of Management and Budget circulated a memorandum instructing all executive branch agencies to ignore the G.A.O. findings. The memorandum said the G.A.O. failed to distinguish between covert propaganda and “purely informational” news segments made by the government. Such informational segments are legal, the memorandum said, whether or not an agency’s role in producing them is disclosed to viewers.

Even if agencies do disclose their role, those efforts can easily be undone in a broadcaster’s editing room. Some news organizations, for example, simply identify the government’s “reporter” as one of their own and then edit out any phrase suggesting the segment was not of their making.

So in a recent segment produced by the Agriculture Department, the agency’s narrator ended the report by saying “In Princess Anne, Maryland, I’m Pat O’Leary reporting for the U.S. Department of Agriculture.” Yet AgDay, a syndicated farm news program that is shown on some 160 stations, simply introduced the segment as being by “AgDay’s Pat O’Leary.” The final sentence was then trimmed to “In Princess Anne, Maryland, I’m Pat O’Leary reporting.”

Brian Conrad, executive producer of AgDay, defended the changes. “We can clip ‘Department of Agriculture’ at our choosing,” he said. “The material we get from the U.S.D.A., if we choose to air it and how we choose to air it is our choice.”

SPREADING THE WORD: GOVERNMENT EFFORTS AND ONE WOMAN’S ROLE

Karen Ryan cringes at the phrase “covert propaganda.” These are words for dictators and spies, and yet they have attached themselves to her like a pair of handcuffs.

Not long ago, Ms. Ryan was a much sought-after “reporter” for news segments produced by the federal government. A journalist at ABC and PBS who became a public relations consultant, Ms. Ryan worked on about a dozen reports for seven federal agencies in 2003 and early 2004. Her segments for the Department of Health and Human Services and the Office of National Drug Control Policy were a subject of the accountability office’s recent inquiries.

The G.A.O. concluded that the two agencies “designed and executed” their segments “to be indistinguishable from news stories produced by private sector television news organizations.” A significant part of that execution, the office found, was Ms. Ryan’s expert narration, including her typical sign-off—“In Washington, I’m Karen Ryan reporting”—delivered in a tone and cadence familiar to television reporters everywhere.

Last March, when The New York Times first described her role in a segment about new prescription drug benefits for Medicare patients, reaction was harsh. In Cleveland, The Plain Dealer ran an editorial under the headline “Karen Ryan, You’re a Phony,” and she was the object of late-night jokes by Jon Stewart and received hate mail.

“I’m like the Marlboro man,” she said in a recent interview.

In fact, Ms. Ryan was a bit player who made less than \$5,000 for her work on government reports. She was also playing an accepted role in a lucrative art form, the video news release. “I just don’t feel I did anything wrong,” she said. “I just did what everyone else in the industry was doing.”

It is a sizable industry. One of its largest players, Medialink Worldwide Inc., has about 200 employees, with offices in New York and London. It produces and distributes about 1,000 video news releases a year, most commissioned by major corporations. The Public Relations Society of America even gives an award, the Bronze Anvil, for the year’s best video news release.

Several major television networks play crucial intermediary roles in the business. Fox, for example, has an arrangement with Medialink to distribute video news releases to 130 affiliates through its video feed service, Fox News Edge. CNN distributes releases to 750 stations in the United States and Canada through a similar feed service, CNN Newsources. Associated Press Television News does the same thing worldwide with its Global Video Wire.

“We look at them and determine whether we want them to be on the feed,” David M. Winstrom, director of Fox News Edge, said of video news releases. “If got one that said tobacco cures cancer or something like that, I would kill it.”

In essence, video news releases seek to exploit a growing vulnerability of television news: Even as news staffs at the major networks are shrinking, many local stations are expanding their hours of news coverage without adding reporters.

"No TV news organization has the resources in labor, time or funds to cover every worthy story," one video news release company, TVA Productions, said in a sales pitch to potential clients, adding that "90 percent of TV newsrooms now rely on video news releases."

Federal agencies have been commissioning video news releases since at least the first Clinton administration. An increasing number of state agencies are producing television news reports, too; the Texas Parks and Wildlife Department alone has produced some 500 video news releases since 1993.

Under the Bush administration, federal agencies appear to be producing more releases, and on a broader array of topics.

A definitive accounting is nearly impossible. There is no comprehensive archive of local television news reports, as there is in print journalism, so there is no easy way to determine what has been broadcast, and when and where.

Still, several large agencies, including the Defense Department, the State Department and the Department of Health and Human Services, acknowledge expanded efforts to produce news segments. Many members of Mr. Bush's first-term cabinet appeared in such segments.

A recent study by Congressional Democrats offers another rough indicator: the Bush administration spent \$254 million in its first term on public relations contracts, nearly double what the last Clinton administration spent.

Karen Ryan was part of this push—a "paid shill for the Bush administration," as she self-mockingly puts it. It is, she acknowledges, an uncomfortable title.

Ms. Ryan, 48, describes herself as not especially political, and certainly no Bush die-hard. She had hoped for a long career in journalism. But over time, she said, she grew dismayed by what she saw as the decline of television news—too many cut corners, too many ratings stunts.

In the end, she said, the jump to video news releases from journalism was not as far as one might expect. "It's almost the same thing," she said.

There are differences, though. When she went to interview Tommy G. Thompson, then the health and human services secretary, about the new Medicare drug benefit, it was not the usual reporter-source exchange. First, she said, he already knew the questions, and she was there mostly to help him give better, snappier answers. And second, she said, everyone involved is aware of a segment's potential political benefits.

Her Medicare report, for example, was distributed in January 2004, not long before Mr. Bush hit the campaign trail and cited the drug benefit as one of his major accomplishments.

The script suggested that local anchors lead into the report with this line: "In December, President Bush signed into law the first-ever prescription drug benefit for people with Medicare." In the segment, Mr. Bush is shown signing the legislation as Ms. Ryan describes the new benefits and reports that "all people with Medicare will be able to get coverage that will lower their prescription drug spending."

The segment made no mention of the many critics who decry the law as an expensive gift to the pharmaceutical industry. The G.A.O. found that the segment was "not strictly factual," that it contained "notable omissions" and that it amounted to "a fa-

voritable report" about a controversial program.

And yet this news segment, like several others narrated by Ms. Ryan, reached an audience of millions. According to the accountability office, at least 40 stations ran some part of the Medicare report. Video news releases distributed by the Office of National Drug Control Policy, including one narrated by Ms. Ryan, were shown on 300 stations and reached 22 million households. According to Video Monitoring Services of America, a company that tracks news programs in major cities, Ms. Ryan's segments on behalf of the government were broadcast a total of at least 64 times in the 40 largest television markets.

Even these measures, though, do not fully capture the reach of her work. Consider the case of News 10 Now, a cable station in Syracuse owned by Time Warner. In February 2004, days after the government distributed its Medicare segment, News 10 Now broadcast a virtually identical report, including the suggested anchor lead-in. The News 10 Now segment, however, was not narrated by Ms. Ryan. Instead, the station edited out the original narration and had one of its reporters repeat the script almost word for word.

The station's news director, Sean McNamara, wrote in an e-mail message, "Our policy on provided video is to clearly identify the source of that video." In the case of the Medicare report, he said, the station believed it was produced and distributed by a major network and did not know that it had originally come from the government.

Ms. Ryan said she was surprised by the number of stations willing to run her government segments without any editing or acknowledgement of origin. As proud as she says she is of her work, she did not hesitate, even for a second, when asked if she would have broadcast one of her government reports if she were a local news director.

"Absolutely not."

LITTLE OVERSIGHT: TV'S CODE OF ETHICS, WITH UNCERTAIN WEIGHT

"Clearly disclose the origin of information and label all material provided by outsiders."

Those words are from the code of ethics of the Radio-Television News Directors Association, the main professional society for broadcast news directors in the United States. Some stations go further, all but forbidding the use of any outside material, especially entire reports. And spurred by embarrassing publicity last year about Karen Ryan, the news directors association is close to proposing a stricter rule, said its executive director, Barbara Cochran.

Whether a stricter ethics code will have much effect is unclear; it is not hard to find broadcasters who are not adhering to the existing code, and the association has no enforcement powers.

The Federal Communications Commission does, but it has never disciplined a station for showing government-made news segments without disclosing their origin, a spokesman said.

Could it? Several lawyers experienced with F.C.C. rules say yes. They point to a 2000 decision by the agency, which stated, "Listeners and viewers are entitled to know by whom they are being persuaded."

In interviews, more than a dozen station news directors endorsed this view without hesitation. Several expressed disdain for the prepackaged segments they received daily from government agencies, corporations and special interest groups who wanted to use their airtime and credibility to sell or influence.

But when told that their stations showed government-made reports without attribu-

tion, most reacted with indignation. Their stations, they insisted, would never allow their news programs to be co-opted by segments fed from any outside party, let alone the government.

"They're inherently one-sided, and they don't offer the possibility for follow-up questions—or any questions at all," said Kathy Lehmann Francis, until recently the news director at WDRB, the Fox affiliate in Louisville, Ky.

Yet records from Video Monitoring Services of America indicate that WDRB has broadcast at least seven Karen Ryan segments, including one for the government, without disclosing their origin to viewers.

Mike Stutz, news director at KGTV, the ABC affiliate in San Diego, was equally opposed to putting government news segments on the air.

"It amounts to propaganda, doesn't it?" he said.

Again, though, records from Video Monitoring Services of America show that from 2001 to 2004 KGTV ran at least one government-made segment featuring Ms. Ryan, 5 others featuring her work on behalf of corporations, and 19 produced by corporations and other outside organizations. It does not appear that KGTV viewers were told the origin of these 25 segments.

"I thought we were pretty solid," Mr. Stutz said, adding that they intend to take more precautions.

Confronted with such evidence, most news directors were at a loss to explain how the segments made it on the air. Some said they were unable to find archive tapes that would help answer the question. Others promised to look into it, then stopped returning telephone messages. A few removed the segments from their Web sites, promised greater vigilance in the future or pleaded ignorance.

AFGHANISTAN TO MEMPHIS: AN AGENCY'S REPORT ENDS UP ON THE AIR

On Sept. 11, 2002, WHBQ, the Fox affiliate in Memphis, marked the anniversary of the 9/11 attacks with an uplifting report on how assistance from the United States was helping to liberate the women of Afghanistan.

Tish Clark, a reporter for WHBQ, described how Afghan women, once barred from schools and jobs, were at last emerging from their burkas, taking up jobs as seamstresses and bakers, sending daughters off to new schools, receiving decent medical care for the first time and even participating in a fledgling democracy. Her segment included an interview with an Afghan teacher who recounted how the Taliban only allowed boys to attend school. An Afghan doctor described how the Taliban refused to let male physicians treat women.

In short, Ms. Clark's report seemed to corroborate, however modestly, a central argument of the Bush foreign policy, that forceful American intervention abroad was spreading freedom, improving lives and winning friends.

What the people of Memphis were not told, though, was that the interviews used by WHBQ were actually conducted by State Department contractors. The contractors also selected the quotes used from those interviews and shot the video that went with the narration. They also wrote the narration, much of which Ms. Clark repeated with only minor changes.

As it happens, the viewers of WHBQ were not the only ones in the dark.

Ms. Clark, now Tish Clark Dunning, said in an interview that she, too, had no idea the report originated at the State Department. "If that's true, I'm very shocked that anyone would false report on anything like that," she said.

How a television reporter in Memphis unwittingly came to narrate a segment by the

State Department reveals much about the extent to which government-produced news accounts have seeped into the broader news media landscape.

The explanation begins inside the White House, where the president's communications advisers devised a strategy after Sept. 11, 2001, to encourage supportive news coverage of the fight against terrorism. The idea, they explained to reporters at the time, was to counter charges of American imperialism by generating accounts that emphasized American efforts to liberate and rebuild Afghanistan and Iraq.

An important instrument of this strategy was the Office of Broadcasting Services, a State Department unit of 30 or so editors and technicians whose typical duties include distributing video from news conferences. But in early 2002, with close editorial direction from the White House, the unit began producing narrated feature reports, many of them promoting American achievements in Afghanistan and Iraq and reinforcing the administration's rationales for the invasions. These reports were then widely distributed in the United States and around the world for use by local television stations. In all, the State Department has produced 59 such segments.

United States law contains provisions intended to prevent the domestic dissemination of government propaganda. The 1948 Smith-Mundt Act, for example, allows Voice of America to broadcast pro-government news to foreign audiences, but not at home. Yet State Department officials said that law does not apply to the Office of Broadcasting Services. In any event, said Richard A. Boucher, a State Department spokesman: "Our goal is to put out facts and the truth. We're not a propaganda agency."

Even so, as a senior department official, Patricia Harrison, told Congress last year, the Bush administration has come to regard such "good news" segments as "powerful strategic tools" for influencing public opinion. And a review of the department's segments reveals a body of work in sync with the political objectives set forth by the White House communications team after 9/11.

In June 2003, for example, the unit produced a segment that depicted American efforts to distribute food and water to the people of southern Iraq. "After living for decades in fear, they are now receiving assistance—and building trust—with their coalition liberators," the unidentified narrator concluded.

Several segments focused on the liberation of Afghan women, which a White House memo from January 2003 singled out as a "prime example" of how "White House-led efforts could facilitate strategic, proactive communications in the war on terror."

Tracking precisely how a "good news" report on Afghanistan could have migrated to Memphis from the State Department is far from easy. The State Department typically distributes its segments via satellite to international news organizations like Reuters and Associated Press Television News, which in turn distribute them to the major United States networks, which then transmit them to local affiliates.

"Once these products leave our hands, we have no control," Robert A. Tappan, the State Department's deputy assistant secretary for public affairs, said in an interview. The department, he said, never intended its segments to be shown unedited and without attribution by local news programs. "We do our utmost to identify them as State Department-produced products."

Representatives for the networks insist that government-produced reports are clearly labeled when they are distributed to affiliates. Yet with segments bouncing from satellite to satellite, passing from one news organization to another, it is easy to see the

potential for confusion. Indeed, in response to questions from The Times, Associated Press Television News acknowledged that they might have distributed at least one segment about Afghanistan to the major United States networks without identifying it as the product of the State Department. A spokesman said it could have "slipped through our net because of a sourcing error."

Kenneth W. Jobe, vice president for news at WHBQ in Memphis, said he could not explain how his station came to broadcast the State Department's segment on Afghan women. "It's the same piece, there's no mistaking it," he said in an interview, insisting that it would not happen again.

Mr. Jobe, who was not with WHBQ in 2002, said the station's script for the segment has no notes explaining its origin. But Tish Clark Dunning said it was her impression at the time that the Afghan segment was her station's version of one done first by network correspondents at either Fox News or CNN. It is not unusual, she said, for a local station to take network reports and then give them a hometown look.

"I didn't actually go to Afghanistan," she said. "I took that story and reworked it. I had to do some research on my own. I remember looking on the Internet and finding out how it all started as far as women covering their faces and everything."

At the State Department, Mr. Tappan said the broadcasting office is moving away from producing narrated feature segments. Instead, the department is increasingly supplying only the ingredients for reports—sound bites and raw video. Since the shift, he said, even more State Department material is making its way into news broadcasts.

MEETING A NEED: RISING BUDGET PRESSURES. READY-TO-RUN SEGMENTS

WCIA is a small station with a big job in central Illinois.

Each weekday, WCIA's news department produces a three-hour morning program, a noon broadcast and three evening programs. There are plans to add a 9 p.m. broadcast. The staff, though, has been cut to 37 from 39. "We are doing more with the same," said Jim P. Gee, the news director.

Farming is crucial in Mr. Gee's market, yet with so many demands, he said, "It is hard for us to justify having a reporter just focusing on agriculture."

To fill the gap, WCIA turned to the Agriculture Department, which has assembled one of the most effective public relations operations inside the federal government. The department has a Broadcast Media and Technology Center with an annual budget of \$3.2 million that each year produces some 90 "mission messages" for local stations—mostly feature segments about the good works of the Agriculture Department.

"I don't want to use the word 'filler,' per se, but they meet a need we have," Mr. Gee said.

The Agriculture Department's two full-time reporters, Bob Ellison and Pat O'Leary, travel the country filing reports, which are vetted by the department's office of communications before they are distributed via satellite and mail. Alisa Harrison, who oversees the communications office, said Mr. Ellison and Mr. O'Leary provide unbiased, balanced and accurate coverage.

"They cover the secretary just like any other reporter," she said.

Invariably, though, their segments offer critic-free accounts of the department's policies and programs. In one report, Mr. Ellison told of the agency's efforts to help Florida clean up after several hurricanes.

"They've done a fantastic job," a grateful local official said in the segment.

More recently, Mr. Ellison reported that Mike Johanns, the new agriculture secretary, and the White House were determined to reopen Japan to American beef products. Of his new boss, Mr. Ellison re-

ported, "He called Bush the best envoy in the world."

WCIA, based in Champaign, has run 26 segments made by the Agriculture Department over the past three months alone. Or put another way, WCIA has run 26 reports that did not cost it anything to produce.

Mr. Gee, the news director, readily acknowledges that these accounts are not exactly independent, tough-minded journalism. But, he added: "We don't think they're propaganda. They meet our journalistic standards. They're informative. They're balanced."

More than a year ago, WCIA asked the Agriculture Department to record a special sign-off that implies the segments are the work of WCIA reporters. So, for example, instead of closing his report with "I'm Bob Ellison, reporting for the U.S.D.A.," Mr. Ellison says, "With the U.S.D.A., I'm Bob Ellison, reporting for 'The Morning Show.'"

Mr. Gee said the customized sign-off helped raise "awareness of the name of our station." Could it give viewers the idea that Mr. Ellison is reporting on location with the U.S.D.A. for WCIA? "We think viewers can make up their own minds," Mr. Gee said.

Ms. Harrison, the Agriculture Department press secretary, said the WCIA sign-off was an exception. The general policy, she said, is to make clear in each segment that the reporter works for the department. In any event, she added, she did not think there was much potential for viewer confusion. "It's pretty clear to me," she said.

THE 'GOOD NEWS' PEOPLE: A MENU OF REPORTS FROM MILITARY HOT SPOTS

The Defense Department is working hard to produce and distribute its own news segments for television audiences in the United States.

The Pentagon Channel, available only inside the Defense Department last year, is now being offered to every cable and satellite operator in the United States. Army public affairs specialists, equipped with portable satellite transmitters, are roaming war zones in Afghanistan and Iraq, beaming news reports, raw video and interviews to TV stations in the United States. All a local news director has to do is log on to a military-financed Web site, www.dvidshub.net, browse a menu of segments and request a free satellite feed.

Then there is the Army and Air Force Hometown News Service, a unit of 40 reporters and producers set up to send local stations news segments highlighting the accomplishments of military members.

"We're the 'good news' people," said Larry W. Gilliam, the unit's deputy director.

Each year, the unit films thousands of soldiers sending holiday greetings to their hometowns. Increasingly, the unit also produces news reports that reach large audiences. The 50 stories it filed last year were broadcast 236 times in all, reaching 41 million households in the United States.

The news service makes it easy for local stations to run its segments unedited. Reporters, for example, are never identified by their military titles. "We know if we put a rank on there they're not going to put it on their air," Mr. Gilliam said.

Each account is also specially tailored for local broadcast. A segment sent to a station in Topeka, Kan., would include an interview with a service member from there. If the same report is sent to Oklahoma City, the soldier is switched out for one from Oklahoma City. "We try to make the individual soldier a star in their hometown," Mr. Gilliam said, adding that segments were distributed only to towns and cities selected by the service members interviewed.

Few stations acknowledge the military's role in the segments. "Just tune in and you'll see a minute-and-a-half news piece and it looks just like they went out and did the story," Mr. Gilliam said. The unit, though, makes no attempt to advance any particular political or policy agenda, he said.

"We don't editorialize at all," he said.

Yet sometimes the "good news" approach carries political meaning, intended or not. Such was the case after the Abu Ghraib prison scandal surfaced last spring. Although White House officials depicted the abuse of Iraqi detainees as the work of a few rogue soldiers, the case raised serious questions about the training of military police officers.

A short while later, Mr. Gilliam's unit distributed a news segment, sent to 34 stations, that examined the training of prison guards at Fort Leonard Wood in Missouri, where some of the military police officers implicated in Abu Ghraib had been trained.

"One of the most important lessons they learn is to treat prisoners strictly but fairly," the reporter said in the segment, which depicted a regimen emphasizing respect for detainees. A trainer told the reporter that military police officers were taught to "treat others as they would want to be treated." The account made no mention of Abu Ghraib or how the scandal had prompted changes in training at Fort Leonard Wood.

According to Mr. Gilliam, the report was unrelated to any effort by the Defense Department to rebut suggestions of a broad command failure.

"Are you saying that the Pentagon called down and said, 'We need some good publicity?'" he asked. "No, not at all."

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

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. KERRY, Mr. WYDEN, Mr. DORGAN, Mr. HARKIN, and Mr. KENNEDY, proposes an amendment numbered 430.

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

Mr. BYRD. I have no objection to that.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds by any Federal agency to produce a prepackaged news story without including in such story a clear notification for the audience that the story was prepared or funded by a Federal agency)

At the appropriate place, insert the following:

SEC. _____. None of the funds provided in this Act or any other Act may be used by a Federal agency to produce any prepackaged news story unless the story includes a clear notification to the audience that the story was prepared or funded by that Federal agency.

Mr. KENNEDY. Mr. President, I applaud the Senator from West Virginia for his amendment. We have to put a stop to all of the taxpayer-financed propaganda put out by our government to influence the American people.

Over the last year, we have found out that the Bush administration has used taxpayer funds to finance "fake news reports" by actors posing as reporters, not actual journalists, who read the ad-

ministration's script on prescription drugs and the No Child Left Behind education program. Even more recently, we have found out that a number of actual real-life journalists have been secretly paid by the Bush administration to promote its political agenda. This is dangerous to our democracy. It's an unethical misuse of taxpayer funds.

Senator LAUTENBERG and I have generated a series of investigations by the Government Accountability Office critical of the Bush administration's propaganda efforts. We have introduced legislation, the Stop Government Propaganda Act, that the Byrd amendment complements. Our legislation, like the Byrd amendment, specifically prevents the administration—any administration, Democratic or Republican—from paying actors to pose as legitimate journalists in order to push for a political agenda.

I urge my colleagues to support the Byrd amendment. Congress cannot sit still while the administration corrupts the first amendment and freedom of the press.

Mr. GREGG. Mr. President, I am intrigued by the amendment of the Senator from West Virginia. I do not believe taxpayers should be funding propaganda. I think it is totally inappropriate, other than in an attempt to promote American policy overseas, for example, where we should be funding communication with other people around the Earth, as we do through Radio Free America, Radio Liberty, and other radio stations that have been developed over the years for the purposes of presenting the American position in regions of the world where our access is limited.

But here in the United States, clearly, if the Government wishes to make a point, that should be disclosed. If taxpayers' dollars are being used to make a point, that should be disclosed. I agree with the basic concept of the theme of the Senator's amendment. So I expect that this amendment must apply to National Public Radio. National Public Radio, of course, receives a large amount of tax subsidy. It presents views which one could argue are propaganda, in many instances. If I read this amendment correctly, I believe, and I would hope the record would reflect, this amendment will apply to National Public Radio so that when they put out a newscast it will have to be announced that this newscast is put out at the expense of the American taxpayer and that the American taxpayer has paid for this report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I see my colleague from Maryland is also seeking the floor. We both have important meetings at 3 o'clock. I wondered how long the Senator from Maryland will take?

Ms. MIKULSKI. Less than a minute.

Mr. BOND. I am happy to yield to my colleague from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask for the regular order with respect to my amendment.

The PRESIDING OFFICER. That amendment is now pending.

CLOTURE MOTION

Ms. MIKULSKI. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Mikulski amendment No. 387 to H.R. 1268.

B.A. Mikulski, J. Lieberman, J. Corzine, Jeff Bingaman, Byron Dorgan, Ron Wyden, Ken Salazar, Hillary Clinton, Mark Pryor, Dick Durbin, Bill Nelson, Chuck Schumer, Barack Obama, Frank Lautenberg, Patrick Leahy, Debbie Stabenow, Chris Dodd.

Ms. MIKULSKI. Mr. President, I understand that negotiations are ongoing on all of the immigration provisions. I am sorry I have to do this, and I will be very glad to withdraw this cloture motion if we are able to come to an understanding.

AMENDMENT NO. 430

I now ask unanimous consent that the Senate resume consideration of the Byrd amendment.

The PRESIDING OFFICER (Mr. EN-SIGN). Is there objection?

Without objection, it is so ordered.

The Senator from Missouri.

Mr. BOND. Mr. President, I appreciate the comments raised by the Senator from New Hampshire.

As chairman of the new Appropriations Subcommittee on Transportation, Treasury, Judiciary, and HUD, I understand this measure would fall within the general government provisions of this bill. While I think all of us share concerns that have been expressed by the distinguished Senator from West Virginia, I urge my colleagues to oppose this amendment. We appreciate what the Senator is trying to do, but I don't believe his amendment provides the appropriate remedy to the problems he has described.

Using Federal funds for the purpose of propaganda is already unlawful under section 1913 of title 18 of the United States Code, and the governmentwide general provisions title of the Transportation, Treasury Appropriations Act includes further restrictions from using appropriated funds for propaganda.

Section 624 of the 2005 Transportation, Treasury Appropriations Act states:

No part of any appropriations contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

The distinction between educating the public about an issue and advocating a policy is not always obvious.

If the Senator's amendment better defined appropriate communications by Federal agencies from publicity or propaganda, I would join with the Senator in support. The Senator's amendment, however, does not add any clarity to the murky waters of advocacy and does not make the line between education and advocacy any brighter, and in fact may have some untoward consequences that I feel are sufficient to kill the amendment.

The uniform practice of the Federal Government is and has been to provide full disclosure that video news releases or other matters are prepared or funded by a Federal agency. The sponsoring Government agency identifies itself at the beginning of a video news release.

Just as newspaper reporters and editors parse through their press releases issued by Federal agencies, television news rooms make editorial and content decisions about how to use video news releases. It is, in fact, an editorial decision of the broadcast station to air or not to air the agency identification.

The Senator's amendment, however, would begin the practice of allowing the Federal Government to make editorial decisions and dictating broadcast content of news reports.

Alternatively, it would require that any use of material supplied by the Federal Government must be disclosed in a manner that I believe would have a chilling impact on the freedom of speech and on the freedom of press. Such mandate on the broadcast media may in fact be unconstitutional.

If this amendment were adopted, it may have the unintended consequence of reducing the use of this important tool, thereby undermining the ability of the Federal Government to meet its obligation to inform the public of important information.

I believe the impact would be felt in rural areas, especially as broadcasters in small and medium markets rely on video news releases more than their big-city colleagues.

If we go back and look at the history, we see that video news releases have been used by Government agencies since the beginning of video. The USDA produced some of the first footage of the Wright brothers' early flight tests in the early 1919s, as well as the highly acclaimed Dust Bowl documentary, "The Plow That Broke the Plains," 1935.

In the 1980s, to respond to a changing broadcast environment, USDA established a weekly satellite feed of material for news and farm broadcasters. This included ready-to-air feature stories, sometimes called video news releases. The information includes where there are signups for commodity or disaster programs; promoting producer participation in county committee elections; new farming practices or technologies; or important crop reports and surveys.

From the Department of Health and Human Services, there has been a long list of video news releases such as the

Surgeon General's Osteoporosis and Bone Health Report; educating the public health officials on how to recognize anthrax; CDC in post 9/11, educating the public on CDC's capabilities; healthy baby news releases, which I have been very interested in. The Health Resource Services Administration put out a video news release educating parents and parents-to-be on the health care of their newborns.

There have been efforts to educate women of childbearing age about the absolute necessity of including 400 micrograms of the appropriate vitamins in their diets to prevent tooth defects.

The CDC has educated public and health communities about the proper use of antibiotics and the potential problems of overuse of antibiotics.

The IRS has produced VNRs on two topics: how to file electronically, and the earned income tax credit. The goal was to generate coverage of the e-filing to help Americans understand qualifications for claiming the EITC.

These news releases were produced by an advertising agency, and pitched in the media outlets by our IRS media specialists who provided full disclosure to the media outlets if they were from the IRS.

This amendment goes further, however, and says the entity using this information must include a clear notice that it was prepared or funded by a Federal agency. That is a requirement on not only broadcasters but on newspapers, which I think steps over the line.

As the distinguished Senator from West Virginia pointed out, the FCC yesterday unanimously clarified the rules applying to broadcasters, saying they must disclose to the viewer the origin of video news releases, though the agency does not specify what form that disclosure must take.

Commissioner Adelstein, a Democrat, said:

We have a responsibility to tell broadcasters that they have to let people know where the material is coming from. Viewers would think it was a real news story when it might be from government or a big corporation trying to influence how they think. This would be put them in a better position to decide for themselves what to make of it.

The FCC has already acted in this area.

I am very much concerned that the amendment proposed by the distinguished Senator from West Virginia would go even further in attempting to dictate by congressional action what should be reported, not only in video or electronic news stories but in print media stories as well. That is objectionable. That would cause many problems for media of all types.

I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I rise in support of the Byrd amendment. This amendment is

important. It is offered at an important time, and it is offered during a period when we have seen so many examples of fake news, or propaganda, to use another word.

I don't think this is partisan. I think it would apply to a Republican or Democratic administration.

The question is, Should the Federal Government be involved in propaganda? Should we be observant of fake news and do nothing about it?

The Senator from West Virginia offers an amendment that is filled with common sense. Let me describe a fake news program. A report narrated by a woman who speaks in glowing terms about an administration's plan and concludes by saying: "In Washington, this is Karen Ryan reporting."

The Department of Health and Human Services spent \$44,000 in taxpayer dollars on this type of propaganda. Is this what we want to pass for news?

I have talked often in the Senate on a subject very important to me, the concentration of broadcasting in this country. Fewer and fewer people owning more and more broadcast properties, controlling what people see, hear, and think by what is presented to them. As more and more companies are bought, they hollow out the newsrooms, get rid of the newsroom staff, and just have a shell left. Then they are interested in filling that shell with cheap media feeds.

If you read the discussion about what has prompted these television stations to run these prepackaged fake news items, they are looking for fillers for a news script because they got rid of their news people. So this, now, passes as news when, in fact, it is fake news.

In my judgment, it ought to be labeled exactly what it is. That is what the Senator is offering with respect to this amendment. This is not an amendment that is in any way radical. It is an amendment that is filled with common sense.

A few minutes ago my colleague who talked about Public Broadcasting or National Public Radio was clever and funny—and good for him—but this has nothing to do with the issue at hand. Winning debates that we are not having is hardly a blue ribbon activity in this Chamber. This debate is not about National Public Radio or anything of the sort. It is about the specific subject that my colleague from West Virginia brings to the Senate.

The subject, incidentally, has more tentacles attached to it. We learned in January a syndicated columnist, Armstrong Williams, had been paid a quarter of a million dollars, actually \$240,000, to promote the No Child Left Behind Program on his television show and to urge other African-American journalists to do the same. That contract was not disclosed to the public. It was taxpayers' dollars offered to a journalist, commentator, television personality, and we only learned about it because USA Today obtained the

document through a Freedom of Information request.

That, incidentally, was part of a \$1 million deal with the Ketchum public relations firm which was contracted to produce video news releases designed to appear like real news reports.

So there is more to do on this issue than just the Byrd amendment. That is why I say this amendment is modest in itself. It is not, as some would suggest, a big deal. It is a modest amendment that addresses a problem in a very specific way. We really do have more to do dealing with some of the other tentacles—the hiring of public relations firms to the tune of tens of millions of dollars.

We found out in late January the Department of Health and Human Services paid \$21,500 to another syndicated columnist to advocate a \$300 million Presidential proposal encouraging marriage. That contract was not disclosed either.

The list goes on. Fake news. We discovered a while back the White House had allowed a fake journalist, using a fake name, to get a daily clearance to come into the Presidential news conference and daily news briefings and to ask questions. Another part of fake news, I guess, a different tentacle and a different description.

The Byrd amendment is simple on its face. The question is, Do we want fake news being produced with taxpayers' dollars with no disclosure at all; that it is, in fact, propaganda, not news?

I support the Byrd amendment. I hope we will address other parts of this issue at some future time. This amendment is modest enough, and my hope is to engage a majority of the Senate to be supportive of it.

While I have the floor, I might indicate a second time that I intend to offer an amendment that would cease or discontinue funding for the independent counsel who is still active, an independent counsel who was impaneled to investigate the payment of money to a mistress by a former Cabinet official, Mr. Cisneros. That independent counsel has spent now \$21 million over 10 years. The particular Cabinet official admitted the indiscretion. He pled guilty in Federal court and he since left office and has since been pardoned by a President in 2001. Yet the independent counsel investigating this is still investigating it, still spending money.

The most recent report showed this independent counsel spent \$1.26 million in Federal funds over the previous 6 months, which brings it to \$21 million by an independent counsel's office that was launched nearly 10 years ago to investigate a Cabinet official who left the Government very soon thereafter, who then pled guilty, who then was pardoned. In 1995, the independent counsel was named. That was 10 years ago. In 1999, the Cabinet official pled guilty. In 2001, 4 years ago, the Cabinet official was given a Presidential pardon. Yet we have an independent coun-

sel's office that is still spending money.

We ought to shut off that money. I will offer an amendment to do that, telling that independent counsel the money dries up on June 1. Finish your report and leave town—at least if your home is elsewhere—but finish up the report and get off the public payroll after 10 years, 4 years after the subject in question received a Presidential pardon, 6 years after the subject in question pled guilty in court.

Some things need addressing on an urgent basis. This one does. I understand it, too, will not be, perhaps, germane to this bill, but it is one that I hope every Senator would understand we ought to shut down.

With that, I appreciate the amendment offered by Senator BYRD. I am pleased to come over in support of that amendment this afternoon.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the very distinguished Senator for his support and for his statement. It is a very pertinent statement. In the FCC Public Notice 05-84, dated April 13, 2005, on page 2, it says:

This Public Notice is confined to the disclosure obligations required under Section 317 and our rules thereunder, and does not address the recent controversy over when or whether the government is permitted to sponsor VNRs, which is an issue beyond the Commission's jurisdiction.

My amendment is simple and clear. Here is what it says:

None of the funds provided in this Act or any other Act may be used by a Federal agency to produce any prepackaged news story unless the story includes a clear notification to the audience that the story was prepared or funded by that Federal agency.

Mr. President, it does not create confusion, as a Senator said a moment ago. It creates clarity.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I notice that the distinguished Senator from New Jersey is on the floor. He is a cosponsor of this amendment. I assume he is here to talk on the amendment. I was going to try to bring the discussion to a close so we could vote on the amendment or vote in relation to the amendment, but I am happy to withhold because I do not want to cut off anyone who wants to talk on this subject.

Mr. LAUTENBERG. Mr. President, I am not sure I heard precisely what the manager was asking. I would help bring this to a close by giving my remarks very quickly. I appreciate the opportunity and thank the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I salute my colleague and friend, the Senator from West Virginia. Senator BYRD is someone I greatly respect and admire. I have now been here a long

time, even though, according to the rules, I am a freshman or just above a freshman, maybe a sophomore—I don't think so—but whenever Senator ROBERT C. BYRD speaks, it is always worth listening. And I find more often than not it is very much worth following the idea that the Senator from West Virginia puts forward.

So I am pleased to support the Byrd amendment on propaganda. It is an issue that has disturbed me over time and something I have worked on. The Byrd amendment is an important step toward preventing the Government from delivering messages that are, if I can call them, kind of incognito. They are hidden from identifying as to what they really are. It is a step toward accomplishing a goal that is not clearly defined as being presented as a neutral observer. So we want to stop the spread of covert Government propaganda.

By the way, I want it to be understood that this is not brand new. This is not something that has only happened since this administration took over; it happened in years past.

I was asked the question at a hearing this morning: Well, then why didn't we talk about it in years past? Because there has been a proliferation of these things. As a consequence, I think for all parties but particularly for the American people, it is a good idea to use this opportunity to clear up the situation.

As a result of a request I made with Senator KENNEDY, the Government Accountability Office ruled that fake television news stories, produced by the administration, or produced, period, were illegal propaganda. The fake news accounts that were produced, known as "prepackaged news stories," featured a report by Karen Ryan. The news story extolled the benefits of the new Medicare law and ended with a statement:

This is Karen Ryan, reporting from Washington.

But Karen Ryan is not a reporter. She is a public relations consultant working for a firm hired by the Government. So it is designed to fool people into believing that this news reporter had come on to something really great and wanted to add her view of the efficacy of the program.

Now, that fake news story made its way onto local news shows on 40 television stations across the country. Once again, people thought they were watching news. Americans watched Karen Ryan's report and thought they were hearing the real deal, but what they were watching was Government-produced propaganda.

Think about that for a second. Our Government is sending out news reports to television stations across the country by satellite. Many of these news stations had no way of knowing that the reports were Government propaganda. News stations across the country have run Government news stories without realizing what they had. This is not aimed at the broadcasters; it is aimed at clarifying the

fact that we do not think the Government should be doing this. The stations that had this story and did not realize it was not fresh news included a station in Memphis, TN, WHBQ; KGTV in San Diego; WDRB in Louisville, KY. The list goes on and on about producers who were fooled by the fact that they were getting a propaganda piece and did not recognize that it was not news.

If the news stations did not know the story was produced by the Government, how would the viewer ever know that? How would a family, let's say, in Covington, TN, watching WHBQ, know that Karen Ryan, the person in this case, is not a reporter? How would they know the news story they just watched was concocted to sell something, actually Government propaganda? The reality is, they would not know.

We had a situation of similar character with a reporter named Armstrong Williams. Mr. Williams had a program, a news program, and he was paid a couple hundred thousand dollars, as I remember the number, to take this story and talk about it as news when, in fact, it was a paid-for story designed to deceive, very frankly. So we have seen it.

The GAO said that this practice is not only wrong but illegal. The GAO said the fake news stories were illegal because they did not disclose the fact that the Government was behind it. GAO is right. We cannot allow covert propaganda to be done by our Government, continued by a practice that has been condemned by GAO.

The Byrd amendment will give Federal agencies clear direction on this issue. It is a simple proposition: The Government needs to disclose its role. I do not think that is a lot to ask; otherwise, every ad that goes on the air has a disclosure on it. It identifies the product, uses a trademark, all kinds of things. But they make sure people know it is being done for a mission.

For whatever reason, the administration has refused to go along with the GAO ruling. They have said so: Yes, we know it. But so what? The Office of Management and Budget recently sent out a memo saying that agencies could continue to produce fake news stories and hide the Government's role.

That is their opinion, but I don't agree with it. Certainly, the Byrd amendment challenges that view. We need to be straight with the American people. When we are running ads, it has to say, ad run by the United States Government. We need to reject covert government propaganda. We can do it today with this amendment. The Byrd amendment will make the rules on this matter crystal clear. I hope we can get the support to do this, to say to the American people, when you see a piece of news, don't let it be biased by Government ads that pay for it. Why would the Government pay for it? Once again, when an ad is run, it is to sell someone a bill of goods. That doesn't mean it is a bad piece of goods, but it is designed to sell something. We ought not let

that be the product of the United States Government when talking to the people across the country.

I hope we will be able to pass this. I commend the Senator from West Virginia for offering it. I hope our colleagues will support it.

I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New Jersey for his comments and support. I thank him profusely.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to speak on the pending Mikulski amendment.

Mr. COCHRAN. Reserving the right to object—I, of course, will not object—it is my hope that we can continue to deal with the Byrd amendment and dispose of the Byrd amendment. Then the Senator can talk about the Mikulski amendment or any other amendment he wants to talk about.

I do not have an objection.

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

AMENDMENT NO. 387

Mr. JEFFORDS. Mr. President, I would like to take a moment to talk about the amendment offered by the Senator from Maryland. As a cosponsor of that amendment, I rise in support of this amendment to the supplemental appropriations bill.

The Save Our Small and Seasonal Business Act, on which this amendment is based, is very important to my State of Vermont. This amendment will ensure the seasonal businesses in our country have the workers they need to support their company, our local economics, and to help the U.S. economy flourish. Action on this critical issue is long overdue.

In March of last year, the United States Citizenship and Immigration Services announced they had received enough petitions to meet the cap on the H-2B visas. As a result, they stopped accepting petitions for these temporary work visas halfway through the Federal fiscal year. This announcement was a shock to many businesses throughout the country that depend on foreign workers to fill their temporary and seasonal positions.

Tourism is the largest sector of Vermont's economy and, as a result, many Vermont businesses hire seasonal staff during their summer, winter, or fall seasons. Last year, I heard from many Vermont businesses that were unable to employ foreign workers for their summer and fall seasons because the cap had been reached. Not only was this unexpected, but many of the individuals were people who had been returning to the same employer year after year. These employers lost essential staff and, in many cases, well-trained, experienced employees.

While I am proud to say that Vermont businesses have risen to this challenge with hard work and creativity in the past, the need for these workers has not, and will not, dimin-

ish. Congress must act and must act now. The companies I have heard from are proud of the work their staffs have done under these circumstances. Yet they believe their businesses and their personnel will suffer if they are not able to employ seasonal foreign workers again this year. Many foresee a devastating effect on their businesses if they are not able to bring in foreign workers soon.

I have also heard from Vermont businesses that they had to lay off or not hire American workers because they could not find enough employees to round out their crews. Without having the sufficient number of workers to complete projects, they could not hire or maintain their year-round staff. They also could not bid on projects and many had to scale back their operations. In these instances, the lack of seasonal workers had a detrimental effect on our economy and on the employment of American workers.

As many may know, I strongly believe American workers must be given the opportunity to fill jobs and that this Nation's strength is in its own workforce. However, the companies that have contacted me did their utmost to find Americans for positions available. Efforts to find American workers included working closely with the State of Vermont's Employment and Training Office, increasing wages and benefits, and implementing aggressive, year-round recruiting.

We are lucky in Vermont to count tourism among our chief industries, and we have our beautiful rural landscape to thank for the visitors who flock to our small State each year. While many Vermont businesses were able to survive last year, thanks to that old Yankee ingenuity, I am not optimistic about this year. It is imperative we immediately address this problem in order to prevent further harm to this Nation's small businesses and the economy.

I urge my colleagues to support this amendment by Senator MIKULSKI.

I yield the floor.

AMENDMENT NO. 430

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, I rise in support of the Byrd-Lautenberg amendment. I would like to say a few words. I know we may be moving close to a vote, and the chairman of the committee has been patiently awaiting that possibility.

Tonight you are going to turn on your nightly news and try to get some information. People do it all the time. You expect when you turn on your television and turn on a newscast, the information being given to you is objective, at least as objective as people can make it. It isn't a paid advertisement; it is the news. If you are running a paid advertisement, you would know it. It would have laundry detergent on it or some new pharmaceutical drug or a political ad with a disclaimer at the bottom.

When you turn on your newscast, you don't expect to get hit by an ad that doesn't look like an ad. That is what the Byrd amendment is all about. The General Accounting Office took a look at some of the ads that were being sent out by the Bush administration for their policies and programs and said they went too far. They didn't identify the videos they were sending to these television stations were actually produced by the Bush administration, by these agencies, to promote a particular point of view. They basically said these ads deceived the American people. They were propaganda from the Government.

We decided a long time ago you couldn't do that. If you were going to put that kind of information up to try to convince the American people, one way or the other, you have an obligation to tell them so. The basic rule in this country is people want to hear both sides of the story, then make up their own minds. They want to know what is a fact and what is an opinion. Make up your own mind. You can't do it when there is a deception involved.

It is that deception that Senator BYRD is addressing. The Byrd amendment is so brief and to the point, it is worth repeating:

None of the funds provided in this Act or any other Act may be used by a Federal agency to produce any prepackaged news story unless the story includes a clear notification to the audience that the story was prepared or funded by that Federal agency.

That is pretty simple. Tell us who prepared it. If it was prepared at taxpayer expense by the Senate, it should disclose that. If it was prepared by an agency of the Bush administration, disclose it. Then the American people decide. They watch the show. They say: That is a pretty interesting point of view. That happens to be what the official Government point of view is. I wonder what the other side of the story is.

You have a right to ask that question. But what if it wasn't disclosed? What if what you thought was a news story turned out to be an ad, propaganda? That is a deception. It is a deception Senator BYRD is trying to end.

We sent the General Accounting Office out and we said: Take a look at two or three Government agencies in the Bush administration. See how they are using these videotapes. According to the GAO, the Office of National Drug Control Policy violated the publicity and propaganda prohibition in our law when it produced and distributed fake news stories called video news releases as part of its National Youth Anti-Drug Media Campaign. There is nothing wrong with fighting drugs.

We want to protect our children from that possibility. We want to end the scourge of drug abuse in America. But be honest about it. If it is a Government-produced program, then identify it. That is all Senators BYRD and LAUTENBERG say in their amendment. In a

separate report, the GAO found that the Centers for Medicare and Medicaid Services violated publicity and propaganda prohibition by sending out more fake news stories about the benefits of the new prescription drug law for seniors. I was on the Senate floor when that was debated. There are pros and cons—people who are against it and who are for it. There are two sides to the story. Here came the official Government press release suggesting: Here are the facts for you, Mr. and Mrs. America. It turns out they didn't identify that that official news release came from an agency of the Bush administration.

They used phony reporters, phony news stories, and they told the viewers certain things they hoped they would believe. It turns out they were deceiving the American people.

Remember the case of Armstrong Williams? Interesting fellow. He was hired by the Federal Department of Education to promote the new No Child Left Behind law on his nationally syndicated television show and urged other journalists to do the same. We paid him taxpayer dollars of \$240,000 to go on his talk show and say nice things about the Bush administration's No Child Left Behind law. Well, is that fair? Is that where you want to spend your tax dollars? Would it not have been worth a few bucks to put the money into the classroom for children, instead of putting on contract this man who never disclosed his conflict of interest and went about talking on his syndicated TV show as if he were an objective judge? He was so embarrassed by this that the Department stopped paying him and he issued something of an apology. The fact is, he used our Federal taxpayer dollars as an incentive to promote a point of view and didn't tell the American people, deceiving them in the process.

The Social Security Administration has gone through the same thing when it comes to the President's privatization plan. They will be producing these fake news stories and video press releases that mislead people about the nature of the challenge of the problem.

I have an example. One of the things that went out in the Social Security Administration's phony news story was the following statement: "In 2041, the Social Security trust funds will be exhausted." That was put out as an official Government statement—not identified but sent out. It turns out it is not true. In 2041, the Social Security trust fund will not be exhausted. If we don't touch the Social Security trust fund, it will make every single payment to every single retiree, every single month of every single year until 2041. Then if we do nothing to change it after 36 years, it will continue to pay up to 75 to 80 percent. The trust fund is not going to be exhausted. That is a misstatement put out by this administration without identifying the fact that they are trying to promote a point of view which, sadly, is not correct and not honest.

So what Senator BYRD said is simple. If you want to put out something as a Federal Government agency, trust the American people. Tell them who you are. Let them decide whether it is worth believing. Don't pull the wool over their eyes. America is entitled to hear both sides of the story. We are entitled to know what is fact, what is fiction, what is basically news, and what is opinion. I think we can trust the American people to make that judgment. If Members of the Senate cannot trust the American people to make a judgment, how do they submit their own names for election? That is what we do regularly in an election year. I trust their judgment. I trust Senator BYRD's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I appreciate very much the Senator from West Virginia offering the amendment and bringing this issue to the attention of the Senate and making the suggestion that is included in this amendment, which would "prohibit the use of funds by any Federal agency to produce a prepackaged news story without including in such a story notification for the audience that the story was prepared or funded by a Federal agency."

That is what the amendment says the purpose is, and that looks totally OK to me—harmless, no reason we should not support it. Then if you read down in the body of the amendment itself as to what it actually would provide in law, it says:

None of the funds provided in this act or any other act may be used by a Federal agency to produce any prepackaged news story, unless the story includes a clear notification to the audience that the story was prepared or funded by that Federal agency.

This creates a new obligation—not one that is enforced now by the FCC, not one that is embraced by Members of Congress or Senators when they send news releases out to news organizations about their activities or their views on a subject, it includes an obligation on anyone sending such a news story or statement or video release to communicate to the audience—the person looking at the television show or listening to the radio or reading the newspaper—that it is prepared by a Federal agency, or it uses funds to prepare it that are given to a Federal agency. It creates a new requirement, one that is almost impossible to meet.

Think about it. When we send a news release to a newspaper back home, we don't send it to all of the readers or subscribers of that newspaper. We send it to the newspaper, the address, the name of the newspaper in the town where it does business. So that is the defect in the amendment. That is why Senator BOND, speaking as chairman of the subcommittee that has jurisdiction over the funding and the laws under the jurisdiction of the subcommittee that would be involved and affected by

this, spoke against the amendment. That is why the Senate should not adopt the amendment.

We all agree you need to include a disclaimer. We have to do that and we do that. Federal agencies do that. We cannot make the news editor or the producer of the news show include the disclaimer in the broadcast though. Nor should we be held responsible personally or criticized if that news agency didn't disclaim or print or announce where they got the news story. That is an entirely different obligation and one that the FCC will enforce now and that we all support.

So what I am suggesting is that these are great speeches. This is a good political issue—to accuse the administration of trying to fool the American people by creating the impression that some of their news stories that are produced for the news media are produced by them and not the radio station or the television station or the newspaper that published it or broadcasted it. That is nothing new. But it is not up to the agency or the person who writes the story to communicate it to the audience.

That is the problem. We cannot support it. So it would be my intention to move to table the amendment because of that—not because it is not motivated by the right reasons or doesn't carry with it the sentiment that is appropriate. Of course, it does. But the wording of the amendment itself—not just the purpose of the amendment—is defective in that it imposes an obligation that should not be imposed on Federal agencies, the Government, or individual Members of Congress.

I am hopeful that—and I am sure the Senator from West Virginia will, if he can—the Senator will modify his amendment so it can be accepted. But if that cannot be done, I am prepared to move to table the amendment. I will not do that and cut off the right of any other person to talk about the subject.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his willingness to not move to table at this point. I hope we can take a little time and see if we might reach a meeting of the minds on language that might accomplish the purposes that we hoped to accomplish.

For that reason, 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. 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.

Mr. DORGAN. Mr. President, I wonder if I might ask my colleague, the chairman of the committee, my understanding is the pending amendment is the Byrd amendment. But I heard my colleague Senator BYRD indicate he

was trying to see whether there was some language that could be changed so this amendment would be acceptable. I have an amendment I had previously announced I would like to offer. It is an amendment dealing with the independent counsel expenditure of \$21 million. I twice before mentioned this.

I ask the Senator from Mississippi whether it would be appropriate at this point to offer an amendment. My understanding is we would have to set aside the Byrd amendment to do so. I ask the chairman and also Senator BYRD whether that is possible at this moment.

Mr. COCHRAN. Mr. President, I have no objection.

Mr. BYRD. Mr. President, I have no objection. We can reach an understanding if I am unable to come up with language that is capable of being a workable and effective compromise that we might go ahead and have a vote on the Byrd amendment. Might we have a time limit on the Senator's proposal?

Mr. DORGAN. I will be mercifully brief. This is not an amendment that will take a long time to explain, and I do not intend to delay the proceedings of the Senate at all.

AMENDMENT NO. 399

Mr. DORGAN. Mr. President, with that in mind and with the cooperation of the Senator from Mississippi, the chairman of the committee, and my colleague Senator BYRD, as well, I offer an amendment on behalf of myself and Senator DURBIN has asked to be a co-sponsor as well. I send the amendment to the desk and ask for its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows: The Senator from North Dakota [Mr. DORGAN], for himself and Mr. DURBIN, proposes an amendment numbered 399.

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

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

The amendment is as follows:

(Purpose: To prohibit the continuation of the independent counsel investigation of Henry Cisneros past June 1, 2005 and request an accounting of costs from GAO)

At the end of the bill, add the following:

SEC. _____. (a) None of the funds appropriated or made available in this Act or any other Act may be used to fund the independent counsel investigation of Henry Cisneros after June 1, 2005.

(b) Not later than July 1, 2005, the Government Accountability Office shall provide the Committee on Appropriations of each House with a detailed accounting of the costs associated with the independent counsel investigation of Henry Cisneros.

Mr. DORGAN. Mr. President, this matter deals with something I was quite surprised to read about, frankly, in the newspaper, and I have since done some research about it. It was a rather

lengthy newspaper article disclosing that an independent counsel who had been appointed 10 years ago in 1995, a Mr. David Barrett, was still in business and was involved in an investigation that has now cost the American taxpayers \$21 million.

That was an investigation dealing with a Cabinet Secretary who was alleged to have lied, I believe, to the FBI, to authorities, about a payment he gave to a mistress. So an independent counsel was impaneled and began investigating that charge.

That independent counsel has been working for some 10 years, in fact. But the Cabinet officer who was the subject of the investigation pled guilty in 1999. That was 6 years ago. That Cabinet officer was also subsequently pardoned in the year 2001.

In the most recent 6-month report, the independent counsel who was appointed for investigating this transgression is still in business, and had spent \$1.26 million in just that period. And the costs are trending upward, 10 years after he started, 6 years after the subject pled guilty, and 4 years after the subject was pardoned. It is unbelievable.

I do not know anything about the case. I do not really know the Cabinet official in question. I guess I met him some years ago. But this is not about that official any longer. He has pled guilty, been pardoned, and here we are years later with an independent counsel's office still spending money.

I quote Judge Stanley Sporkin, the presiding judge over Mr. Cisneros' trial:

The problem with this case is that it took too long to develop and much too long to bring to judgment day . . . [the matter] should have been resolved a long time ago, perhaps even years ago.

That was a quote from 1999. It is now 2005. The independent counsel is still spending money.

David Barrett, the independent counsel, said in 1999:

We are just glad to have this over and done with. That was following the plea agreement of Mr. Cisneros. Here it is 6 years later and the independent counsel is still in business.

Mr. Barrett said in July 2001:

I want to conclude this investigation as soon as possible.

It is now 4 years later, with the counsel spending \$1.26 million in the last 6 months.

The three-judge panel that is providing oversight to the independent counsel said:

Whether a cost-benefit analysis at this point would support Mr. Barrett's effort is a question to which I have no answer.

Judge Cudahy, a member of the three-judge oversight panel said:

Mr. Barrett can go on forever. A great deal of time has elapsed and a lot of money spent in pursuing charges that on their face do not seem of overwhelming complexity.

Again, this is someone who is accused of lying to the FBI about paying money to a mistress. In the year 1995, the investigation began with Mr. Barrett and the independent counsel. In

States Code, who is undergoing medical recuperation or therapy, or is otherwise in the status of "medical hold", in a military treatment facility for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom shall not, during any month in which so entitled, be required to pay any charge for meals provided such member by the military treatment facility.

(2) EFFECTIVE DATE.—The limitation in paragraph (1) shall take effect on January 1, 2005, and shall apply with respect to meals provided members of the Armed Forces as described in that paragraph on or after that date.

(b) TELEPHONE BENEFITS.—

(1) PROVISION OF ACCESS TO TELEPHONE SERVICE.—The Secretary of Defense shall provide each member of the Armed Forces who is undergoing in any month medical recuperation or therapy, or is otherwise in the status of "medical hold", in a military treatment facility for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom access to telephone service at or through such military treatment facility in an amount for such month equivalent to the amount specified in paragraph (2).

(2) MONTHLY AMOUNT OF ACCESS.—The amount of access to telephone service provided a member of the Armed Forces under paragraph (1) in a month shall be the number of calling minutes having a value equivalent to \$40.

(3) ELIGIBILITY AT ANY TIME DURING MONTH.—A member of the Armed Forces who is eligible for the provision of telephone service under this subsection at any time during a month shall be provided access to such service during such month in accordance with that paragraph, regardless of the date of the month on which the member first becomes eligible for the provision of telephone service under this subsection.

(4) USE OF EXISTING RESOURCES.—In carrying out this subsection, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private organizations, or other private entities offering free or reduced-cost telecommunications services.

(5) COMMENCEMENT.—

(A) IN GENERAL.—This subsection shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

(B) EXPEDITED PROVISION OF ACCESS.—The Secretary shall commence the provision of access to telephone service under this subsection as soon as practicable after the date of the enactment of this Act.

(6) TERMINATION.—The Secretary shall cease the provision of access to telephone service under this subsection on the date this is 60 days after the later of—

(A) the date, as determined by the Secretary, on which Operation Enduring Freedom terminates; or

(B) the date, as so determined, on which Operation Iraqi Freedom terminates.

Mr. OBAMA. Mr. President, today I am offering an amendment to the fiscal year 2005 emergency supplemental which I am pleased to announce is being cosponsored by Senators CORZINE, BINGAMAN, and GRAHAM. This amendment would meet certain needs of our injured service members in recognition of the tremendous sacrifice they have made in defense of our country.

The other day I had the opportunity to visit some of our wounded heroes at Walter Reed Army Medical Center. I know many of you have made the same trip. I heard about their visits, but there is nothing that can fully prepare you for what you see when you take that first step into the physical therapy room.

These are kids in there, our kids, the ones we watched grow up, the ones we hoped would live lives that were happy, healthy, and safe. These kids left their homes and families for a dangerous place halfway around the world. After years of being protected by their parents, these kids risk their lives to protect us. Now some of them have come home from that war with scars that may change their lives forever, scars that may never heal. Yet they sit there in the hospital so full of hope and still so proud of their country. They are the best that America has to offer, and they deserve our highest respect, and they deserve our help.

Recently, I learned that some of our most severely wounded soldiers are being forced to pay for their own meals and their own phone calls while being treated in medical hospitals. Up until last year, there was a law on the books that prohibited soldiers from receiving both their basic subsistence allowance and free meals from the military. Basically, this law allowed the Government to charge our wounded heroes for food while they were recovering from their war injuries. Thankfully, this body acted to change this law in 2003 so that wounded soldiers would not have to pay for their meals. But we are dealing with a bureaucracy here and, as we know, nothing is ever simple in a bureaucracy. So now, because the Department of Defense does not consider getting physical rehabilitation or therapy services in a medical hospital as being hospitalized, there are wounded veterans who still do not qualify for the free meals other veterans receive. After 90 days, even those classified as hospitalized on an outpatient status lose their free meals as well.

Also, while our soldiers in the field qualify for free phone service, injured service men and women who may be hospitalized hundreds or thousands of miles from home do not receive this same benefit. For soldiers whose family members are not able to take off work and travel to a military hospital, hearing the familiar voice of mom or dad or husband or wife on the other side of the phone can make all the difference in the world. Yet right now our Government will not help pay for these calls, and it will not help pay for these meals.

Now, think about the sacrifices these young people have made for their country, many of them literally sacrificing life and in some cases limb. Now, at \$8.30 a meal, they could end up with a \$250 bill from the Government that sent them to war, and they could get that bill every single month. This is wrong, and we have a moral obligation

to fix it. The amendment I am offering today will do this.

The amendment will expand the group of hospitalized soldiers who cannot be charged for their meals to include those service members undergoing medical recuperation, therapy, or otherwise on "medical hold." The number of people affected by this amendment will be small. Only about 4,000 service members are estimated to fall under the category of non-hospitalized. The amendment is retroactive to January 1, 2005, in an effort to provide those injured service members who may have already received bills for their meals with some relief from these costs.

The amendment will also extend free phone service to those injured service members who are hospitalized or otherwise undergoing medical recuperation or therapy. I am very proud this amendment is supported by the American Legion, and I hope my colleagues will join them in that support. I ask all of my colleagues to join me in supporting this amendment. It should be something that is very simple for us to do. These are our children and they risked their lives for us. When they come home with injuries, we should be expected to provide them the best possible service and the best possible support. This is a small price to pay for those who have sacrificed so much for their country.

I want to mention and extend my thanks to the senior Senator from Alaska and my colleague from Mississippi for working with me on this issue. I am hoping that we can reach an agreement on this bill.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the Senator for the explanation of his amendment. There is one thing, in looking at the amendment, that I am not sure of, and I am wondering if he could advise the Senate. Does the Senator have an estimate from anyone at the Department of Defense or in the Hospital Services Agency of the Department of Defense as to what the costs of the amendment would be during the balance of this fiscal year?

Mr. OBAMA. Yes, I do. DOD currently charges soldiers \$8.30 per day for meals at the nondiscounted rate. So if all the eligible soldiers ate all of their meals at military facilities through the end of this fiscal year, the amendment would cost about \$10.2 million. Now, that is probably a high estimate because my expectation would be these wounded soldiers would not be eating all of their meals at the hospital. So it would probably end up being lower, but the upper threshold would be \$10.2 million.

Mr. COCHRAN. I thank the Senator. I think the Senator certainly hits upon a subject that we are very sensitive about at this time. We are following very closely the situation of the servicemen who are participating in the war against terror in Iraq, Afghanistan, and elsewhere. We are proud of

them. We are sorry that any of them have to be in the hospital or have to have access to services that are provided under the terms of this amendment. I would be happy to take the suggestion that is embodied in this amendment to the conference committee and try to work out an acceptable provision to be included in the final conference report and bring it back to the Senate.

So I recommend the Senate accept the amendment.

The PRESIDING OFFICER. Is there further debate?

The Senator from Illinois.

Mr. OBAMA. I thank my colleague, the Senator from Mississippi, for that offer, and I believe all of us feel the same way. These are the soldiers that are most severely wounded. We want to take the very best care of them, and I very much appreciate the consideration of the Senator from Mississippi.

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

The amendment (No. 390) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. I thank the Senator and thank the Chair.

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. COCHRAN. 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. COCHRAN. Mr. President, I have requests to make, on behalf of the managers of the bill, with respect to amendments that have been cleared on both sides of the aisle.

AMENDMENT NO. 352

I now call up amendment No. 352, on behalf of Mr. SALAZAR, regarding the renaming of the death gratuity.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. SALAZAR, for himself and Mr. ALLARD, proposes an amendment numbered 352.

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

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

The amendment is as follows:

(Purpose: To rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation, and for other purposes)

On page 162, between lines 22 and 23, insert the following:

SEC. 1113. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking “have a death gratuity paid” and inserting “have fallen hero compensation paid”.

(2) In section 1476(a)—

(A) in paragraph (1), by striking “a death gratuity” and inserting “fallen hero compensation”; and

(B) in paragraph (2), by striking “A death gratuity” and inserting “Fallen hero compensation”.

(3) In section 1477(a), by striking “A death gratuity” and inserting “Fallen hero compensation”.

(4) In section 1478(a), by striking “The death gratuity” and inserting “The amount of fallen hero compensation”.

(5) In section 1479(1), by striking “the death gratuity” and inserting “fallen hero compensation”.

(6) In section 1489—

(A) in subsection (a), by striking “a gratuity” in the matter preceding paragraph (1) and inserting “fallen hero compensation”; and

(B) in subsection (b)(2), by inserting “or other assistance” after “lesser death gratuity”.

(b) CLERICAL AMENDMENTS.—(1) Such subchapter is further amended by striking “Death gratuity:” each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting “Fallen hero compensation:”.

(2) The table of sections at the beginning of such subchapter is amended by striking “Death gratuity:” in the items relating to sections 1474 through 1480 and 1489 and inserting “Fallen hero compensation:”.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

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

The amendment (No. 352) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 438

Mr. COCHRAN. I send to the desk an amendment on behalf of Mr. SPECTER that is technical in nature and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. SPECTER, proposes an amendment numbered 438.

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

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

The amendment is as follows:

(Purpose: To make a technical correction to cite the proper section intended to repeal the Department of Labor’s transfer authority)

On page 220, line 12, strike “Section 101” and insert “Section 102” in lieu thereof.

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

The amendment (No. 438) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 354

Mr. COCHRAN. Mr. President, I call up amendment No. 354 on behalf of Mr. GRAHAM regarding functions of the general counsel and judge advocate general of the Air Force.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. GRAHAM, proposes an amendment numbered 354.

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

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

The amendment is as follows:

(Purpose: To prohibit the implementation of certain orders and guidance on the functions and duties of the General Counsel and Judge Advocate General of the Air Force)

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

PROHIBITION ON IMPLEMENTATION OF CERTAIN ORDERS AND GUIDANCE ON FUNCTIONS AND DUTIES OF GENERAL COUNSEL AND JUDGE ADVOCATE GENERAL OF THE AIR FORCE

SEC. 1122. No funds appropriated or otherwise made available by this Act, or any other Act, may be obligated or expended to implement or enforce either of the following:

(1) The order of the Secretary of the Air Force dated May 15, 2003, and entitled “Functions and Duties of the General Counsel and the Judge Advocate General”.

(2) Any internal operating instruction or memorandum issued by the General Counsel of the Air Force in reliance upon the order referred to in paragraph (1).

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

The amendment (No. 354) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 393

Mr. COCHRAN. Mr. President, I now call up amendment No. 393, on behalf of Mr. KENNEDY, regarding the Veterans Health Administration facilities.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. KENNEDY, proposes an amendment numbered 393.

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

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

The amendment is as follows:

(Purpose: To clarify the limitation on the implementation of mission changes for specified Veterans Health Administration Facilities)

At the appropriate place, insert the following:

SEC. _____. IMPLEMENTATION OF MISSION CHANGES AT SPECIFIC VETERANS HEALTH ADMINISTRATION FACILITIES.

(a) IN GENERAL.—Section 414 of the Veterans Health Programs Improvement Act of 2004, is amended by adding at the end the following:

“(h) DEFINITION.—In this section, the term ‘medical center’ includes any outpatient clinic.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Veterans Health Programs Improvement Act of 2004 (Public Law 108-422).

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

The amendment (No. 393) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 394

Mr. COCHRAN. Mr. President, I now call up amendment No. 394, on behalf of Mr. WARNER, regarding a reporting requirement.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. WARNER, proposes an amendment numbered 394.

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

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

The amendment is as follows:

(Purpose: To require a report on the re-use and redevelopment of military installations closed or realigned as part of the 2005 round of base closure and realignment)

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

RE-USE AND REDEVELOPMENT OF CLOSED OR REALIGNED MILITARY INSTALLATIONS

SEC. 1122 (a) In order to assist communities with preparations for the results of the 2005 round of defense base closure and realignment, and consistent with assistance provided to communities by the Department of Defense in previous rounds of base closure and realignment, the Secretary of Defense shall, not later than July 15, 2005, submit to the congressional defense committees a report on the processes and policies of the Federal Government for disposal of property at military installations proposed to be closed or realigned as part of the 2005 round of base closure and realignment, and the assistance available to affected local communities for re-use and redevelopment decisions.

(b) The report under subsection (a) shall include—

(1) a description of the processes of the Federal Government for disposal of property at military installations proposed to be closed or realigned;

(2) a description of Federal Government policies for providing re-use and redevelopment assistance;

(3) a catalogue of community assistance programs that are provided by the Federal Government related to the re-use and redevelopment of closed or realigned military installations;

(4) a description of the services, policies, and resources of the Department of Defense that are available to assist communities affected by the closing or realignment of military installations as a result of the 2005 round of base closure and realignment;

(5) guidance to local communities on the establishment of local redevelopment authorities and the implementation of a base redevelopment plan; and

(6) a description of the policies and responsibilities of the Department of Defense related to environmental clean-up and restoration of property disposed by the Federal Government.

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

The amendment (No. 394) was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. REID. Is there a pending amendment?

The PRESIDING OFFICER. There are amendments pending.

Mr. REID. I ask unanimous consent that the amendments be set aside and I be allowed to offer an amendment.

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

AMENDMENT NO. 445

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 445.

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

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

The amendment is as follows:

(Purpose: To achieve an acceleration and expansion of efforts to reconstruct and rehabilitate Iraq and to reduce the future risks to United States Armed Forces personnel and future costs to United States taxpayers, by ensuring that the people of Iraq and other nations to do their fair share to secure and rebuild Iraq)

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

INTERNATIONAL EFFORTS FOR RECONSTRUCTION IN IRAQ

SEC. 2105. (a) Congress makes the following findings:

(1) The United States Armed Forces have borne the largest share of the burden for securing and stabilizing Iraq. Since the war's start, more than 500,000 United States military personnel have served in Iraq and, as of the date of the enactment of this Act, more than 130,000 such personnel are stationed in Iraq. Though the Department of Defense has kept statistics related to international troop contributions classified, it is estimated that all of the coalition partners combined have maintained a total force level in Iraq of only 25,000 troops since early 2003.

(2) United States taxpayers have borne the vast majority of the financial costs of securing and reconstructing Iraq. Prior to the date of the enactment of this Act, the United States appropriated more than \$175,000,000,000 for military and reconstruction efforts in Iraq and, including the funds appropriated in this Act, the amount appropriated for such purposes increases to a total of more than \$250,000,000,000.

(3) Of such total, Congress appropriated \$2,475,000,000 in the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 559) (referred to in this section as “Public Law 108-11”) and \$18,439,000,000 in the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1209) (referred to in this section as “Public Law 108-106”) under the heading “IRAQ RELIEF AND RECONSTRUCTION FUND” for humanitarian assistance and to carry out reconstruction and rehabilitation in Iraq.

(4) The Sixth Quarterly Report required by section 2207 of Public Law 108-106 (22 U.S.C. 2151 note), submitted by the Secretary of State in April 2005, stated that \$12,038,000,000 of the \$18,439,000,000 appropriated by Public Law 108-106 under the heading “IRAQ RELIEF AND RECONSTRUCTION FUND” had been obligated and that only \$4,209,000,000, less than 25 percent of the total amount appropriated, had actually been spent.

(5) According to such report, the international community pledged more than \$13,500,000,000 in foreign assistance to Iraq in the form of grants, loans, credits, and other assistance. While the report did not specify how much of the assistance is intended to be provided as loans, it is estimated that loans constitute as much as 80 percent of contributions pledged by other nations. The report further notes that, as of the date of the enactment of this Act, the international community has contributed only \$2,700,000,000 out of the total pledged amount, falling far short of its commitments.

(6) Iraq has the second largest endowment of oil in the world and experts believe Iraq has the capacity to generate \$30,000,000,000 to \$40,000,000,000 per year in revenues from its oil industry. Prior to the launch of United States operations in Iraq, members of the Administration stated that profits from Iraq's oil industry would provide a substantial portion of the funds needed for the reconstruction and relief of Iraq and United Nations Security Council Resolution 1483 (2003) permitted the coalition to use oil reserves to finance long-term reconstruction projects in Iraq.

(7) Securing and rebuilding Iraq benefits the people of Iraq, the United States, and the world and all nations should do their fair share to achieve that outcome.

(b) Notwithstanding any other provision of law, not more than 50 percent of the previously appropriated Iraqi reconstruction funds that have not been obligated or expended prior to the date of the enactment of this Act may be obligated or expended, as the case may be, for Iraq reconstruction programs unless—

(1) the President certifies to Congress that all countries that pledged financial assistance at the Madrid International Conference on Reconstruction in Iraq or in other fora since March 2003, for the relief and reconstruction of Iraq, including grant aid, credits, and in-kind contributions, have fulfilled their commitments; or

(2) The President—

(A) certifies to Congress that the President or his representatives have made credible and good faith efforts to persuade other countries that made pledges of financial assistance at the Madrid International Conference on Reconstruction in Iraq or in other fora to fulfill their commitments;

(B) determines that, notwithstanding the efforts by United States troops and taxpayers on behalf of the people of Iraq and the failure of other countries to fulfill their commitments, revenues generated from the sale of Iraqi oil or other sources of revenue under the control of the Government of Iraq may not be used to reimburse the Government of the United States for the obligation and expenditure of a significant portion of the remaining previously appropriated Iraqi reconstruction funds;

(C) determines that, notwithstanding the failure of other countries to fulfill their commitments as described in subparagraph (A) and that revenues generated from the sale of Iraqi oil or other sources of revenue under the control of the government of Iraq shall not be used to reimburse the United States government as described in subparagraph (B), the obligation and expenditure of remaining previously appropriated Iraqi reconstruction funds is in the national security interests of the United States; and

(D) submits to Congress a written notification of the determinations made under this paragraph, including a detailed justification for such determinations, and a description of the actions undertaken by the President or other official of the United States to convince other countries to fulfill their commitments described in subparagraph (A).

(c) This section may not be superseded, modified, or repealed except pursuant to a provision of law that makes specific reference to this section.

(d) In this section:

(1) The term “previously appropriated Iraqi reconstruction funds” means the aggregate amount appropriated or otherwise made available in chapter 2 of title II of Public Law 108-106 under the heading “IRAQ RELIEF AND RECONSTRUCTION FUND” or under title I of Public Law 108-11 under the heading “IRAQ RELIEF AND RECONSTRUCTION FUND”.

(2)(A) The term “Iraq reconstruction programs” means programs to address the infrastructure needs of Iraq, including infrastructure relating to electricity, oil production, public works, water resources, transportation and telecommunications, housing and construction, health care, and private sector development.

(B) The term does not include programs to fund military activities (including the establishment of national security forces or the Commanders’ Emergency Response Programs), public safety (including border enforcement, police, fire, and customs), and justice and civil society development.

AMENDMENT NO. 395

Mr. LEAHY. Mr. President, I rise in support of amendment 395. There are many Members on both sides of the aisle with strong objections to the REAL ID Act. Those of us who value our Nation’s historic commitment to asylum do not want to see severe restrictions placed on the ability of asylum seekers to obtain refuge here.

Those of us who value states rights side with the National Governors Association, the National Conference of State Legislatures, and the Council of State Governments in opposing the imposition of unworkable Federal mandates on State drivers license policies. Those of us who value the environment and the rule of law object to requiring the DHS Secretary to waive all laws, environmental or otherwise, that may get in the way of the construction of border fences, and forbidding judicial review of the Secretary’s actions.

To include the REAL ID Act in the conference report for this supplemental would also deprive the Judiciary Committee and the Senate as a whole of the opportunity to consider and review these wide-ranging provisions.

The majority leader has indicated in recent days that the Senate will be considering immigration reform this year. The provisions in the REAL ID Act should be considered at that time and in conjunction with a broader debate about immigration. They should not be forced upon the Senate by the leadership of the other body.

I urge my colleagues to vote in favor of this resolution, which I am proud to cosponsor with Senators FEINSTEIN, BROWNBACK, ALEXANDER, and many others.

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

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

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

BURMA

Mr. McCONNELL. Madam President, the United Nations Human Rights Commission adopted a resolution expressing concern with the “ongoing systematic violation of human rights” of the Burmese people. These violations include: extrajudicial killings, rape and other forms of violence persistently carried out by members of the armed forces, the continued use of torture, political arrests, forced and child labor, and systematic use of child soldiers.

While the Commission’s action is welcomed, it is not enough. The United Nations Security Council must discuss and debate the immediate regional threats that country poses to its neighbors—whether from illicit narcotics, HIV/AIDS, trafficked and internally displaced persons, or refugees.

I am dismayed that both China and India reportedly objected to an “unbalanced approach” in the Commission’s action against Burma.

In my view, India can—and should—play a catalytic role in fostering change in Burma. I would remind India that such objections serve only to tarnish its image as the world’s largest democracy, and send the wrong message to Daw Aung San Suu Kyi, Nobel Peace Laureate and recipient of India’s Jawaharlal Nehru Award for International Understanding. India should, as it did in the past, stand firmly with Burma’s democrats and work to foster reconciliation between the National League for Democracy, ethnic nationalities and the illegal military junta.

On a separate matter, I want to recognize Ms. Cindy Chang in the State Department’s Bureau of Legislative Affairs. Cindy works closely with the State/Foreign Operations Subcommittee, which I chair, and I want the Secretary of State to know how ably Cindy represents that Department’s—and the President’s—interests on the Hill. She is a star in that Bureau.

NATIONAL ASSOCIATED ALUMNAE AND ALUMNI OF THE SACRED HEART

Mr. DURBIN. Madam President, I rise today to recognize the National Associated Alumnae and Alumni of the Sacred Heart during their 35th biennial conference.

The theme of the conference is “St. Madeleine Sophie’s vision of service—living our legacy,” and a panel discussion will be hosted by Barat College. St. Madeleine Sophie Barat was the foundress of the Society of the Sacred Heart, and she still is a true inspiration to all who seek to follow the call of service.

The late Senator Paul Simon was my mentor when I began my political career in downstate Illinois. His wife, Jean Hurley Simon, graduated from Barat College in 1944. Since I first met Jean, I have had a special admiration for those educated in the Sacred Heart tradition.

The Associated Alumnae and Alumni of the Sacred Heart includes over 51,000 women and men educated in the Sacred Heart schools. Recently, Sacred Heart alumni have led efforts to provide relief for people in Indonesia effected by the devastating tsunami. Funds raised by Sacred Heart alumni have allowed for much-needed health and education programs in the region, including interfaith projects to house and lead activities for orphaned children.

Like Senator Simon before me, I have strongly supported higher education initiatives and access to professional development training for our elementary and secondary teachers. After all, teachers have the ability to influence, impact, and shape the citizens of tomorrow.

I know that my fellow Senators will join me in commanding the Sacred