

amendment intended to be proposed by him to the 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; which was ordered to lie on the table.

SA 448. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 449. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 450. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 451. Mr. SCHUMER (for himself, Ms. MIKULSKI, Ms. STABENOW, Mr. DODD, Mrs. BOXER, Mr. DORGAN, Mr. LIEBERMAN, Mrs. CLINTON, Mr. AKAKA, Mr. DURBIN, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 1268, supra.

SA 452. Mr. REED (for himself and Mr. CHAFEE) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra.

SA 453. Mr. CRAIG (for himself, Mr. BAUCUS, Mr. ROBERTS, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 454. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 455. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 456. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 457. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 458. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 459. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 460. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 461. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 462. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 463. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 464. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 465. Mr. BYRD (for himself, Mr. CRAIG, Mr. DORGAN, Mr. BAUCUS, Mr. LEAHY, Mrs. FEINSTEIN, Mr. OBAMA, and Mr. LIEBERMAN) submitted an amendment intended to be pro-

posed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 447. Mr. WYDEN (for himself, Mr. SMITH, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for the Secretary of the Army, acting through the Chief of Engineers, for emergency repair of the Fern Ridge Dam, Oregon, \$31,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SA 448. Mr. COBURN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 199, strike line 13 and all that follows through page 200, line 13.

SA 449. Mr. COBURN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 196, strike lines 4 through 17.

On page 202, strike lines 1 through 13.

SA 450. Mr. COBURN submitted an amendment intended to be proposed by

him to the 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; which was ordered to lie on the table; as follows:

On page 166, strike lines 8 through 20.

SA 451. Mr. SCHUMER (for himself, Ms. MIKULSKI, Ms. STABENOW, Mr. DODD, Mrs. BOXER, Mr. DORGAN, Mr. LIEBERMAN, Mrs. CLINTON, Mr. AKAKA, Mr. DURBIN, and Mrs. FEINSTEIN) proposed an amendment to the 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; as follows:

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.

SA 452. Mr. REED (for himself and Mr. CHAFFEE) submitted an amendment intended to be proposed by him to the 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; as follows:

At the appropriate place, insert the following:

SEC. 452. ADJUSTMENT OF STATUS.

(a) **ADJUSTMENT OF STATUS.**—

(1) **ELIGIBILITY.**—The Secretary of Homeland Security (referred to in this section as the "Secretary") shall adjust the status of any alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for adjustment before April 1, 2006; and

(B) is otherwise eligible to receive an immigrant visa, has not been convicted of an

aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act), and is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility—

(i) the grounds of inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply; and

(ii) the Secretary, in the unreviewable discretion of the Secretary, may waive the grounds of inadmissibility specified in paragraphs (1)(A)(i) and (6)(C) of such section 212(a) for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(2) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—

(A) **IN GENERAL.**—In determining the eligibility of an alien described in subsection (b) or (d) for adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply.

(B) **REAPPLICATION FOR ADMISSION.**—An alien who would otherwise be inadmissible under subparagraph (A) or (C) of section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)) may apply for the Secretary's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(3) **RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.**—

(A) **IN GENERAL.**—An alien present in the United States who has been ordered excluded, deported, removed, or to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1).

(B) **REQUIREMENTS.**—An alien described in subparagraph (A)—

(i) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the order described in subparagraph (A); and

(ii) may be required to seek a stay of such order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status.

(C) **EFFECT OF DECISION BY SECRETARY.**—If the Secretary denies a stay of a final order of exclusion, deportation, or removal, or if the Secretary renders a final administrative decision to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Secretary grants the application for adjustment of status, the Secretary shall cancel the order.

(b) **ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.**—

(1) **IN GENERAL.**—Except as provided under paragraphs (2) and (3), the benefits provided under subsection (a) shall apply to any alien who—

(A) is a national of Liberia; and

(B) has been physically present in the United States for a continuous period, beginning not later than January 1, 2005, and ending not earlier than the date on which the application for adjustment under subsection (a) is filed.

(2) **EFFECT OF ABSENCES.**—An alien described in paragraph (1) shall not be consid-

ered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

(3) **LIMITATION.**—Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief in deportation or removal proceedings.

(c) **STAY OF REMOVAL AND WORK AUTHORIZATION.**—

(1) **IN GENERAL.**—The Secretary shall provide, by regulation, for an alien subject to a final order of exclusion, deportation, or removal to seek a stay of such order based on the filing of an application under subsection (a). Nothing in this section shall require the Secretary to stay the removal of an alien who is ineligible for adjustment of status under this section.

(2) **DURING CERTAIN PROCEEDINGS.**—Notwithstanding any provision in the Immigration and Nationality Act, the Secretary shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except if the Secretary has rendered a final administrative determination to deny the application.

(3) **WORK AUTHORIZATION.**—

(A) **IN GENERAL.**—The Secretary may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an "employment authorized" endorsement or other appropriate documentation signifying authorization of employment.

(B) **PENDING APPLICATIONS.**—If an application under subsection (a) is pending for a period exceeding 180 days and has not been denied, the Secretary shall authorize such employment.

(d) **SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.**—

(1) **ADJUSTMENT OF STATUS.**—The Secretary shall adjust the status of any alien to that of an alien lawfully admitted for permanent residence if—

(A) the alien is the spouse, child, or unmarried son or daughter of an alien lawfully admitted for permanent residence under subsection (a), if—

(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of this Act; and

(ii) in the case of such an unmarried son or daughter, the son or daughter is required to establish that he or she has been physically present in the United States for a continuous period, beginning not later than January 1, 2005, and ending not earlier than the date the application for adjustment under this subsection is filed, except that an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days;

(B) the alien entered the United States on or before the date of enactment of this Act;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed;

(D) the alien is otherwise eligible to receive an immigrant visa, has not been convicted of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act) and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds of inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section

212(a) of the Immigration and Nationality Act shall not apply, and the Secretary may, in his unreviewable discretion, waive the grounds of inadmissibility specified in paragraphs (1)(A)(i) and (6)(C) of such section 212(a) for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest; and

(E) the alien applies for such adjustment before April 1, 2006.

(2) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

(A) IN GENERAL.—In accordance with regulations to be promulgated by the Secretary and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

(i) meets the requirements in subparagraph (A) and (D) of paragraph (1); and

(ii) applies for such a visa within a time period to be established by regulation.

(B) FEES.—

(i) IN GENERAL.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved.

(ii) AMOUNT; AVAILABILITY.—Fees collected under this subparagraph—

(I) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

(II) shall be available until expended for the same purposes of such appropriation to support consular activities.

(e) ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under this section the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Secretary as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—If an alien is granted the status of having been lawfully admitted for permanent residence or an immigrant classification under this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—

(1) DEFINITIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in this section.

(2) SAVINGS PROVISION.—Nothing in this section shall be construed to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Secretary in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

(3) EFFECT OF ELIGIBILITY FOR ADJUSTMENT OF STATUS.—Eligibility to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude an alien from seeking any sta-

tus under any other provision of law for which the alien may otherwise be eligible.

(i) ADMISSIONS.—Nothing in this section shall be construed as authorizing an alien to apply for admission to, be admitted to, be paroled into, or otherwise return to the United States, or to apply for or pursue an application for adjustment of status under this section without the express authorization of the Secretary.

SA 453. Mr. CRAIG (for himself, Mr. BAUCUS, Mr. ROBERTS, and Mr. ENZI) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

Strike all after “SEC.” in the matter proposed to be inserted and insert the following:

_. (a) Notwithstanding any other provision of law, beginning in fiscal year 2005 and thereafter, none of the funds made available by this or any other Act shall be used to pay the salaries or expenses of any employee of any agency or office to implement or enforce section 908(b)(1)(A) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)(A)) or any other provision of law in a manner other than a manner that permits payment by the purchaser of an agricultural commodity or product to the seller, and receipt of the payment by the seller, at any time prior to—

(1) the transfer of the title of the commodity or product to the purchaser; and

(2) the release of control of the commodity or product to the purchaser.

(b) Notwithstanding any other provision of law, beginning in fiscal year 2005 and thereafter, none of the funds made available by this or any other Act shall be used to pay the salaries or expenses of any employee of any agency or office that refuses to authorize the issuance of a general license for travel-related transactions listed in subsection (c) of section 515.560 of title 31, Code of Federal Regulations, for travel to, from, or within Cuba undertaken in connection with sales and marketing, including the organization and participation in product exhibitions, and the transportation by sea or air of products pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000.

(c) Notwithstanding any other provision of law, beginning in fiscal year 2005 and thereafter, none of the funds made available by this or any other Act shall be used to pay the salaries or expenses of any employee of any agency or office that restricts the direct transfers from a Cuban financial institution to a United States financial institution executed in payment for a product authorized for sale under the Trade Sanctions Reform and Export Enhancement Act of 2000.

SA 454. Mr. SALAZAR submitted an amendment intended to be proposed by him to the 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 se-

curity 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; which was ordered to lie on the table; as follows:

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

REPORT ON AFGHAN SECURITY FORCES TRAINING

SEC. 1122. (a) Notwithstanding any other provision of law, not later than 60 days after the date on which the initial obligation of funds made available in this Act for training Afghan security forces is made, the Secretary of Defense, in conjunction with the Secretary of State, shall submit to the appropriate congressional committees a report that includes the following:

(1) An assessment of whether the individuals who are providing training to Afghan security forces with assistance provided by the United States have proven records of experience in training law enforcement or security personnel.

(2) A description of the procedures of the Department of Defense and Department of State to ensure that an individual who receives such training—

(A) does not have a criminal background;

(B) is not connected to any criminal or terrorist organization, including the Taliban;

(C) is not connected to drug traffickers; and

(D) meets certain age and experience standards;

(3) A description of the procedures of the Department of Defense and Department of State that—

(A) clearly establish the standards an individual who will receive such training must meet;

(B) clearly establish the training courses that will permit the individual to meet such standards; and

(C) provide for certification of an individual who meets such standards.

(4) A description of the procedures of the Department of Defense and Department of State to ensure the coordination of such training efforts between these two Departments.

(5) The number of trained security personnel needed in Afghanistan, an explanation of how such number was determined, and a schedule for training that number of people.

(6) A description of the methods that will be used by the Government of Afghanistan to maintain and equip such personnel when such training is completed.

(7) A description of how such training efforts will be coordinated with other training programs being conducted by the governments of other countries or international organizations in Afghanistan.

(b) Not less frequently than once each year the Secretary of Defense, in conjunction with the Secretary of State, shall submit a report to the appropriate congressional committees that describes the progress made to meet the goals and schedules set out in the report required by subsection (a).

(c) In this section the term “appropriate congressional committees” means the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives.

SA 455: Mr. COBURN submitted an amendment intended to be proposed by

him to the 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; which was ordered to lie on the table, as follows:

On page 208, strike lines 19 through 22.

SA 456. Mr. SESSIONS submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

UNITED NATIONS HEADQUARTERS RENOVATION
LOAN

SEC. 2105. (a) Notwithstanding any other provision of law, and subject to subsection (b), no loan in excess of \$600,000,000 may be made available by the United States for renovation of the United Nations headquarters building located in New York, New York.

(b) No loan may be made available by the United States for renovation of the United Nations headquarters building located in New York, New York until after the date on which the President certifies to Congress that the renovation project has been fairly and competitively bid and that such bid is a reasonable cost for the renovation project.

SA 457. Mr. KOHL submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 171, line 2 strike "\$150,000,000" and all through line 6 and insert in lieu thereof the following:

"\$458,000,000 to remain available until expended: *Provided*, That from this amount, to the maximum extent possible, funding shall be restored to the previously approved fiscal year 2005 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: *Provided further*, 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).".

SA 458. Mr. KOHL submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 171, line 2 strike "\$150,000,000" and all through line 6 and insert in lieu thereof the following:

"\$470,000,000 to remain available until expended: *Provided*, That from this amount, to the maximum extent possible, funding shall be restored to the previously approved fiscal year 2005 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: *Provided further*, 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).".

SA 459. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

OFFICE OF THE SPECIAL INSPECTOR GENERAL
FOR IRAQ RECONSTRUCTION

SEC. 1122. (a) Subsection (o) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note), as amended by section 1203(j) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2081) is amended by striking "obligated" and inserting "expended".

(b) Subsection (f)(1) of such section is amended in the matter preceding subparagraph (A) by inserting "appropriated funds by the Coalition Provisional Authority in Iraq during the period from May 1, 2003 through June 28, 2004 and" after "expenditure of".

(c) Notwithstanding any other provision of law, of the amount appropriated in chapter 2 of title II of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1224) under the

heading "OTHER BILATERAL ECONOMIC ASSISTANCE" and under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND", \$50,000,000 shall be available to carry out section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1234). Such amount shall be in addition to any other amount available for such purpose and available until the date of the termination of the Office of the Special Inspector General for Iraq Reconstruction.

SA 460. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

On page 191, between lines 8 and 9, insert the following:

DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for the Secretary of the Army, acting through the Chief of Engineers, for emergency work on the Los Angeles-Long Beach Harbor, Mojave River Dam, Port San Luis, and Santa Barbara Harbor, \$7,500,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SA 461. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

On page 191, between lines 8 and 9, insert the following:

DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CONSTRUCTION, GENERAL

The project for navigation, Los Angeles Harbor, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577) is modified to authorize the Secretary of the Army to carry out the project at a total cost of \$222,000,000.

SA 462. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

On page 191, between lines 8 and 9, insert the following:

DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CONSTRUCTION, GENERAL

For an additional amount for the Secretary of the Army, acting through the Chief of Engineers, for emergency construction at Lower Santa Ana River Reaches 1 and 2 of the Santa Ana River Project, Prado Dam of the Santa Ana River Project, San Timoteo of the Santa Ana River Project, Murrieta Creek, and Santa Paula Creek, \$12,500,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SA 463. Mr. BYRD submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

AUDITS OF DEFENSE CONTRACTS IN IRAQ AND AFGHANISTAN

SEC. 1122. (a)(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of the Defense Contract Audit Agency, shall submit to the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on Armed Services of the House of Representatives a report that lists and describes audits conducted by the Defense Contract Audit Agency of task or delivery order contracts and other contracts related to security and reconstruction activities in Iraq and Afghanistan.

(2) The Secretary of Defense shall identify in the report submitted under paragraph (1)—

(A) any such task or delivery order contract or other contract that the Director of the Defense Contract Audit Agency determines involves costs that are unjustified, unsupported, or questionable, including any charges assessed on goods or services not provided in connection with such task or delivery order contract or other contract; and

(B) the amount of the unjustified, unsupported, or questionable costs and the per-

centage of the total value of such task or delivery order contract or other contract that such costs represent.

(3) The Secretary of Defense shall submit to the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on Armed Services of the House of Representatives an update of the report submitted under paragraph (1) every 90 days thereafter.

(b) In the event that any costs under a contract are identified by the Director of the Defense Contract Audit Agency as unjustified, unsupported, or questionable pursuant to subsection (a)(2), the Secretary of Defense shall withhold from amounts otherwise payable to the contractor under such contract a sum equal to 115 percent of the total amount of such costs.

(c) Upon a subsequent determination by the Director of the Defense Contract Audit Agency that any unjustified, unsupported, or questionable cost for which an amount payable was withheld under subsection (b) has been justified, supported, or answered, as the case may be, the Secretary of Defense may release such amount for payment to the contractor concerned.

(d) In each report or update submitted under subsection (a), the Secretary of Defense shall describe each action taken under subsection (b) or (c) during the period covered by such report or update.

SA 464. Mr. BYRD submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

REQUESTS FOR FUTURE FUNDING FOR MILITARY OPERATIONS IN AFGHANISTAN AND IRAQ

SEC. 1122. (a) **FINDINGS.**—The Senate makes the following findings:

(1) The Department of Defense Appropriations Act, 2004 (Public Law 108-87) and the Department of Defense Appropriations Act, 2005 (Public Law 108-287) each contain a sense of the Senate provision urging the President to provide in the annual budget requests of the President for a fiscal year under section 1105(a) of title 31, United States Code, an estimate of the cost of ongoing military operations in Iraq and Afghanistan in such fiscal year.

(2) The budget for fiscal year 2006 submitted to Congress by the President on February 7, 2005, requests no funds for fiscal year 2006 for ongoing military operations in Iraq or Afghanistan.

(3) According to the Congressional Research Service, there exists historical precedent for including the cost of ongoing military operations in the annual budget requests of the President following initial funding for such operations by emergency or supplemental appropriations Acts, including—

(A) funds for Operation Noble Eagle, beginning in the budget request of President George W. Bush for fiscal year 2005;

(B) funds for operations in Kosovo, beginning in the budget request of President George W. Bush for fiscal year 2001;

(C) funds for operations in Bosnia, beginning in budget request of President Clinton for fiscal year 1997;

(D) funds for operations in Southwest Asia, beginning in the budget request of President Clinton for fiscal year 1997;

(E) funds for operations in Vietnam, beginning in the budget request of President Johnson for fiscal year 1966; and

(F) funds for World War II, beginning in the budget request of President Roosevelt for fiscal year 1943.

(4) The Senate has included in its version of the fiscal year 2006 budget resolution, which was adopted by the Senate on March 17, 2005, a reserve fund of \$50,000,000,000 for overseas contingency operations, but the determination of that amount could not take into account any Administration estimate on the projected cost of such operations in fiscal year 2006.

(5) In February 2005, the Congressional Budget Office estimated that fiscal year 2006 costs for ongoing military operations in Iraq and Afghanistan could total \$65,000,000,000.

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

(1) any request for funds for a fiscal year after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) the President should submit to Congress, not later than September 1, 2005, an amendment to the budget of the President for fiscal year 2006 that was submitted to Congress under section 1105(a) of title 31, United States Code, setting forth detailed cost estimates for ongoing military operations overseas during such fiscal year; and

(3) any funds provided for a fiscal year for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

(c) **ADDITIONAL REQUIREMENTS FOR CERTAIN REPORTS.**—(1) Each semiannual report to Congress required under a provision of law referred to in paragraph (2) shall include, in addition to the matters specified in the applicable provision of law, the following:

(A) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Enduring Freedom.

(B) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Iraqi Freedom.

(C) An estimate of the reasonably foreseeable costs for ongoing military operations to be incurred during the 12-month period beginning on the date of such report.

(2) The provisions of law referred to in this paragraph are as follows:

(A) Section 1120 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1219; 10 U.S.C. 113 note).

(B) Section 9010 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1008; 10 U.S.C. 113 note).

SA 465. Mr. BYRD (for himself, Mr. CRAIG, Mr. DORGAN, Mr. BAUCUS, Mr. LEAHY, Mrs. FEINSTEIN, Mr. OBAMA, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 187, after line 4, insert the following:

REDUCTION IN FUNDING FOR DIPLOMATIC AND CONSULAR PROGRAMS

The amount for "Diplomatic and Consular Programs" under chapter 2 of title II shall be \$357,700,000.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", for the hiring of Border Patrol agents and related mission support expenses and continued operation of unmanned aerial vehicles along the Southwest Border, \$179,745,000, to remain available until September 30, 2006.

CUSTOMS AND BORDER PROTECTION

CONSTRUCTION

For an additional amount for "Construction", \$67,438,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", for the enforcement of immigration and customs laws, detention and removal, and investigations, including the hiring of immigration investigators, enforcement agents, and deportation officers, and the provision of detention bed space, \$128,000,000, to remain available until September 30, 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$10,471,000, to remain available until September 30, 2006.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount "Acquisition, Construction, Improvements, and Related Expenses", for the provision of training at the Border Patrol Academy, \$3,959,000, to remain available until expended.

EXECUTIVE SESSION

NOMINATION DISCHARGED

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent the Banking Committee be discharged from further consideration of PN 76, Pamela Hughes Patenaude, to be an Assistant Secretary of Housing and Urban Development; I further ask consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Pamela Hughes Patenaude, of New Hampshire, to be an Assistant Secretary of Housing and Urban Development.

LEGISLATION SESSION

Mr. McCONNELL. I finally ask consent that the Senate then resume legislation.

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

ENSURING DEMOCRATIC REFORM IN THE KURDISH REPUBLIC

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 111 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 111) urging the United States to increase its efforts to ensure democratic reform in the Kurdish Republic.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LUGAR. Mr. President, this resolution urges the United States to increase its efforts to ensure democratic reform in the Kyrgyz Republic.

The Kyrgyz Republic has held two rounds of parliamentary elections, the first on February 27 the second on March 13. While both election rounds showed progress toward the goal of a free, fair, and transparent election process, the elections fell short of the Kyrgyz Republic's Organization for Security and Cooperation in Europe's OSCE and international commitments to fully meet the accepted criteria for democratic elections.

Violations included instances of vote buying, questionable disqualification of candidates and interference with the media.

Inspired by the recent revolutions in Ukraine and Georgia, the people of the Kyrgyz Republic rose against their corrupt government to demand respect for their democratic rights. Nationwide demonstrations sparked by the flawed parliamentary elections led to the departure of President Askar Akayev on March 22. The opposition moved quickly to consolidate control and established an interim government. On April 4, President Akayev officially resigned. But the situation remains fluid. The outcome in the Kyrgyz Republic is critically important for its future, and for people living in the Central Asia region, who hope for a democratic future.

The United States and the Kyrgyz Republic have formed a close relationship since it declared independence from the Soviet Union in 1991. The United States has provided humanitarian assistance, nonlethal military assistance, and assistance to support economic and political reforms. The Kyrgyz Republic also hosts a U.S. military base that provides crucial support to Operation Enduring Freedom in Afghanistan.

However, while the Kyrgyz Republic has advanced quickly in the area of democratic reform since 1991, it has experienced setbacks in recent years. I urge the United States in my resolution to continue its strong support for democratic reform in the Kyrgyz Republic, including respect for the rule of law and human rights.

I also call upon the interim government in the Kyrgyz Republic to move swiftly toward democratic government ratified by the Kyrgyz people by holding free, fair, and transparent presidential elections on July 10, and by ensuring that the new parliament represents the choice of the Kyrgyz people. The United States must provide strong leadership in countries where democracy is still taking root.

I ask my colleagues to support this resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 111) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 111

Whereas on August 31, 1991, the Kyrgyz Republic declared independence from the Soviet Union;

Whereas the Kyrgyz Republic was ruled by President Askar Akayev from October 1991 to April 2005;

Whereas the Kyrgyz Republic held a first round of parliamentary elections on February 27, 2005;

Whereas the United States Government recognized several areas of improvement in the parliamentary elections in the Kyrgyz Republic, including competitive elections and the active participation of civil society, but it noted the elections fell short of the commitments of the Kyrgyz Republic to the Organization for Security and Cooperation in Europe (OSCE) and other international entities to fully meet the accepted criteria for democratic elections;

Whereas nation-wide demonstrations sparked by the flawed parliamentary elections in the Kyrgyz Republic led to the departure of President Akayev and the collapse of his government on March 22, 2005;

Whereas Askar Akayev officially resigned as President of the Kyrgyz Republic on April 4, 2005;

Whereas the Kyrgyz people, through their actions, have created an opportunity for a democratic and stable future for the Kyrgyz Republic;

Whereas the interim government in the Kyrgyz Republic can earn the confidence of the Kyrgyz people and the international community by abiding by its commitment to hold free and fair presidential elections on July 10, 2005, and by ensuring that the members of the new parliament in the Kyrgyz Republic represent the choice of the Kyrgyz people;

Whereas the interim government in the Kyrgyz Republic can move towards resolving the political crisis in the Kyrgyz Republic in a way that confirms the will of the Kyrgyz people by working closely with its immediate neighbors and with the OSCE;

Whereas the United States strongly supports efforts by the OSCE to work with the