

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

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

I am informed that the shooting was not random. The attackers intentionally targeted the humanitarian convoy in order to intimidate the world. For 2 years, the jingawit death squads have terrorized the people. With the backing of the Government, these criminals have killed nearly 50,000 innocent Darfur Africans.

A British Parliamentary report issued last month says as many as 300,000 Sudanese may have died since the Khartoum Government started the fighting 2 years ago.

The exact numbers, as always, are difficult to confirm. Access to these areas is very limited. Khartoum simply does not want the world to know what those numbers are.

It was just last August that I made a trip to the region. I was denied permission by Khartoum to travel to Darfur properly. Nevertheless, I went and spent time just to the west, in the adjacent country of Chad, and went along that Chad-Darfur border. I wanted to see with my own eyes so I could come back and report, which I did, my observations in a part of the world where, to my interpretation, to our interpretation, there is genocide occurring.

We visited refugee camps on that Chad-Sudan border. We met with survivors. They told us the heartrending stories of women and girls being abused, mass rapes, land destroyed, crops destroyed, villages burned, water supplies actively polluted. As a product of all that, there is the forced displacement, moving out of villages, out of homes of over 1.2 million people.

It is clear, as I mentioned, that what is going on—the destruction, the death, the killing—is genocide. This body has said that. The jingawit are killing the Darfur people because they are ethnically different and because they do not support Khartoum.

Since October of last year, the State Department has formally recognized the conditions in Darfur as genocide. Congress has also acted, placing sanctions on Sudan's Government and authorizing about \$100 million in aid.

This week, at a special international donors conference for Sudan, the United States pledged \$1.7 billion in aid over the next 2 years, more than any other country. As a condition of that aid, the Khartoum Government must demonstrate that it is taking action to stop, to end, to terminate this killing.

The United States, under President Bush's leadership, has led on this issue

from the beginning. The United States has provided over 70 percent of the supplies going to the survivors now in Darfur and eastern Chad, and the United States has been providing assistance to the region, indeed, for years.

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

In the last Congress, I worked with a number of our colleagues—Senators BROWNBACK, FEINGOLD, BIDEN, LUGAR, and before that, former Senator Helms and many others—to enact a bill called the Sudan Peace Act. That bill provided the framework for the peace negotiations in Sudan between the northern and southern regions.

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

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

I urge the United Nations to formally recognize the reality of the crisis in Darfur. What is happening there is genocide. The Khartoum Government will not stop this killing until it is faced with stiff international pressure.

Every day the world fails to act, Khartoum gets closer to its genocidal goal, and every day the world fails to act, it compounds its shame. We must not let this happen. We cannot fail the Darfur people. They are pleading for our help, and, indeed, they are pleading for their lives.

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

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

The assistant bill clerk proceeded to call the roll.

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

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

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1268, which the clerk will report:

The assistant bill 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.

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

Salazar amendment No. 351, to express the sense of the Senate that the earned income tax credit provides critical support to many military and civilian families.

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

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

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

#### AMENDMENT NO. 432

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

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

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

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Mr. CHAMBLISS, for himself, and Mr. KYL, proposes an amendment numbered 432.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

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

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



## AMENDMENT NO. 375, AS MODIFIED

(Purpose: To provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program and the Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.)

Mr. FRIST. On behalf of Mr. CRAIG and others, I call up amendment No. 375.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Mr. CRAIG, for himself, and Mr. KENNEDY, proposes an amendment numbered 375, as modified.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

## AMENDMENT NO. 432

## CLOTURE MOTION

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

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

The legislative clerk read as follows:

## CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Chambliss amendment to Calendar No. 67, H.R. 1268.

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

## AMENDMENT NO. 375

## CLOTURE MOTION

Mr. FRIST. I ask we resume the Craig amendment, and I send a cloture motion to the desk to the Craig amendment.

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

The legislative clerk read as follows:

## CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Craig amendment to Calendar No. 67, H.R. 1268.

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

## CLOTURE MOTION

Mr. FRIST. I now send a cloture motion to the desk to the underlying bill.

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

The legislative clerk read as follows:

## CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 67, H.R. 1268.

Bill Frist, Mitch McConnell, Elizabeth Dole, Olympia Snowe, Norm Coleman, Pat Roberts, Orrin Hatch, John Cornyn, Craig Thomas, Michael Enzi, Larry E. Craig, Trent Lott, George V. Voinovich, Bob Bennett, Pete Domenici, Richard Burr, James Talent.

Mr. FRIST. I ask unanimous consent that the live quorums, with respect to the four pending cloture motions, be waived.

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

Mr. FRIST. For the information of Senators, we now have four cloture motions filed in relation to the emergency supplemental. They are filed on the Mikulski amendment on H-2B visas, the Chambliss AgJOBS amendment, the Craig AgJOBS amendment, and to the underlying emergency supplemental.

This will ensure votes in relation to the three amendments and then allow the Senate to move toward finishing the bill. I remind my colleagues we will be able to consider additional amendments either Monday evening or after the cloture votes have occurred on Tuesday.

I thank my colleagues and hope we can move quickly next week to pass this important bill in order to provide the appropriate resources to our troops. The cloture motions are filed to further the bringing of this bill to closure. It is an important bill to support our troops in Afghanistan and Iraq—indeed, around the world—and also the important tsunami relief.

With what I have outlined, we will be able to take what are now still more than two pages of amendments, outside of the many immigration amendments that have emerged in the period over the last several days, and give them some order so we can bring this bill to closure. Again, I want to reaffirm our commitment to address immigration in the future. It is a very important issue, but we will be having these three cloture votes on the immigration issues I briefly outlined, and we have filed cloture on the underlying bill, which does allow us to stay on amendments, germane amendments that were laid down to changing, altering, improving this bill as we go forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

## AMENDMENT NO. 340

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

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

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself, Mr. DURBIN, and Mr. COLEMAN, proposes an amendment numbered 340.

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

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

The amendment is as follows:

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

At the appropriate place, insert the following:

**SEC. —. INCREASED PERIOD OF CONTINUED TRICARE COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS.**

(a) PERIOD OF ELIGIBILITY.—Section 1079(g) of title 10, United States Code, is amended—  
(1) by inserting "(1)" after "(g)"; and  
(2) by striking the second sentence and inserting the following:

"(2) In addition to any continuation of eligibility for benefits under paragraph (1), when a member dies while on active duty for a period of more than 30 days, the member's dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for such benefits during the three-year period beginning on the date of the member's death, except that, in the case of such a dependent who is a child of the deceased, the period of continued eligibility shall be the longer of the following periods beginning on such date:

"(A) Three years.

"(B) The period ending on the date on which the child attains 21 years of age.

"(C) In the case of a child of the deceased who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of the child's support, the period ending on the earlier of the following dates:

"(i) The date on which the child ceases to pursue such a course of study, as determined by the administering Secretary.

"(ii) The date on which the child attains 23 years of age.

"(3) For the purposes of paragraph (2)(C), a child shall be treated as being enrolled in a full-time course of study in an institution of higher education during any reasonable period of transition between the child's completion of a full-time course of study in a secondary school and the commencement of an enrollment in a full-time course of study in an institution of higher education, as determined by the administering Secretary.

"(4) No charge may be imposed for any benefits coverage under this chapter that is provided for a child for a period of continued eligibility under paragraph (2), or for any benefits provided to such child during such period under that coverage."

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

Mr. DEWINE. Mr. President, this amendment is cosponsored by Senator



DURBIN, Senator COLEMAN, Senator DOLE, Senator KENNEDY, Senator SALAZAR, and Senator CORZINE. This amendment is designed to improve the health care access for those children who have lost a parent on active military duty.

To understand the need for this amendment, we have to look at the current status of the law, to understand the problem, to understand why we need to change it. Currently, the dependent child—children of a deceased service member—will receive medical benefits under the TRICARE prime, for 3 years after that service member has died, at no cost. But following that period, the dependent child may continue to receive TRICARE prime at the retiree dependent premium rate available to children until the age of 21, or 23 if enrolled in school. But they have to pay for it.

Also, if a dependent child's military parent dies, that child moves down on the food chain, in terms of availability of services. What that means is that if, for example, there is a doctor's appointment opening, an Active-Duty dependent would get preference to schedule that appointment over the dependent child whose parent has died in service.

Let me state that again. Let me make sure my colleagues understand me. To take one example, if there is a doctor's appointment opening and your parent is alive, you get preference over a child whose parent was killed in Iraq or killed in Afghanistan.

That is simply not fair. That is not right. I don't think any Member of the Senate, who really understands that, would say that is right. Our amendment would change that. What our amendment will do is put the surviving children of service members killed in service to our country in the same position as if their parent would have lived and continued to serve in the military. It puts them in no better position, but it puts them in the same position. That is all this amendment does. That is the right thing to do.

What our amendment would do simply is to extend TRICARE prime to every dependent child of a deceased service member at no cost—the same thing as if the parent would have lived—until the dependent's age of 21, or 23 if the dependent attends college. It is the same as if the service member were still alive.

Maintaining this level of TRICARE coverage guarantees the surviving dependents will continue to have access to some of the best doctors this country has to offer and would receive adequate health care and treatment.

This is the right thing to do, it is fair, and it is just. I believe it is what the American people, if they understood the issue, if the issue was explained to them, would clearly want us to do. To do any less for the surviving children of our service members who have been killed in service to our country is simply not right.

I ask unanimous consent that two letters of support be printed in the RECORD.

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

RESERVE OFFICERS ASSOCIATION  
OF THE UNITED STATES,  
Washington, DC, April 11, 2005.

Hon. MIKE DEWINE,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR DEWINE: The Reserve Officers Association, representing 75,000 Reserve Component members, supports your amendment to the emergency supplemental appropriation, SR 109-052, to increase the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days.

The Department of Defense (DoD) has relied heavily on the Guard and Reserve to provide almost half of the troop support for Iraq and Afghanistan and this does not even take into consideration the number of members who have volunteered for duty during this time. It has been announced that this level of Reserve Component support has become the norm.

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

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

Sincerely,

ROBERT A. MCINTOSH,  
Major General (Ret), USAFR, Executive  
Director.

NATIONAL MILITARY FAMILY  
ASSOCIATION,  
April 10, 2005.

Senator MIKE DEWINE,  
U.S. Senate,  
Washington DC

DEAR SENATOR DEWINE: The National Military Family Association (NMFA) is a national nonprofit membership organization whose sole focus is the military family. NMFA's mission is to serve the families of the seven uniformed services through education, information, and advocacy. On behalf of NMFA and the families it serves, I would like to thank you for introducing important amendments in The Emergency Supplemental Wartime Appropriations Act, to enhance benefits for survivors of those servicemembers who have made the supreme sacrifice for their Nation.

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

NMFA also supports the amendment you propose to extend the TRICARE Prime med-

ical benefit to any dependent child of a deceased servicemember at not cost until the age of 21 or 23 if enrolled in school. This is a benefit that would have been available to these children had their servicemember parent lived and remained on active duty. The freedom from worrying about copays and deductibles when a child needs to see a doctor is very important for the surviving parent.

Thank you for your support and interest in military families. If NMFA can be of any assistance to you in other areas concerning military families, please feel free to contact Kathy Moakler in the Government Relations Department at 703.931.6632.

Sincerely,

CANDACE A. WHEELER,  
Chairman/Chief Executive Officer.

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

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

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

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

As I said, I am joined in this amendment by Senators DURBIN, COLEMAN, DOLE, KENNEDY, SALAZAR, and CORZINE. We believe this is the equitable thing to do, it is the fair thing to do, and it is the right thing to do.

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

Today, without this amendment, that child is discriminated against. After 3 years, that child has to pay for his or her own premium, that family has to pay the premium and, not only that, even if they pay the premium, they are put in a different position than if the parent would have lived. The child of a person in the military who lives is in a better position than a child of a person in the military who is deceased, and that is wrong. This amendment corrects that.

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

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

AMENDMENT NO. 342

Mr. DEWINE. Mr. President, I now ask that my amendment No. 342 be called up.



The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

FUNDS APPROPRIATED TO THE PRESIDENT  
UNITED STATES AGENCY FOR INTERNATIONAL  
DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For necessary expenses to provide assistance to Haiti under chapter 1 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, \$10,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ASSISTANCE TO HAITI

SEC. 2105. (a)(1) The total amount appropriated by this chapter under the heading "ECONOMIC SUPPORT FUND" is increased by \$21,000,000. Of the total amount appropriated under that heading, \$21,000,000 shall be available for necessary expenses to provide assistance to Haiti.

(2) Of the funds made available under paragraph (1), up to \$10,000,000 may be made available for election assistance in Haiti.

(3) Of the funds made available under paragraph (1), up to \$10,000,000 may be made available for public works programs in Haiti.

(4) Of the funds made available under paragraph (1), up to \$1,000,000 may be made available for administration of justice programs in Haiti.

(5) The amount made available under paragraph (1) is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b)(1) The total amount appropriated by this chapter under the heading "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT" is increased by \$10,000,000. Of the total amount appropriated under that heading, \$10,000,000 shall be available for necessary expenses to provide assistance to Haiti.

(2) Of the funds made available under paragraph (1), up to \$5,000,000 may be made available for training and equipping the Haitian National Police.

(3) Of the funds made available under paragraph (1), up to \$5,000,000 may be made available to provide additional United States civilian police in support of the United Nations Stabilization Mission in Haiti.

(4) The amount made available under paragraph (1) is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

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

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

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

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

Those elections were not scheduled when the last appropriations bill went through this Congress. No one could have totally foreseen what the exact situation would have been in Haiti when the last appropriations bill was approved by this Congress. The violence has continued. The international peacekeeping force has not been as aggressive as some of us would have liked to have seen it, and therefore violence has continued. Some of the pro-Aristide forces are responsible for some of the violence, and some of the old regime people dating back to Baby Doc are responsible for some of the violence. The situation is not good.

Some of this money, quite frankly, needs to be used for humanitarian assistance. Some of the money needs to be used to train the police. Some of the money needs to be used to deal with the unemployment situation.

My colleagues and I—a long bipartisan list that I have read with seven Republicans have sponsored this amendment—are working with the

chairman of the subcommittee and with the chairman of the full committee to see what funds might be available and what we might be able to work out with regard to this amendment.

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

I ask unanimous consent that this amendment be set aside.

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

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

Haiti is not the only emergency need that cannot wait another 6 or 9 months for funding. I wish to first talk about an amendment that Senator KOHL and I sponsored and that Senator COCHRAN has been very helpful in regard to.

Our amendment provides additional emergency money for food aid. The President in his budget requested \$150 million in additional emergency food aid in this bill. Quite frankly, we need to do more. Accounts have been drained, and over 17 million people are in need of emergency food aid in the world. That is a very conservative estimate.

Last week, the United Nations World Food Program announced that it would be forced to cut rations to Darfur to make their supplies last. As Senator FRIST so eloquently spoke just a few moments ago, the people in this part of the world suffered through genocide, and now they will starve. In addition, the U.S. Agency for International Development has been forced to cut programs in Sudan and Angola, Nicaragua, Rwanda, Ghana, Eritrea—all food programs.

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

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



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

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

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

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

The amendment would provide \$52 million in assistance for the African Union. The African Union is trying to stop the genocide, and we have a moral obligation to support their mission.

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

This amendment is budget neutral.

I urge all of my colleagues who have raised their voices on the floor in opposition to the crimes being committed in Darfur to vote for this amendment and to vote for the accompanying amendment containing the Darfur Accountability Act. The genocide in Darfur must end, and it must end now.

I understand that we cannot address every problem in the world in this particular bill and that some things will have to wait for the regular appropriations cycle, but the things that I have come to the floor to talk about this morning simply will not wait. Lives are at stake if we do not address them in this bill, and lives will, in fact, be lost. Each one of the items that I have talked about is a matter of crisis, a matter of emergency.

They need to be included in this bill.

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

The ACTING PRESIDENT pro tempore.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 451

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

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

The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

(Purpose: To lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall oil profits)

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

SEC. 6047. (a) Congress finds that—

(1) the prices of gasoline and crude oil have a direct and substantial impact on the financial well-being of families of the United States, the potential for national economic recovery, and the economic security of the United States;

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

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

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

(B) was \$0.49 higher than last year; and

(C) could reach even higher levels in the near future;

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

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

(B) officials of OPEC member nations have publicly indicated support for maintaining oil prices of \$40–\$50 per barrel;

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

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

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

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

(9) in order to combat high gasoline prices during the summer and fall of 2000, President

Clinton released 30,000,000 barrels of oil from the SPR, stabilizing the retail price of gasoline;

(10) increasing vertical integration has allowed—

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

(B) the top 10 oil companies in the world to make more than \$100,000,000,000 in profit and in some instances to post record-breaking fourth quarter earnings that were in some cases more than 200 percent higher than the previous year;

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

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

(b) It is the sense of Congress that the President should—

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

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

(c)(1) For the period beginning on the date of enactment of this Act and ending on the date that is 30 days after the date of enactment of this Act—

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

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

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

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

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

What we are faced with is the simple market economics of supply and demand. If demand goes up, price goes up. If supply goes up, price goes down. At a



time when we are facing record-breaking gasoline prices, it is unfathomable that the Federal Government would actually be taking oil off the market and exacerbating the high costs of working families.

The price of crude oil has remained at near record highs for the first half of 2005. Oil has been trading at over \$50 a barrel since February 22. The prices have already burdened Americans, particularly in my home State of New York and the Northeast where we rely on home heating oil to heat our homes, as people have done throughout the winter.

I know a lot of these families were hoping for a quick spring so they could enjoy relief from the high energy prices. Unfortunately, that has not been the case, as the increased burden of oil costs has just moved from the home and now, as we approach spring, to the highway. As Americans are beginning to plan for their summer vacations and road trips, the price of gasoline has reached a record high for the fourth week in a row.

The Energy Information Administration predicted that the current price of \$2.28 a gallon—that is 49 cents, just about half a dollar up from last year—could give way to even higher prices in the future.

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

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

What has the administration done on this? It has continued its policy of taking oil off the market and placing it in the SPR. This policy, which further

tightens the oil market by taking much-needed supplies out of commerce, is slated to take an average of 85,000 barrels a day off the market during the height of the driving season.

I understand some of my colleagues are convinced the SPR should not be touched, even to safeguard our economic security. I would argue that the concerns to this degree do not properly balance America's physical security needs against our economic security needs. The SPR is now 98 percent full. We are not recommending a sale but, rather, a swap so the oil would be replaced presumably at a lower price, and we would have the full amount of oil in the SPR once again.

The administration has these tools, and yet we are letting OPEC control the whole show. If we showed them we meant business, that we were willing to mix in, they would be far more reticent, far more reluctant to raise the price at will in the light of increasing demand from China, India, our country, and other places.

It is about time we did this. I urge my colleagues to join me in protecting the pocketbook of working families from OPEC's profiteering by supporting the amendment.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I want to make some remarks today on the Defense supplemental we have before us. It is critical we pass that legislation. I have been exceedingly disappointed that critical legislation to support our troops who are serving us in Iraq and Afghanistan and other areas around the world is being held up by what now appears to be a prolonged and extensive debate on immigration. More than that, we are being asked to vote on a very significant immigration legislation. No. 1, the AgJOBS bill is 105 pages. As I read it, Mr. President, as I know you have, it is breathtakingly deficient. It will undermine our current immigration system, make it much worse. It is an abomination. Yet I understand at one point the sponsors, Senators CRAIG and KENNEDY, said they had over 60 Senators prepared to vote for it. Now, they are peeling off right and left and we may certainly hope there are not votes sufficient to pass this legislation we will be voting on now on a defense bill.

I was in an Immigration Subcommittee hearing yesterday, chaired by Senator CORNYN who chairs the Judiciary Subcommittee on Immigration. It was a very informative and important hearing. He has been working on this for many months now, trying to

hammer out something that makes sense for America. Yet now we are rushing through to vote on this bill. I want to share some thoughts about it.

I want to strongly oppose the AgJOBS Act. I oppose it, not only because it has nothing to do with the money we need to support our troops in Iraq and will no doubt, and already has, slow down the bill, but because it undermines the rule of law by rewarding illegal aliens with amnesty. It creates no mechanisms in the law that will help bring integrity to a system that is failing badly. It is a huge step backward. It would be a disaster, if you want to know the truth.

It contains a host of bad provisions that should not be law and, as a result, has even lost the support of much of the agriculture community the sponsors claim to be so much in need of it.

It will provide amnesty to 1 million illegal aliens and their families in addition, illegal aliens who broke the immigration law to come here illegally and then again broke the law by working here illegally. The AgJOBS bill will treat unfairly those people who come to the United States legally to work in agriculture, and do their work and comply with the rules dutifully. They do not benefit at all from this amnesty. Only illegals can benefit from its passage. That is a fundamental principle a great nation ought to think about. This is not an itty-bitty matter. We are going to provide a benefit to somebody who violates a law and deny it to somebody who complies with the law? What kind of policy can that be? How can one justify such a policy?

Under the AgJOBS bill, illegal aliens are granted not only the right to stay here and work here, but they are put on the road to citizenship, a virtual guaranteed path to citizenship unless they get arrested for a felony—not arrested, you have to be convicted of a felony. Or if you are convicted of three misdemeanors, that can get you out—three or more.

As I noted, the legal farm workers under the current H-2A program will get nothing. They are certainly not put on a road to citizenship. Legal workers will not become permanent resident workers and then citizens under the AgJOBS bill. If the AgJOBS bill passes, we will state to the world that America is in fact rewarding people who break the law to the disadvantage of those who follow it.

The sponsors of the amendment say this is not amnesty, it is earned legalization; it is adjustment of status; it is rehabilitation. Those are misnomers, to say the least. The AgJOBS bill is amnesty, plain and simple. It will give illegal aliens the very thing they broke the law to get, the ability to live and work inside the United States without having to wait in line the same as everybody else to get it. The amnesty contained in AgJOBS does not stop there. It goes even further and gives illegal aliens a direct path from their new legal status to U.S. citizenship.



Getting rewarded by being handed the exact thing you broke the law to get plus the ability to get citizenship is amnesty, I think, under any definition of it. It even goes far beyond the proposals President Bush has made that some have called amnesty, and he says it is not.

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

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

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

According to a Pew report, there are at least 840,000 illegal immigrant workers who would be eligible for amnesty under this bill. Adding in one spouse and a minor child for each of those, the estimate can easily increase to 3 million immigrants—3 million, all of whom are defined only in the agricultural community, not in any other community in the country where it seems to me we would have a very difficult time on principle defining why agriculture workers get such beneficial treatment compared to any other worker who might be here.

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

The AgJOBS amendment will create a category of "lawful, temporary resident status" of agricultural workers who have worked at least 100 days in the 18 months prior to December 31, 2004. These are supposed to be workers who were here working, contributing to our economy, but they only have to work 100 days.

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

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

Again I ask, what real principle can we stand on to say we need to give these people who are here illegally preference over people who might be working in some other industry?

Under the AgJOBS bill, an illegal alien is not deportable as soon as his paperwork is filed. No factfinding or adjudication on the application is necessary. It kicks in a protection that he cannot be deported. Maybe he has been charged with a felony, but the trial hasn't come along yet. It seems to me the procedure is guaranteed to go forward and they will be able to be put on this track. After the illegal alien gets the first round of amnesty, being granted temporary legal status under the AgJOBS bill, the bill gives them the opportunity to continue working in agriculture and apply for permanent resident status here in the United States. Thereafter that puts you in a position to become a citizen—guaranteed, unless you get in some big trouble.

There is no limit on the number of individuals who would be allowed to adjust to lawful permanent residence and eventually become citizens. If the illegal alien who meets the bill criteria has already left the United States, the legislation actually would encourage them to come back through the border to become a lawful temporary worker. As I read the legislation, they are allowed to do that by filing a petition. I believe it is called a preliminary petition. This petition is pretty interesting. The petition fundamentally is filed at the border with an officer, it says. And who is the officer? An officer is a member of a farm workers organization or an employer group, both of which are not representing the interests of the citizens of the United States but both of which have a special interest in having the alien come into the country. That is how they make their money. And they have to accept it if he produces virtually any document at all that would say he or she has worked in the country at sometime previously.

Later on my breath was taken away where it says in this act that the docu-

ments filed by the illegal alien are confidential. Read this:

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

It goes on to say:

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

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

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

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

By the legislation's own terms, an illegal alien will be turned into "an alien lawfully admitted for temporary residence" . . .

Just by fiat.

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

I will continue to talk about the bizarre nature of this application process. Someone who is even not in the country who wants to come back into the country, as I understand it, who has worked in our country illegally for some period of time and have returned to their country, they want to come back; they file an application, a preliminary application, I believe the phrase is. They do not file it with the Government, they file it with a farm workers group or an employer group,



both of which do not have a real interest in seeing that the laws of the United States are enforced.

It goes on. It is difficult to understand. I read from page 24 of the 205-page bill:

... the Secretary shall not have access to such files or records relating to the alien without the consent of the alien, except as allowed by a court order.

It goes on to say that "neither the Secretary nor any official" shall "use the information furnished by the applicant pursuant to an application filed under this section," provided they cannot use it "for any purpose other than to make a determination on the application or for enforcement."

Then it goes on to state that "nothing in this section shall be construed to limit the use or release for immigration enforcement purposes or law enforcement purposes" of information contained in files and records of the Department of Homeland Security but that does not give them the ability to use the information contained in the paperwork filed with the employer group. Those papers the employer does not give to the Department of Homeland Security are kept secret and not available to law enforcement, the bill goes on to add that no information in the application can be used "other than information furnished by an applicant pursuant to the application or any other information derived from the application that is not available for any other source."

I was a prosecutor. I know how hard it was to handle these things. This bill will create a situation that makes these documents virtually unusable in making sure this system has integrity. Why do we want to do that? What possible reason do we want to have in legislation of this kind that would say when you come here and you present documentation into evidence that justifies coming here to do that—why shouldn't the information you present in your application be part of the files of the Government, be reviewable at any time by any agency of the Government, for any purpose for which they want to use it? Everybody else has to do that.

Before you can be a Senator, you have to disclose all your finances. That does not take me long, but for some people it takes a long time. We have to do that, but somebody who is not even a citizen, not even a resident of this country, can keep information secret even though they are asking to become legal permanent residents eligible for citizenship.

Mr. President, I will quote from an article by Mr. Frank Gaffney. This confirms what I have been saying, which is undisputable about the bill. We are not at a time in our history when we should be doing this. It is exactly opposite of what we should be doing if we want to create a new system of immigration that allows more people to come here legally, to work as their schedules are fit, with employers who may need them.

We can do that. We should do that. We can do better about that. We can improve current law. But to just willy-nilly allow people who could very well be very marginal part-time employees, who never worked much—to give them permanent resident status and citizenship for violating our laws is thunderously erroneous, in my view. It is just not good.

Mr. Gaffney goes on to say:

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

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

Some have called this creating indentured servants. Why isn't it a form of indentured servitude? You have to come here. You are required to work for 6 years in agriculture. You cannot take some other type employment.

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

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

So the system would work this way. I do not think anyone would dispute this. Someone is here illegally. They are working in agricultural work. By the way, it defines, at the beginning of this legislation, what an "employer" means in agricultural employment. And it says:

The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

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

But the way this system would work is if they were here illegally over a pe-

riod of 18 months—if they were here just 18 months—and had worked 100 hours in agricultural employment during that 18 months, the Secretary shall make them a lawful temporary resident—required to, unless they committed a serious crime or something.

Then, over the next 6 years, if they were to work in agriculture for up to 2,060 hours—that is about 1 year's work—over 6 years in agriculture, they become a legal permanent resident. Then if you just hang along there for 5 years, you can become a citizen.

Now, I do not see where this can be supported by somebody saying they earned their citizenship. Citizenship should not be bought and paid for in labor. Why? Well, they worked for compensation, they wanted to work for compensation, this is not something we forced them to come here and do, they were paid like every other American is paid. You earn your pay for the work you perform. I do not know that you should earn additional benefits because you work. All the while, of course, the lawful H-2A workers are still required to go home when their time is up. They only receive pay for working, why should we give illegal workers more than that.

The AgJOBS amendment goes so far as to provide free legal counsel to illegal aliens who want to receive this amnesty. All Americans don't get free legal counsel. There is no notice in this bill that suggests they have to have any low-income level or have no assets to get the legal services this bill gives to illegal alien workers. It provides that the Legal Services Corporation can expend their funds and shall not be prevented from providing legal assistance directly related to an application for adjustment of status under this section.

Again, we are now giving them free legal status, free legal services, and we are allowing them to go to these groups, these farmworker organizations or employer groups, to help them with that. The AgJOBS amendment provides all that in that fashion.

Let me talk about another item in this amendment an item that restricts the rights of employers. I don't know how every State does it. I think probably a substantial number of States, like my State of Alabama, have laws that provide for employment at will; that is, unless an employee has a contract, they work for the company and they can leave the company whenever they want and the company can terminate them whenever they want. That is Alabama law. I am rather certain of that. But if you come in under this act, you get an enhanced protection over American citizens. Prohibition: No alien granted temporary resident status under subsection (a) may be terminated from employment by any employer during the period of temporary resident status except for just cause. And they set up an administrative law process, an arbitration proceeding to have all these trials. The burden of



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

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

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

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

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

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

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

What else did the Commission find? Did it suggest that this solved the problem of workers in America in agricultural industry? Did it fix the problem that they tried to fix in 1986?

They say this:

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

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

Did the Commission recommend we pass a second legalization program such as AgJOBS? What did they say

that might help us on that? They said this:

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

This was 6 years after we did the last one. They had a commission study it. This is what they concluded. What do they suggest we ought to do? What did the Commission recommend? They said the only way to have structure and a stable agricultural market was to increase enforcement of our immigration laws, including employer sanctions, and reduce illegal immigration:

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

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

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

I introduced a bill last Congress—and will introduce, again—that would strengthen the United States' ability to enforce our immigration laws. The Homeland Security Enhancement Act would clarify for law enforcement officers of a State, county, and city that they do have authority to enforce immigration violations while carrying out their routine duties.

They don't have authority to deport or try, but they have a responsibility, in most instances, to detain people they identify as being here in violation of the law and contact Federal officials to process that individual after that. They have been told, and been confused about, what their authority is. I have written a law review article on it,

aided by my assistant here, my counsel, Cindy Hayden. We researched the law and came to that conclusion.

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

This is a big, big deal. In the hearing Senator CORNYN chaired yesterday, we had a person from the Department of Homeland Security who is in charge of detention and removal, and what we learned was that over 80 percent of the people who are detained, processed and found to be here illegally are released on bail while the government arranges for their deportation. It is not surprising they don't show up to be deported. Even after they are given a hearing and found to be here in violation of the law, they are consistently released on bail, and 80 percent of those don't show up to be deported. Then, we now have some 400,000 absconders. Now, Mr. President, if a Senator gets a DUI in Kansas or someplace and you don't show up for court, they put your name in the database, and if you get stopped for speeding somewhere in some other State, they will pick it up. So they are a fugitive, but their information is not being put into the NCIC.

I know police officers. I was a prosecutor for over 15 years. I asked them about this. They tell me they do not even bother to call the Federal Immigration officials if they apprehend someone that is illegally here because they won't come and get them. So they have just given up. They are prepared to help. What a great asset that would be. But, no, we have not seen fit to do that.

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

That is how most people are caught today who violate the law and who are fugitives. Most of them are caught in simple traffic stops. Don't tell them because they will quit speeding. But that is how we catch them—when they get in a fight somewhere and the police runs their name and there is a warrant out in Texas for them for assault or something.



We raised Cain last year about that and asked the tough questions of a number of the Department officials. They said they would try. So out of 400,000, we learned there are about 40,000 of those names they found time to put in the NCI Center computer system that is available at city, county, and police offices out in the country. That indicates to me how confused we are about how to make this system work.

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

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

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

We are a nation of immigrants. America openly welcomes legal immi-

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

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

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

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

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

I want to share this information with my colleagues. Farmers who are supposed to be benefiting from this act, the agriculture workers amnesty legislation, do not want it. Maybe some farm groups in Washington or lobbyists are for it. Maybe some big agricultural entities want it. But I have in my hands an open letter from the South-

eastern Farmers Coalition. It is signed by a list of organizations and individual H-2A program participants, people who utilize farm workers from out of the country who are "the overwhelming majority of H-2A program users in the country."

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

The letter states:

Farmers in the Southeastern United States are opposed to Senate bill S. 1645 introduced by Ted Kennedy and Larry Craig. It is an amnesty for illegal farm-workers. It does not reform the H-2A program. Please oppose this legislation.

The text of the letter, which asks me to oppose the bill, says:

[AgJOBS] is nothing more than a veiled amnesty. While everyone, it seems, agrees that the H-2A program desperately needs reform, this legislation does not fix the two most onerous problems with the program: the adverse effect wage rate and the overwhelming litigation brought by Legal Services groups against farmers using the H-2A program.

In fact, it explicitly provides for more such litigation. The letter goes on to say:

The Craig-Kennedy-Berman reform package provides a private right of action provision that goes far beyond legitimate worker protections and expands Legal Services' attorneys ability to sue growers in several critical areas. These lawyers, who have harassed program users with meritless lawsuits for years, will continue to attack small family farmers under the new statute.

Supporters of Craig-Kennedy-Berman have endorsed this alleged reform believing in a misguided fashion that it will bring stability to the agricultural labor market. It will not. It will create greater instability. As illegal farm workers earn amnesty, they will abandon their farm jobs for work in other industries.

Continuing this letter:

Many of the attached signatories have been actively involved in negotiations surrounding this legislation. The following groups have broken ranks with the American Farm Bureau.

As a matter of fact, I think the Farm Bureau has now switched sides on this bill, and they are no longer endorsing it. They are not supporting it now. They have changed their position.

They continue:

You are likely to hear that the majority of agriculture supports this bill. The industry, in fact, is split.

But, in fact, the trend has been the other way against it.

They go on:

History has demonstrated that the amnesty granted under the Immigration Reform and Control Act of 1986 was a dismal failure for agriculture employers. Farm workers abandoned agricultural employment



shortly after gaining amnesty and secured jobs in other industries.

I also received a letter last week from two growers in Alabama who favor improving the ability to utilize foreign workers. They strongly support that. But still they asked me to oppose the AgJOBS legislation.

Tom Bentley of Bentley Farms, which grows, packs, and ships peaches from Thorsby, AL, and Henry Williams, head of the Alabama Growers Association, write:

In the coming days, you may be asked to vote on legislation offered by Senator Larry Craig and Senator Edward Kennedy that purports to significantly reform the present H-2A agricultural worker program by providing an earned amnesty to hundreds of thousands of undocumented farm workers now present in the United States.

Despite claims that this bill is bipartisan and represents the interests of all agricultural employers, growers in the Southeastern United States do not support the passage of this legislation.

This bill is not H-2A reform as touted, it is simply an amnesty bill for a selected group of workers.

If farmers who make up a majority of H-2A employers are opposed to AgJOBS because it is amnesty for illegal workers and it does not reform the H-2A program, why should we pass it? Who supports this amendment? I believe the supporters who are advocating it are really not in touch with the desires of the American people and the desires of the farmers they claim to represent. In fact, I am not sure the authors understand just how far this bill goes and just how many serious problems exist within it.

I do not think that I am out of touch with the American people. I certainly believe the principles I have advocated are consistent with the rule of law that I cherish in our country, and I am troubled to see it eroded in this fashion. I believe reform is necessary. I believe we can achieve reform. I believe we need to spend some time on it. I do not think it can be done piecemeal. I originally thought it had to be done comprehensively. Then somebody convinced me we could break it up. But the more I look at it, the more I see the nature of it. Why would we want to spend all this time on one group of workers, agricultural workers? There are other workers who are facing the same challenge. Why not fix this problem in a generous way for foreign workers to come and work, a generous way to achieve citizenship, a focus on the real needs of America, not just laboring immigrants. We need people who have Ph.D.s, brain power, scientific people who may cure cancer one day. We need more of those kinds of people, too.

We need to look at it comprehensively. Draw up a system that works. But one that allows us to honor the heritage we have been given as Americans, the heritage that draws so many people—our heritage of the rule of law—is being eroded terribly today.

I thank the Presiding Officer for the time, and I yield the floor.

Mr. REID. Mr. President, I have an amendment that is pending. The distinguished majority leader will make the decision as to what votes are going to occur on Monday evening. I want to get my debate out of the way, hoping this amendment, which is probably germane postclosure—maybe we could do it at that time and get it over with.

Over this past recess I had the good fortune to travel to the Middle East. I visited Nevada troops in Kuwait before they went to Iraq. It was a great trip for me, one I will never forget. But I saw firsthand what has been accomplished in the face of very difficult and dangerous conditions in Iraq. I was also able to see that every American should be very proud of the unheralded service these courageous service men and women perform each day.

The 1864th Transportation Unit from Nevada hauls the goods from Kuwait to Iraq. This is where we hear about some vehicles needing more armor. These vehicles need more armor, but when they get an order they get in the truck and off they go, men and women.

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

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

I want to spend a few minutes discussing the details of what we and other nations around the world are doing to secure and rebuild Iraq.

Presently, there are more than 150,000 Coalition troops in Iraq. More than 130,000 of them are Americans, such as the 1864th I saw in Kuwait that drives on a continual basis into the middle of Iraq.

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

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

As I noted at the outset, it was clear from my recent trip that a great deal more needs to be done in construction, and that is an understatement. We are not as far along as the administration

promised we would be at this point of the conflict; and the cost to the U.S. taxpayers of our country for operations in Iraq has far exceeded the estimates the administration provided us prior to the start of this war.

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

As for the cost to the U.S. taxpayers of the Iraq reconstruction, administration officials declared that Iraq itself could cover a substantial portion of these costs. Shortly after the war started, Deputy Defense Secretary Wolfowitz told the House Budget Committee, "There's lots of money to pay for this. It doesn't have to be U.S. taxpayer money. We are dealing with a country that can easily finance its own reconstruction, and relatively soon." U.S. AID Director Andrew Natsios was even more explicit in his statement nearly a month later:

The rest of the rebuilding of Iraq will be done by other countries who have already made pledges, Britain, Germany, Norway, Japan, Canada, and Iraqi oil revenues, eventually in several years, when it's up and running and there's a new government that's been democratically elected, will finish the job with their own revenues. They're going to get in \$20 billion a year in oil revenues. But the American part of this will be \$1.7 billion. We have no plans for any further-on funding for this.

I think it's fair for the American people to ask why the Iraq reconstruction has not proceeded as promised by this administration? Why, when the United States military and our taxpayers have done so much, the international community has done so little, failing to keep even its relatively modest reconstruction commitment? Any why have the administration's statements that the people of Iraq and other nations would cover the bulk of that country's reconstruction costs proven to be so wrong?

I think it is time we restored some equity, fairness, and shared sacrifice with other nations on the reconstruction efforts.

I haven't talked about the deaths of our soldiers, the sacrifices they have made being wounded. I am talking today only about money. The commitment other countries have made has been very small in actual personnel, very large in talk and very short in dollars. And our taxpayers have more than lived up to their commitment to the people of Iraq. It's long past time that the rest of the world do the same. That's what my amendment seeks to do.

My amendment is quite straightforward. This amendment does not affect roughly \$17 billion of the \$20 billion that Congress has appropriated for Iraq reconstruction assistance. The administration is free to do with that



amount as they see fit and when they see fit.

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

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

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

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

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

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

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

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

Passing this amendment gives the President greater leverage in getting other nations to follow through on their previous commitments. The

President can cite this Congressional action, highlight the fact that the Congress is closely monitoring the international contributions coming into Iraq, and let them know that there is growing concern in the Congress about their inability to live up to their past promises.

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

Through six quarterly reports, the U.S. has spent only \$4.209 billion in Iraq, an average of \$701.5 million per quarter. At this rate, it will take over 5 years for all the money to be spent.

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

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

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

#### HIGHWAYS

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

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

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

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

I ask unanimous consent a letter from 18 trade associations be printed in the RECORD in addition to a letter from

virtually all State and local government organizations, the National Governors Association, and the letter I previously mentioned from the Democratic leaders.

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

APRIL 13, 2005.

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

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

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

TEA-21 reauthorization may be one of the few measures the Senate will consider this year that will pass with overwhelming bipartisan support. This board support, combined with the May 31 expiration of the latest short-term extension of the highway and transit program, presents a compelling case for Senate action so that conference negotiations may begin with the House of Representatives, which approved its multi-year reauthorization bill March 10.

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

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

Sincerely,

American Road & Transportation Builders Association, Associated General Contractors of America, U.S. Chamber of Commerce, American Association of State Highway & Transportation Officials, Associated Equipment Distributors, Association of Equipment Manufacturers, International Union of Operating Engineers, National Ready Mixed Concrete Association, American Public Transportation Association, American Concrete Pipe Association, American Concrete Pavement Association, National Utility Contractors Association, Portland Cement Association, National Asphalt Pavement Association, United Brotherhood of Carpenters and Joiners of America, American Society of Civil Engineers, National Stone, Sand & Gravel Association, Laborers-Employers Cooperation and Education Trust.

APRIL 12, 2005.

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

DEAR MAJORITY LEADER FRIST: On behalf of the nation's state and local governments, we



want to take this opportunity to urge you to schedule consideration of SAFETEA, the Senate version of the reauthorization of the highway and transit programs, at the earliest possible date. This legislation needs to be passed by the Senate and sent to a conference committee as soon as possible. As you know, TEA-21 expired on September 30, 2003 and the current extension expires on May 31, 2005. In order to plan for, maintain, and build our nation's transportation infrastructure, state and local governments need a multi-year reauthorization passed in the very near term.

Thank you for your consideration to this matter.

Respectfully,

RAYMOND C. SCHEPPACH,  
*Executive Director,*  
*National Governors'*  
*Association.*

WILLIAM T. POUND,  
*Executive Director,*  
*National Conference*  
*of State Legisla-*  
*tures.*

DANIEL M. SPRAGUE,  
*Executive Director,*  
*Council of State*  
*Government.*

LARRY E. NAAKE,  
*Executive Director,*  
*National Association*  
*of Counties.*

J. THOMAS COCHRAN,  
*Executive Director,*  
*U.S. Conference of*  
*Mayors.*

DONALD J. BORUT,  
*Executive Director,*  
*National League of*  
*Cities.*

ROBERT O'NEIL,  
*Executive Director,*  
*International City/*  
*County Management*  
*Association.*

NATIONAL GOVERNORS ASSOCIATION,  
*Washington, DC, April 14, 2005.*

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

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

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

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

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

Sincerely,

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

U.S. SENATE,  
*Washington, DC, April 14, 2005.*

Hon. BILL FRIST,  
*Majority Leader,*  
*U.S. Senate.*

DEAR MAJORITY LEADER: We write to request floor consideration of the surface

transportation reauthorization bill prior to the completion of this April work period.

As you know, a well-maintained surface transportation system is critical to our nation's economy. Long-term transportation planning is essential to the continued maintenance and improvement of the system. Unfortunately, for the past 18 months, the Federal surface transportation program has operated under a series of short-term extensions denying states the ability to make and to execute long-term transportation plans.

Because of this continuing uncertainty, many states have had to slow or to stop entirely progress on many important transportation projects. Further extensions will only exacerbate these delays costing billions of dollars in project delays and thousands of jobs.

The current program extension expires on May 31, 2005. In order to complete work on this important legislation before this deadline, the full Senate must consider the measure prior to the end of the April work period. Recognizing this urgency, each of the committees of jurisdiction will be ready for Senate floor debate in the near future.

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

Sincerely,

HARRY REID,  
MAX BAUCUS,  
DANIEL INOUE,  
JIM JEFFORDS,  
PAUL SARBANES.

As we all know, the current Federal surface transportation program expired 18 months ago, and the program has operated under a series of short term extensions since then, with the latest set to expire on May 31 of this year. While these extensions have helped the Federal program limp along, they have denied States the ability to make long-term transportation planning decisions essential to the continued maintenance and improvement of the system. In addition, the lack of a permanent reauthorization bill has caused many States to slow or stop entirely progress on many important transportation projects.

According to a report by the American Association of State Highway and Transportation Officials, the uncertainty caused by the short term extensions has cost billions of dollars in project delays and thousands of jobs.

Mr. President, I stand ready and committed to moving this process forward in the bipartisan spirit that this bill has always enjoyed. I urge the majority leader to bring the surface transportation reauthorization bill up for floor consideration before the end of the April work period for the good of the country and the workers that so desperately depend upon its future.

Mr. KERRY. Mr. President, earlier this week I was proud to submit into the RECORD several e-mails from the more than 2,000 I had received from military families around the country. These e-mails detailed the proud service that America's military families make every day. The e-mails are full of their pride and understanding of service. And I know my colleagues join me

in expressing our thanks to them for all they do.

I submitted these e-mails because they put a human face on the sacrifices we speak about so often. I have come to learn that one of the stories relayed to me about a Home Depot employee does not reflect Home Depot's policies. In fact, Home Depot is a strong supporter of its mobilized employees. The company was recognized last year by the Department of Defense for its support to service members, including a program to give hiring preferences to injured service members who want to work for the company. Its "Project Home Front" contributed tools and volunteers to help military spouses make home repairs while their loved ones were deployed. And, as a model for others to emulate, Home Depot makes up any salary lost by mobilized employees. I am happy to set the record straight on the contributions Home Depot makes to the brave Americans who work for it and serve in the National Guard and Reserves. I regret the unfortunate oversight and thank Home Depot for their support of America's military.

The stories we received are snapshots of what service means to families across this great land. America's military families are partners in the defense of this country and we have to listen to them. Taking care of their needs is not sentimentalism it's a practical investment in our national security. Given the millions spent to recruit and train the men and women of the United States military, our modest investment in military families is a smart way to retain the force.

I thank my colleagues for their continued interest and support on these issues, and I thank Home Depot for its support of America's heroes.

#### MORNING BUSINESS

Mr. MCCONNELL. I ask unanimous consent 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.

IBRAHIM PARLAK

Mr. LEVIN. Mr. President: I would like to bring my colleagues' attention to a situation facing one of my constituents, Ibrahim Parlak, who, up until a year ago, was living the American dream. After moving to this country in 1991, through hard work and dedication, he worked his way up from being a busboy to owning his own restaurant, Café Gulistan, in Harbert, MI. Mr. Parlak has spent over a decade of hard, honest work and has led an upstanding life with his family and community. However, now, he may be deported.

Ibrahim Parlak, a Kurd born in southern Turkey, came to the United States seeking asylum in 1991. In his asylum application, Mr. Parlak disclosed that he had been associated with the Kurdistan Worker's Party (PKK) in