No fewer than 15 presidents of the State bar of Texas, Democrats and Republicans, strongly endorse her nomination. Yet these opponents call her an extremist.

She has been praised by groups such as the Texas Association of Defense Counsel and Legal Aid of Central Texas. Yet her opponents call her an extremist.

The American Bar Association, often referred to by our friends on the other side as the ''gold standard'' to determine whether a person can sit on the bench, unanimously gave Justice Owen its highest rating of ''well qualified.'' This means she has outstanding legal ability and breadth of experience, the highest reputation for integrity, and such qualities as compassion, open-mindedness, freedom from bias, and commitment to equal justice under law. Yet some of the very Democrats who once said the ABA rating was the gold standard for evaluating judicial nominees now call Justice Owen an extremist.

Another nominee branded an extremist is California Supreme Court Justice Janice Rogers Brown, nominated to the U.S. Court of Appeals for the DC Circuit. She is the daughter of Alabama sharecroppers. She attended segregated schools before receiving her law degree from the University of California at Los Angeles—in other words, UCLA. She has spent a quarter century in public service, serving in all three branches of State government.

Off the bench, she has given speeches in which she expressed certain ideas through vivid images, strong rhetoric, and provocative argument. Yet it is what she does on the bench that matters most, and there she has been an evenhanded, judicious, and impartial justice on the California Supreme Court.

George Washington University law professor Jonathan Turley knows the difference and recently wrote in the Los Angeles Times:

> But however inflammatory her remarks outside the courtroom, Brown's legal opinions show a willingness to vote against conservative views, particularly in criminal cases, when justice demands it.

In recent terms, Justice Brown has written more majority opinions than any of her colleagues on the California Supreme Court. Yet some in this body brand her an extremist. How can that be? Again, Humpty Dumpty would be proud of this type of misuse of words.

A group of California law professors, including Democrats, Republicans, and Independents, wrote to our Judiciary Committee to say that Justice Brown's strongest credential is her open-mindedness and thorough appraisal of legal argumentation ''even when her personal views conflict with those arguments.'' Yet some leftwing extremist groups call her an extremist.

A diverse group of her current and former judicial colleagues wrote us that Justice Brown is ''a jurist who applies the law without favor, without bias, and with an even hand.'' It is no wonder that 76 percent of her fellow Californians voted to retain her in her State's highest court. Yet her opponents call her an extremist.

If words mean anything, if we in the Senate really want to have a meaningful and responsible debate about such important things, then we should stop playing games with words such as ''filibuster'' or ''extremist.'' There is no precedent whatsoever for these partisan, organized filibusters intended to defeat majority supported judicial nominations and, I might add, bipartisan majority supported judicial nominations.

If Senators believe such highly qualified nominees, who know the difference between personal and judicial opinions and are widely praised for their integrity and impartiality, are extremists, then they should vote against them. But these people should be given an opportunity by having an up-and-down vote. Let's have a full and fair debate. Perhaps the critics will win the day against one or more of these nominees. I doubt it. But we must vote. That is what advise and consent means.

Mr. President, as I close, let me return to the 1881 Matthews nomination for a moment, the one they have had to stretch to try to claim was a filibuster.

In the 47th Congress, a Senate equally divided between Republicans and Democrats confirmed Justice Matthews by a single vote. No doubt, some opponents called him many things, perhaps even an extremist. Well, I doubt that because that has not happened until President Bush became President, as far as I can see in the way it has happened here. But we settled the controversy surrounding the Matthews nomination the old-fashioned way—not by filibustering but by debating and voting up and down. There is no question we should return to that standard.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005

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

The journal 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 licenses 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:

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.

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.

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.

Frist (for Chambliss/Kyl) amendment No. 432, 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.

Frist (for Craig/Kennedy) modified amendment No. 375, 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 under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers.

DeWine amendment No. 340, 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.

DeWine amendment No. 342, 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.

Schumer amendment No. 451, 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.

Reid (for Reed/Chafee) amendment No. 452, to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

Chambliss further modified amendment No. 418, to prohibit the termination of the existing joint-service multiyear procurement contract for C/KC–130J aircraft.

Bingaman amendment No. 483, to increase the appropriation to Federal courts by $5,000,000 to cover increased immigration-related filings in the southwestern United States.

Bingaman (for Grassley) amendment No. 417, to provide emergency funding to the Office of the United States Trade Representative.

Isakson amendment No. 429, 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, and to ensure expeditious construction of the San Diego border fence.

Byrd amendment No. 463, to require a quarterly report on 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 and to address irregularities identified in such reports.

Warner amendment No. 499, relative to the aircraft carriers of the Navy.

Sessions amendment No. 456, to provide for accountability in the United Nations Headquarters renovation project.

Boxer/Bingaman amendment No. 444, to appropriate an additional $35,000,000 for Other Procurement, Army, and make the amount available for the fielding of Warlock systems and other field jamming systems.

Lincoln amendment No. 481, to modify the accumulation of leave by members of the National Guard.

Reid (for Durbin) amendment No. 443, to affirm that the United States may not engage in torture or cruel, inhuman, or degrading treatment under any circumstances.

Reid (for Bayh) amendment No. 388, to appropriate an additional $742,000,000 for Other Procurement, Army, for the procurement of up to 3,300 Up Armored High Mobility Multipurpose Wheeled Vehicles (UAHMMVs).

Reid (for Biden) amendment No. 537, to provide funds for the security and stabilization of Iraq and Afghanistan and for other defense-related activities by suspending a portion of the reduction in the highest income tax rate for individual taxpayers.

Reid (for Feingold) amendment No. 459, to extend the termination date of Office of the Special Inspector General for Iraq Reconstruction, expand the duties of the Inspector General, and provide additional funds for the Office.

Ensign amendment No. 487, to provide for additional border patrol agents for the remainder of fiscal year 2005.

Byrd amendment No. 516, to increase funding for border security.

Reid (for Biden) amendment No. 440, to appropriate, with an offset, $6,000,000 for the Defense Health Program for force protection work and medical care at the Vaccine Health Care Centers.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we made good progress on this legislation yesterday. We considered a number of amendments. We were able to accept some in terms of being able to agree that they be adopted on voice vote. We had some rollcall votes on others. We are pleased that Senators cooperated with our committee. We hope to complete action on this bill today, certainly by tomorrow. But if we move with dispatch to consider the amendments that we know about, it is likely we can finish today, with the cooperation of all Senators. We appreciate that very much.

I know the Senator from Wisconsin, Mr. KOHL, has an amendment relating to PL 480 accounts, and we are prepared to consider that amendment at this time if he wishes to send it to the desk and offer it for the Senate's consideration.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

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

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

AMENDMENT NO. 380

Mr. KOHL. Mr. President, I call up amendment No. 380 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The journal clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. DEWINE, Mr. HARKIN, Mr. DURBIN, Mr. LEAHY, Ms. MIKULSKI, Mr. INOUYE, Ms. LANDRIEU, Mrs. MURRAY, Mr. DORGAN, Mr. COLEMAN, Mr. OBAMA, and Mr. CORZINE, proposes an amendment numbered 380.

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

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

The amendment is as follows:

(Purpopse: To provide supplemental funding for international food assistance)

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 of the funds provided under this heading, $12,000,000 shall be available to carry out programs under the Food for Progress Act of 1985: *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).''.

Mr. KOHL. Mr. President, this amendment increases funding for Public Law 480 Title II to provide food assistance to people around the world where the need is urgent. Senator DEWINE joins me as a cosponsor of this amendment. I also announce that the amendment is cosponsored by Senators HARKIN, DURBIN, LEAHY, MIKULSKI, INOUYE, LANDRIEU, MURRAY, DORGAN, COLEMAN, OBAMA, and CORZINE.

I also ask unanimous consent to add Senators JOHNSON, ROBERTS, DOLE, LUGAR, BINGAMAN, SARBANES, NELSON OF NEBRASKA, and HAGEL as cosponsors.

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

Mr. KOHL. Our amendment increases the food aid amount by $320 million for a total of $470 million. This is not an arbitrary figure but, rather, was designed to meet three definite objectives.

First, our amendment is crafted to meet the U.S. share of emergency food aid assistance needs that have already been identified for fiscal year 2005.

Second, it restores funds for food aid development programs that are vital to end the cycle of starvation in the world's poorest nations. These funds were diverted to meet worsening conditions in the Darfur region of Sudan, and our amendment simply restores them to their original food aid purpose.

Third, our amendment restores funding for the Food for Progress Program for commodities that were diverted to provide assistance to victims of the Indian Ocean tsunami.

Mr. President, I have a letter from President Bush, dated January 13, 2005, and signed by 43 Senators. It points out the dire shortfall in meeting world food aid needs this year. I ask unanimous consent that this letter be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, January 13, 2005.

Hon. GEORGE W. BUSH,
President of the United States, The White House, Pennsylvania Avenue, NW., Washington, DC.

DEAR MR. PRESIDENT: The December 26 tsunami that struck several countries in the Indian Ocean Basin is now known to have killed over 150,000 people, with hundreds of thousands or even millions of others injured or left homeless by the catastrophe. Many of these people have lost all their possessions and find themselves in dire need of essentials such as food, clean water, medical attention and shelter. Over the past several decades, the food aid programs run by the U.S. Agency for International Development and the U.S. Department of Agriculture have demonstrated their capacity to help people in need, but their fiscal 2005 funding will have to be increased for them to do the job properly.

Even before the massive tsunami struck, other unanticipated natural disasters and wars had strained these agencies' ability to provide emergency food aid while still maintaining long-term commitments to development assistance projects. According to one estimate provided to the Senate Committee on Agriculture, Nutrition and Forestry by USAID officials, customary food aid contributions by the United States and other donor countries were expected to fall $1.2 billion short of emergency needs worldwide as of December 9, 2004.

As part of the supplemental appropriations bill you are planning to submit within the next several weeks to cover the cost of military operations in Iraq and Afghanistan, we urge you to include a request for food aid programs to help the tsunami victims in South Asia as well as to address the food aid shortfall generated by pre-existing emergency assistance needs in Africa and elsewhere in the world. A portion of that money should be used to reimburse recent withdrawals from the Bill Emerson Humanitarian Trust.

It is crucial that you take these steps and not attempt to meet the emergency needs by further cutting existing programs. We believe that previous cuts made to developmental food aid programs in this fiscal year should be restored. It would not be appropriate to help the people of South Asia by reducing aid to people in other developing countries. Such a move would be tantamount to feed one group with the seed corn that another group was supposed to sow for crops the following year. We urge you to consider carefully this situation and take whatever actions are necessary to ensure our ability to meet all of our food aid commitments.

Sincerely yours,

Tom Harkin; Dick Lugar; Debbie Stabenow; Bill Nelson; Mary Landrieu; Max Baucus; Pat Roberts; Herb Kohl; Jeff Bingaman; E. Benjamin Nelson; Barbara A. Mikulski; and Dick Durbin.

Larry E. Craig; Norm Coleman, Dianne Feinstein; Byron L. Dorgan; Tim Johnson; Ken Salazar; Conrad Burns; Kent Conrad; Frank R. Lautenberg; J. Lieberman; Chuck Grassley; Daniel K. Akaka; Barack Obama; and Mike DeWine.

Kit Bond; Mark Pryor; Lincoln Chafee; Mike Crapo; Russell D. Feingold; Ron Wyden; Chuck Hagel; Elizabeth Dole; Patty Murray; Blanche L. Lincoln; Jon Corzine; and Olympia Snowe.

Patrick Leahy; Evan Bayh; Christopher Dodd; Jim Talent; and Mark Dayton.

Mr. KOHL. This letter was signed by Republicans and Democrats alike. That is as it should be. Compassion should not be a partisan issue.

Mr. President, I also ask unanimous consent to have printed in the RECORD an article from the April 13, 2005, Wall Street Journal that makes a very strong case why additional funding for these programs is necessary.

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

[From the Wall Street Journal, April 13, 2005]

SUDAN'S FARMERS HUNGER FOR U.S. AID

(By Scott Kilman and Roger Thurow)

Seventeen years ago, Philip Majak abandoned his 30-acre farm in southern Sudan, fleeing the ethnic and religious fighting that would kill two million people over two decades, including his first wife. Now, with a tentative peace treaty holding since January, he is itching to go home.

''My house is destroyed, and my tractor. My 70 cows were stolen, the land has grown wild,'' he says at a refugee camp outside Khartoum, Sudan's capital. ''I'll need help to start farming again.'' He looks to two sources of support: ''God will provide. And America.''

Maybe not.

The U.S. government for years pushed hard for peace in the south of Sudan between the Muslim-dominated government in Khartoum and the rebel group supported by the region's Christian residents. The Americans said that as peace came, so would seeds and tools to help Sudanese farmers rebuild one of Africa's potential breadbaskets.

But Sudan's reconstruction period is dawning just as budget pressures in Washington are siphoning money from precisely this sort of U.S.-backed development work around the globe. One project now in limbo would have given Sudanese refugees food for rebuilding farms and roads in the Bahr el Ghazal region—Mr. Majak's home—in the southern part of the country.

The U.S. Agency for International Development is reducing funding this fiscal year for 67 development projects in such far-flung places as Angola, Bolivia and Peru. Those projects represent 80 percent of all international development work financed by USAID's Food for Peace office, the budget for which is shrinking at least 13 percent to $1.4 billion during the fiscal year ending in September.

The food-aid crunch could worsen next year. The Bush administration, trying to rein in the U.S.'s record federal budget deficit with broad spending cuts, proposes to slice a further 33 percent from US AID's Food for Peace budget in fiscal 2006 to $964 million.

Food for Peace donates cash and American-grown commodities, such as wheat flour, corn, soybeans, lentils and peas, to humanitarian groups for two types of foreign assistance: emergency feeding and long-term-development work. Development projects help poor nations modernize their farms so they are less vulnerable to famine. Humanitarian groups sell the donated commodities to raise money for such things as repairing farm roads, digging irrigation wells and vaccinating children. Some groups give the commodities to villagers and farmers as pay for work on these projects.

Charitable groups rely heavily on the Food for Peace program for their hunger-fighting work in the poorest parts of the world. Catholic Relief Services, for example, says USAID is withholding $1.6 million of the $4.4 million in Food for Peace support promised for its work in Angola. As a result, Catholic Relief Services has shelved plans for everything from farming classes to food-for-work projects.

''How can a country as wealthy as the U.S. break these sorts of commitments?'' says Marianne Leach, director of government relations in Washington for CARE, which has lost about half of its U.S. funding for development programs in Mozambique and Tajikistan.

White House budget spokesman Noam Neusner says the Bush administration is ''providing as much support as we can in an effective way. . . . Eradicating hunger is an important priority of this administration.''

USAID officials say it is all a matter of priorities. Given budget constraints on the Food for Peace program, they are raiding development projects for commodities and cash to respond to a wave of immediate food shortages in places such as Ethiopia, northern Uganda, Chad and Darfur, the western region of Sudan where fighting continues. Last year 35 countries needed emergency food aid, according to the United Nations' Food and Agriculture Organization.

''We have a budget crunch,'' says Andrew S. Natsios, USAID administrator. ''Our first priority is to save peoples' lives.''

As the swelling U.S. budget deficit creates momentum in Congress and the White House to cut government spending, the Food for Peace budget is particularly vulnerable because America's food-aid practices are under attack at the World Trade Organization. Rival exporting powers long have complained that Washington uses food aid to dump surplus crops, thereby subsidizing U.S. growers.

Congress is on record recognizing the importance of development projects in preventing famines. The 2002 Farm Bill that guides U.S. agricultural policy mandates that 75 percent of the 2.5 million tons of commodities USAID is supposed to donate through the Food for Peace program goes to non-emergency development projects. But the law gives USAID the power to ignore the mandate during an emergency. As a result, the Bush administration is spending for more of the Food for Peace budget on food emergencies than on development projects.

Other federal programs beyond Food for Peace sponsor overseas development work, too. USAID plans to spend $562.2 million on agricultural development this fiscal year, double what was spent in fiscal 2001 by all of its programs. But much of the increase is going to a few countries, such as Iraq and Afghanistan. A study released this week by two Washington advocacy groups—Partnership to Cut Hunger and Poverty in Africa and Resources for the Future—found that U.S. government support for agricultural development in Africa has stagnated in recent years.

An exception in Africa is Sudan, where Washington plans to spend more on agricultural development in places where peace takes hold. Donors at an international aid conference yesterday pledged $4.5 billion to rebuild southern Sudan; of that total, $1.7 billion was committed by the U.S., including $850 million already committed.

But that represents total aid, not just agriculture. Many needs are still going unmet in southern Sudan. Citing tight funds, USAID rejected a request from World Vision Inc. in September for $7.8 million of cash and commodities to use in Bahr el Ghazal for emergency food rations as well as food-for-work projects from digging wells to building seed-storage facilities.

Washington would seem to have a lot riding on the reconstruction of southern Sudan. Beyond its plentiful oil, Sudan presents a test of the Bush administration's ability to bring peace to a region that has been a source of instability and terrorism in Africa. The U.S. has given it about $2.9 billion of humanitarian aid since 1983.

U.S. officials thought long and hard about how to restart the Sudanese economy. A blueprint of sorts is laid out in a 2003 report by USAID. Looking beyond a recent history of three famines and several near-famines, it sees a potential breadbasket. Blessed with a diverse climate and abundant arable land for a wide range of crops, a peaceful Sudan could, with help, emerge as an agricultural exporter.

Mr. KOHL. The simple truth is that current funds are insufficient due to worsening conditions in the world. Those conditions include the ongoing conflict in Darfur and food shortages in the south of Sudan; drought conditions in Ethiopia; flooding in Bangladesh; infestations of locusts in western Africa; and ongoing fighting and refugee conditions in the Democratic Republic of Congo, Chad, Rwanda, and Uganda.

By far, the vast majority of spending in this supplemental is to support our efforts in Iraq. While it is important we show the world we are a strong nation, it is also important we show the world we are a compassionate nation.

In his inaugural address, the President spoke forcefully about ending tyranny and spreading democracy. Everyone shares those objectives. We also know those objectives cannot be achieved solely by force or gesture politics. Instead, they demand a commitment to diplomacy and human compassion.

I am proud this amendment has drawn bipartisan support. I am grateful to Senator DEWINE and the other cosponsors for their help. I hope this amendment will meet with the approval of all Senators, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, Senator KOHL has indicated a very impressive list of cosponsors who ask that the Senate agree to this amendment. I know of no other request for time to debate the amendment. I do not want to cut off any Senator, but we are prepared to go to a vote on the amendment if there are no Senators who wish to debate.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 380) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 388

The PRESIDING OFFICER (Mr. COBURN). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, Senator BAYH and I have an amendment on Humvees the floor manager is familiar with. I am going to speak on that issue. The amendment is a Bayh-Kennedy amendment. My colleague and friend, the Senator from Indiana, intends to address the Senate very shortly on this issue. I wanted to take an opportunity, in these final hours of consideration of the supplemental, to bring this to the attention of the Senate and the American people.

I am delighted to join my colleague Senator BAYH in sponsoring our amendment which increases the funding for the procurement of up-armored Humvees for the Army. The Senate is currently debating an appropriations bill that will provide $81 billion primarily for the ongoing war in Iraq. This funding will bring the total United States bill for the war in Iraq to $192 billion and still counting. All of us support our troops. We obviously want to do all we can to see that they have the proper equipment, vehicles, and everything else they need to protect their lives and carry out their missions.

It is scandalous that the administration has kept sending them into battle in Iraq without the proper equipment. No soldier should be sent into battle unprotected. That is exactly what happened in Iraq. As recently as December 2004, soldiers were still digging through landfills to find metal plating to attach to their vehicles for protection—their ''hillbilly'' armor, they call it. It has also been well documented that parents went in desperation to the local Wal-Mart to buy armored plates and mail them to their sons and daughters serving in Iraq. That is incomprehensible and unacceptable for our soldiers. More than 400 troops have already died in military vehicles, vulnerable to roadside bombs, grenades, and other so-called improvised explosive devices. Our amendment will provide additional funding to buy up-armored Humvees and add-on armor kits for the Humvees for the Army.

As we all know, the Humvee is a highly mobile four-wheel-drive vehicle. The up-armored Humvee is a version with bullet-resistant windows and steel-plate armor on the doors and underside to protect against rifle rounds and explosive blasts. It has additional armor for the turret gunner on the roof to protect against artillery, and a powerful air conditioning system. The add-on armor kits are mounted on the existing Humvees to give almost as much protection.

According to a Philadelphia Inquirer article 2 weeks ago, the Army says all of its 35,000 vehicles in Iraq now have some sort of armor. But a third of them are protected with nothing more than crudely cut sheets of steel which are inadequate by the Army's own standards, according to figures released Friday. The largest threats for vehicles are improvised explosive devices, rocket-propelled grenades, small arms fire, and landmines.

Humvees and other military vehicles have become the target of choice for insurgents. Shrapnel from roadside bombs or even a simple AK–47 round can slice through an unprotected Humvee. Some of them have little more than vinyl fabric for their roofs and doors. Our troops in unprotected Humvees in Iraq would be safer riding in SUVs.

According to the Center for Army Lessons Learned, the harm to both personnel and equipment from improvised explosive devices is greatly reduced when traveling in an up-armored Humvee. It has taken far too long to solve this problem. We have to make sure we solve it now, once and for all. We can't keep throwing money at it and hope it goes away. The delay in correcting the problem has cost the lives of many brave young men and women killed in combat because they were in unarmored vehicles.

On July 20, 2003, SGT Justin Garvey, a Massachusetts casualty, was with the 101st Airborne Division and was killed in Mosul when his unarmored Humvee was hit by a rocket-propelled grenade while on patrol.

A few months later, on September 1, 2003, SSG Joseph Camara and SGT Charles Caldwell, Massachusetts natives with the Rhode Island National Guard, were killed north of Baghdad when their unarmored Humvee struck a mine.

On October 18, 2003, PFC John Hart of Bedford, MA, was killed in Taza in Iraq, when his unarmored Humvee was hit by a rocket-propelled grenade. I attended his burial at Arlington National Cemetery on November 4, 2003. I still remember the letter the parents showed me from that young man saying he was out on patrol and if he did not get armor on his Humvee, the chances of his survival were going to be very limited. Three weeks later he was lost.

Last week, a Kentucky National Guard soldier died when shrapnel came through the window of his vehicle. A comrade says James A. Sherrill, 27, could have been saved if antiballistic glass had been installed.

The saddest part of this story is that the Army could have and should have moved more quickly to correct the problem. As retired GEN Paul Kern, who headed the Army Materiel Command until last November, said:

> . . . It took too long to materialize. In retrospect, if I had it to do all over again, I would have just started building up-armored Humvees. The most efficient way would have been to build a single production line and feed everything into it.

In a letter to me dated October 20, 2003, General Abizaid, the CENTCOM Commander, said:

> The FY 2004 Supplemental Request will permit the services to rapidly resolve many of the equipment issues that you mentioned to include the procurement of . . . Humvees.

That goes back to October 20, 2003, General Abizaid saying that the 2004 appropriations were going to solve this problem.

In February 2004, General Schoomaker, Chief of Staff of the Army, testified at an Armed Services Committee hearing that:

> . . . the army never intended to up-armor every Humvee—never until this kind of situation that we have today . . . We have taken armored units, artillery units, all kind of other units and put them into Humvees as motorized formations, which never existed before. And so this is an area where you cannot fix it overnight.

That is in February of 2004. And we are now in April of 2005. The problem still hasn't been fixed.

On December 8, 2004, during a townhall meeting with the United States Secretary of Defense Rumsfeld in Kuwait, a young soldier alerted the American public to the issue of armor shortages when he asked:

> Why do we soldiers have to dig through local landfills for pieces of scrap metal and compromised ballistic glass to up-armor our vehicles and why don't we have those sources readily available to us?

After the applause from the troops, Rumsfeld replied:

> It's essentially a matter of physics. It isn't a matter of money. It isn't a matter on the Army of desire. It's a matter of production and capability of doing it. As you know, you to go war with the army you have, not the army you might want or wish to have at a later time.

He later remarked in the same townhall meeting:

> You can have all the armor in the world on a tank and a tank can be blown up. And you can have an up-armored Humvee and it can be blown up.

We have been told for months that the shortage of up-armored Humvees was a thing of the past and the Army has enough to ensure that every Humvee that left a protected base in Iraq would be an up-armored Humvee or a Humvee with an add-on kit. This month, the GAO released a report that clearly identifies the struggle the Army has faced. In August 2003, only 51 up-armored Humvees were being produced a month. It took the industrial base a year and a half to work up to making 400 a month.

Imagine that. It took a year and a half for the United States of America to move from 50 a month to 400 a month; a year and a half. I don't know how many saw that incredible documentary on the History Channel the other night of President Roosevelt talking about the gearing up in World War II, where we were producing a victory ship a day, over 350,000 planes a year, this country. A victory ship a day we were producing, 350,000 planes a year, and it took us a year and a half to move from 50 to 400 a month. This wasn't given a priority. Of the 35 young Americans from Massachusetts who have been killed, a third of them have been killed from attacks on Humvees.

The great majority of those, the veterans say, could have survived if they had had the protected Humvees.

It is obvious the Department has no solution, did not have the priority to provide for the up-armor of the Humvees. Secretary of the Army Brownlee told the Armed Services Committee in October 2003 that:

> . . . with the up-armored Humvee, it is more of a challenge. If we go strictly with the up-armored Humvee, it could be as late as the summer of '05 before we would have them all.

This is in October 2003, we are told in the Armed Services Committee it is going to be the summer of 2005 before our troops are going to have the protection they should. Since it is now spring 2005, it looks as though he was right.

According to the GAO report, there are two primary causes for the shortage of up-armored vehicles and add-on armor kits. First, a decision was made to ramp up production gradually rather than use the maximum available capacity. Second, the funding allocations did not keep up with the rapidly increasing requirements. Obviously, the Pentagon was still being influenced by its cakewalk mentality.

The GAO report specifically states that the Pentagon decisionmakers set the rate at which both up-armored Humvees and armor kits would be produced and did not tell Congress about the total available production capacity. The GAO was unable to determine what criteria were used to set the pace of production. In both cases, additional production capacity was available, particularly for the kits, but not used.

The funding issue was part of the problem. Funds were available to support the planned pace of production of up-armored Humvees. But GAO found that four program managers were not aware of the timeframe for releasing funds. Although the Army received over $1.4 billion between fiscal years 2003 and 2004 to produce 7,500 vehicles, it was not released in a timely and predictable way. In August of 2003, the managers received requirements for 1,407 vehicles, but had received funding to produce less than half of that number.

By October 2003, program managers had a requirement to produce 3,000 vehicles, but once again received funding to produce less than half of that. Significant differences continued until April of 2004, when requirements reached 4,400 vehicles and the program managers received funding to produce 4,300 vehicles.

The major short-term solution to the up-armored Humvee funding issue has been the additional funds from congressional increases. Parents and spouses of fallen service members contacted Members of Congress to demand attention to the problem. For fiscal years 2003 and 2004, the Army received over $1.4 billion to produce 7,500 up-armored Humvees to meet worldwide requirements, including 8,000 vehicles required for the CENTCOM's area of operation.

In fiscal year 2004, the Army received more than $1 billion to produce up-armored Humvees. Compared to the Bush administration's budget request for $51 million, the parents and spouses made an enormous impact. To meet the continuing needs for force protection, Congress recommended $865 million in the 2005 appropriations bill to be used by the Army for additional armor for Humvees and other vehicles.

As part of the Rapid Response Force Protection Initiative, Congress intends the funds to be used for a variety of vehicles to respond rapidly to the threat of improvised explosive devices and mortar attacks against our forces. These are short-term fixes.

Amazingly, the GAO found that Army officials have still not made long-term efforts to improve the availability of up-armored Humvees or add-on armor kits. We need to get ahead of this problem. The requirements for up-armored Humvees keep changing.

Of the time I have been in the Armed Services Committee, we have had nine different estimates by the military—I will include them in the RECORD—in their testimony before us, going from 30 September 2003, for 1700; November 2003, 3,000. Then they kept going up by thousands over time.

Young American servicemen who are out on patrols do not have that equipment. It is one thing if the insurgents have some surprise capability and some technique or technology that we are not prepared to deal with, but we know how to uparmor humvees and we know how to make armor plating.

The fact that we have young people who are risking their lives without that protection is what this amendment is about. I know we will hear from the other side—because I have heard it every time I have been part of offering an increase in the funding for the last 3 years—we have enough, we don't need more. We will hear that here again. But we find out that we are still shortchanging the military.

Gary Motsek, Director of Support Operations for the Army Materiel Command in Fort Belvoir, VA, said:

> I'm going to get in trouble, but the real challenge is, there had always been an assumption, quite frankly, that the requirements would continue to tail off.

Obviously, since we are still losing an average of more than one soldier a day since the Iraqi elections in January, those assumptions are clearly wrong.

It is a tragedy that our soldiers are still paying the price for this delay. In 2003, when it came time to mass-produce uparmored humvees, the Army had only a single source to turn to. It had little interest in this work before Iraq and did not shop for others. Pentagon Acquisition Chief, Michael Wynne, testified to Congress a year ago:

> It's a sad story to report to you, but had we known then what we know now, we would probably have gotten another source involved. Every day, our soldiers are being killed or wounded in Iraq by IEDs, RPGs, small arms fire. Too many of these attacks are on humvees that are not uparmored. . . . We are directing that all measures to provide protection to our soldiers be placed on a top priority, most highly urgent, 24–7 basis.

That is his recent statement and we welcome it. In his testimony, Wynne said: It is a sad story, but had we known what the parents knew and what those on the front lines knew, certainly we would have acted quicker.

But 24–7 didn't happen even then until January this year. The plant had capacity that the Army never consistently used, as the plant manager has said.

In November 2003, I asked Secretary Brownlee about armor delays, noting that the three Massachusetts soldiers had died in unarmored humvees. ''Are they running their plant 24 hours?'' Secretary Brownlee said the plant in Ohio was running at ''maximum capacity.'' But it wasn't. Army documents show the monthly armor production at the plant fell after that, from about 55 to 45 humvees a month, in December.

The plant took its usual week off at Christmas and the armoring plant took two 4-day weekends. Owners say they could have built more—if the Army had ordered it.

In early 2004, Members of Congress toured the plant and found that its ballistic glass operation was operating on just one shift.

Now we have an opportunity to end this frustration once and for all. Our soldiers in Iraq deserve the very best, and it is our job to make sure the Department of Defense is finally getting it right. Too many soldiers have died because of these needless delays, but hopefully this will be solved by what we do in this bill today.

The Bayh-Kennedy amendment contributes significantly to this goal. I urge my colleagues to support this bill.

Mr. President, I point out that in the House they have found that there wasn't sufficient funding for the President's request. The House appropriators increased their appropriations by $232 million. They thought that was the bare minimum to bring it up on their review of the shortage.

I think the Bayh-Kennedy amendment is much closer to the real need. But clearly it is very important that we have an increase in this particular funding in this area.

Mr. President, I hope the committee is willing to accept the amendment.

I ask unanimous consent that a paper indicating rising humvee requirements be printed in the RECORD.

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

RISING HUMVEE REQUIREMENTS

30 September 2003	1,723
17 November 2003 (Iraq and Afghanistan)	3,142
17 November 2003 (total including backfill)	3,331
17 November 2003 (potential increase)	3,600
10 December 2003 CENTCOM requirement	3,506

8 January 2004 CENTCOM requirement	3,512
30 January 2005 CENTCOM requirement	4,149
01 July 2004 CENTCOM requirement	8,125
08 April 2005 CENTCOM requirement	10,079

Mr. KENNEDY. Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 380

Mr. DEWINE. Mr. President, in the Senate just a few minutes ago, we passed an amendment offered by Senator KOHL and myself, which was an amendment for international aid for $470 million to help provide food for the millions of people in the world who are in dire need of food.

First, I thank Chairman COCHRAN for working with Senator KOHL and myself on this amendment. Senator COCHRAN is someone who has been a leader in this area, a leader in providing food for people around the world throughout his career. I thank him for his great work.

I also thank the cosponsors: Senators COLEMAN, HAGEL, LUGAR, ROBERTS, DOLE, HARKIN, DURBIN, LEAHY, MIKULSKI, INOUYE, LANDRIEU, MURRAY, DORGAN, JOHNSON, CORZINE, and OBAMA.

Additionally, I thank the Coalition for Food Aid, the U.S. Conference of Catholic Bishops, InterAction, and the numerous other groups who have been calling offices in the Senate in support of this important amendment. Their support has made a difference.

This past year has been notable for the very high profile humanitarian crises we have seen in the world, in the Darfur region of Sudan, and the catastrophic tsunami that swept throughout Southeast Asia. Little attention, however, has been paid to other horrible crises that have occurred, such as the locust damage to crops and livelihoods in sub-Saharan Africa, or the devastating floods in Bangladesh and Haiti. They have not received nearly as much attention. These crises have drained the international food aid system, and clearly this system is now in need of replenishment. That is what this deals with.

This month, the U.N. World Food Program announced that it would be forced to cut rations in Darfur. Our own U.S. Agency for International Development has been forced to cut food aid programs in such countries as the Sudan, Angola, Nicaragua, Ghana, and Eritrea.

We cannot wait for the regular appropriations cycle to replenish the food aid resources that have been expended on the extraordinary emergencies that have occurred and are anticipated to occur in the remainder of this fiscal year. That is why this amendment was so very important. Waiting is simply not an option because lives are on the line. Waiting for the regular appropriations cycle will simply be too late.

We have an opportunity with this amendment and this bill to help show the hungry people of the world that they are not forgotten. I thank my colleagues for their support for this amendment. It is important that we maintain it in conference. It will, in fact, make a difference.

Again, I thank the chairman for his assistance and my colleagues for their support.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I rise today to discuss what we are doing and why we are doing it and the overall evaluation of this bill.

We are going to run at least a $600 billion deficit this year, a real deficit. What is said out there is that it is going to be $410 billion, but it is not. We are going to take $150 billion worth of Social Security money and spend that, and then we are going to have this supplemental, which is now at $81 billion. So we are going to be at about $630 billion, $640 billion in deficit.

What is that deficit? That deficit is money we don't have today, that we are going to go borrow, but we are going to ask our grandchildren to pay it back. I don't want anybody to have any misunderstanding. I believe we need to have an emergency supplemental appropriation right now. I believe it ought to be designed for emergencies—true emergencies. That is what it is here for. I believe we ought to do whatever is needed for our troops and our efforts in the war on terrorism. I also believe we need to meet the commitments in terms of catastrophic weather events and the tsunami.

I think we ought to pass out of this body what can truly be spent on that in the near term. What I don't think we should be doing—and I realize I am in a minority—is spending money and authorizing money to be spent from 2007 to 2012 that is surely and obviously not an emergency. I will have a hard time going home and looking at some of the poor children in Oklahoma when we spend this extra $21 billion out of this emergency. Each one of those poor children, when they grow up, is going to have to pay back about $5,000. That is what the difference is personally to them after 30 years of us borrowing. It is interesting to note that we have not truly paid off any of our bills, except for one short period of time, around 1999, 2000. So when we borrow the money, it continues to go up and it continues to compound and it continues to undercut the standard of living of future generations of this country.

If there is anything our heritage teaches us, it is that the prices that were paid for us to have the opportunity we have today is something that we ought to transmit to future generations.

I understand there are going to be objections to me bringing up my amendments; they aren't germane. I understand I need to have unanimous consent to be able to bring those up. I am not going to call for them at this time, but I will continue to talk about each one of those issues. I think it is important that the American public understand what is in this bill.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. COBURN. Yes.

Mr. MCCAIN. I think amendments have been called up in the regular order. I ask the Senator why he would have reluctance to call up these amendments. If someone objects to it, then I will start objecting to the calling up of other amendments, if that is the way Members want the Senate to work. I understand this is a pretty straightforward amendment. The University of Hawaii's library is going to get $10 million for free on something that has nothing to do with Afghanistan, Iraq, the tsunami, or anything else. If somebody wants to object, I would like to inform my colleagues that we will start objecting to amendments being called up. It is a pretty straightforward amendment that strikes a $10 million earmark for the University of Hawaii library and the legislative rider for the Philadelphia Regional Port Authority; is that correct?

Mr. COBURN. That is correct.

Mr. MCCAIN. I ask my friend, why don't we bring them up? If somebody objects, then I will object to other amendments being brought up, particularly ones that are this straightforward.

Mr. COBURN. I thank the Senator.

Mr. MCCAIN. Does the Senator have a response?

Mr. COBURN. I will call them up and we will see what happens. I want to set the field a little bit more.

I think it is important that the American people understand what is in this bill, and there are legitimate things in this bill that we need to have to fund the war on terrorism. I don't want to debate this issue or delay it. I want us to pass it. I don't want us to have to vote on every amendment I put up.

I think it is incumbent upon us to be honest with the American people. When we call something an emergency, it ought to be an emergency. This bill has $21 billion in it that is going to eventually cost our children $100 billion in the next 30 years, and it is not an emergency. It should go through the regular appropriations process. It is important for the American people to also understand if it is regular stuff that is in the emergency, the budget rules don't count. So we are going to spend $20 billion that should be taken out of next year's budget requirement, and we are going to sneak it in now so we can spend $20 billion more next year. That is what it is about.

We need to be honest. We are never going to solve our budgetary problems or spending problems, or we are never going to have the process work in this country where the pressure comes on this body to not spend our children's

future, unless we are honest about what is in the budget and how the appropriations process works.

Let's take, for example, the embassy in Iraq. This is a $500 million embassy—$500 million, a half-billion dollars. It is not just an embassy. It is the whole thing there, to give credit. It is going to have greater requirements than any other embassy we have, but it is a half-billion dollars.

In this appropriation bill, only $106 million of it is going to be spent over the next 2 years; $385 million is going to be spent from 2007 to 2012. That is not an emergency. What you will hear from the Appropriations Committee is they have to let the contracts. It is only 3 months between now and the time we start the regular appropriations process. We can let a contract and the conditional authority for a $500 million embassy. We should not move that up now.

There are also some good questions about whether we ought to be spending $500 million on an embassy complex in Baghdad. That needs to be looked at. That needs to be talked about before we commit our children's future. That is one example of the areas in which we need to be making sure the American public knows what is going on.

The purpose of an emergency wartime supplemental is to immediately fund ongoing emergency needs for our troops or for disaster—emergency needs. My objection to this bill is it has $19 billion to $20 billion in it that is not emergency. It does not have anything to do with an emergency, but it has to do with outyear spending we can now put into this bill which has to pass to fund our troops.

Let me just give some history. Since September 11, 2001, Congress has passed four individual supplemental bills in ongoing efforts to fund the war against terror. In those bills was $56 billion that did not have anything to do with the war on terror or homeland security. Think about that, $56 billion. When we add this up, we are going to be at $72 billion over the last 4 years in money that is not emergency and money that is not about the war on terrorism and that is not money about homeland security.

Why is that? It is because our process is broken. The only way it changes is for the American public to become informed about how the process works. This is not to question the motives of any of our Members. They want us to control spending as well, but they also want to satisfy the demands that are placed on them, the office, for all the demands that come in from across this country.

The fact is, we are our own worst enemy because we have trouble saying no to those we care about, even though we do not have the money to do it or do not recognize we are really stealing a standard of living from our children and our grandchildren.

There is $10 million, as Senator MCCAIN mentioned, for a library. There is no question that the University of Hawaii has an emergency. By their own quoted statements, the president of the University of Hawaii said the damage is about $50 million. With this $10 million and what the State legislature has done there, they are going to collect over $100 million for a $50 million damage, and with the requirements under FEMA for having a 75-percent/25-percent grant, even though it was required, we are now going to supply that.

It may not be a one on one, it may not be their intent, but the fact is $10 million is fungible, which is exactly their matching grant to get it repaired. Is it an emergency? Is it something that needs to be done or is it something that is going to be covered already? Is it something we, as Congress, should be supplying or is it something for which the people of Hawaii should be responsible? It is a legitimate question, and if it should be there, then it ought to go through the appropriations process where it can be looked at, not stuck in a bill that is a ''must pass'' bill. That is something about which we need to talk.

Mr. President, 6 years ago, the Capitol Police were told they needed to move out of their storage and receipt building in southeast Washington, DC. We now have $23 million in this bill to move the Capitol Police receiving station out of the area so we can build a baseball stadium. I have a whole lot of trouble thinking that comes anywhere close to the emergency requirements of our troops in Iraq and Afghanistan. It is almost laughable that we would put that in as an emergency.

I understand people have a very different opinion of that than I do, but I think a baseball stadium pales in comparison to what the need of an emergency appropriation is. I think it is wrong to have money in an emergency appropriation to do something such as that. It can come through the regular order, especially since they have had 6 years to have done it.

I must say the chairman of this committee has been very kind to me in answering questions and working with me. I think he has brought what he thought the body could pass and get back to the President. I do not want to cast any direction against any individual, but I believe we have to have a challenge, and one of the reasons I came to the Senate is so I can look at what we are doing so I can help educate the American people on what is really happening.

I call up my amendments Nos. 450, 467, 506, and 471, and I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. I object.

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendments be set aside and that I be allowed to call up four amendments.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Yes, I object.

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

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendments be set aside and that I be allowed to call up three amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 450, 467, AND 471, EN BLOC

Mr. COBURN. Mr. President, I call up amendments Nos. 450, 467, and 471.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes amendments numbered 450, 467, and 471, en bloc.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 450

(Purpose: To remove a non-emergency provision)

On page 166, strike lines 8 through 20.

AMENDMENT NO. 467

(Purpose: To remove non-emergency spending)

On page 202, strike lines 1 through 13.

AMENDMENT NO. 471

(Purpose: To reduce appropriations for the Iraqi embassy to reduce outlays expected to occur in fiscal year 2007 or later)

On page 172, strike ''$592,000,000'' and insert ''$106,000,000''.

Mr. COBURN. Mr. President, the first amendment deals with contracting in the Defense Department. There is no objection or intent to label anything other than the process under which we allow $40 million of expenditures to go out that does not go through a true competitive bidding process. There is no question it will benefit what we are doing. There is no question it is a need in terms of what we had. The question in bringing this amendment up is because of the process and the lack of open, competitive bidding associated with $40 million of the taxpayers' money.

I have no question that possibly the person who has this contract or will get this contract under the present bill may be the best, but the American people and future generations of this country need to make sure that is what happens and it happens every time so that we do not spend any money unwisely.

I believe it is tremendously prudent on our part, in reassessing where we are and the tremendous risks facing our economy from the valuation of the dollar, our deficit spending, and the difficulties we are going to be facing on Social Security and health care, that we pay attention to every detail. This was noted in the report language. There may be a much better explanation for it.

Without losing control of the floor, I yield to my chairman, the Senator from Pennsylvania.

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

Mr. SPECTER. Mr. President, I thank the Senator from Oklahoma for yielding to permit me to respond to the amendment which he has filed.

When the Senator from Oklahoma commented earlier about the need to hold down the deficit, I am in complete agreement with what he had to say. The amendment pending does not have any expenditure at all. It is a clarification of a preexisting allocation which was in the Omnibus appropriations bill last year, and it was in a proper bill. It was not designated as emergency spending; it was an appropriations bill.

This money is being allocated to develop the port facilities in Philadelphia to accommodate a very new kind of ship which will compete with air travel and which has very substantial military as well as commercial purposes.

There is a long history to this particular item. Originally, there was an effort to have the construction undertaken partly in the United States, and this $40 million was to be a loan guarantee. Without going into a very elongated history, the manufacturers of the ship worked it out to have it done overseas. It is a loss to the United States. We had a meeting with members of the Armed Services Committee and the Secretary of the Navy. Secretary English tried to work it out and could not. Then the decision was made that the $40 million that already had been appropriated would be directed toward the port facility in Philadelphia to accommodate these ships.

There is no other port facility that can take these ships. This is part of a larger expenditure where the Port Authority is putting up $75 million of its own. So there is nobody in the market here to say we have $75 million and we would like to have access to this $40 million that has already been allocated.

In broader terms, I think it is fair to characterize this expenditure and reallocation. The Navy is prepared to do it, but they want to have the language so they are complying with the congressional direction. This is part of the effort to make up for the Philadelphia industrial base, what happened when the Philadelphia navy yard was closed some years ago. That yard was closed with fraudulent misrepresentations made by the Department of the Navy, not something I am saying today for the first time. I filed a lawsuit in the Federal court of Philadelphia because they had concealed opinions, letters, from two admirals who said the navy yard should be maintained but downsized.

I argued the case personally in the district court and went to the Court of Appeals for the Third Circuit and lost it in the Supreme Court where the Supreme Court was faced with the alternative of disallowing some 300 base closures if they were to upset the Philadelphia navy yard closure. It was the basis of delegation of constitutional authority.

It would be my hope that my colleagues in the Senate would allow this committee report to stand because it is not an expenditure, it does not burden the deficit. It is clarification so that the Secretary of the Navy can act in accordance with congressional wishes, and it has a military as well as a commercial purpose.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I happen to have been at the meeting that the Senator from Pennsylvania—whom I admire and respect enormously—had with the Secretary of the Navy. I was so proud of the Secretary of the Navy because unequivocally the Secretary of the Navy said: No, we do not want this money, we do not have the technology, we do not have the design for this, this is not one of our requirements, and we do not want to spend $40 million in this fashion. It was as strong a statement as I have ever heard from the Secretary of the Navy.

This is basically a $40 million giveaway of the taxpayers' dollars to a private corporation that has nothing to do with the war in Iraq and Afghanistan. It has nothing to do with it. The language of the bill says ''support'' high-speed military sealift and other military purposes.

Maybe there are other military purposes. There is no design today for a high-speed military sealift. I wish there were. It is affordable. But the fact is that there is not. The fact is the Navy unequivocally said they do not want taxpayers' dollars, defense dollars, spent on this port in the city of Philadelphia, another legislative rider.

This has nothing to do with Afghanistan, it has nothing to do with the tsunami, it has nothing to do with Iraq, and it has nothing to do with the Navy's requirements for a high-speed military sealift capability. This is really an egregious example of what happens in appropriations bills because there has never been a hearing before the Armed Services Committee nor any consideration in the Armed Services Committee of this particular request and would not be because it is not something we would rationally consider. But we put it on—$40 million worth on an appropriations at a time when the GAO says:

> If we continue on our present path, we'll see pressure for deep spending cuts or dramatic tax increases.

And Federal Reserve Chairman Alan Greenspan says:

> It falls on the Congress to determine how best to address the competing claims.

Which is our trade deficit as well as our burgeoning Federal deficit.

We do not need to spend the $40 million. I appreciate the efforts Senator SPECTER has made, over many years, for the city of Philadelphia and the Navy yard. I can guarantee the Senator from Philadelphia that a lawsuit will probably hire some more lawyers. But if he thinks it is going to reverse a BRAC decision and reopen the Philadelphia Navy Shipyard as a naval shipyard, it will be one of the more fantastic outcomes in the history of the United States of America.

Again, I respect his advocacy for the Port of Philadelphia. I respect his belief that somehow we are going to come up with a high-speed military sealift. That vision and view is not shared by the Armed Services Committee nor by the Secretary of the Navy nor the Secretary of Defense. I hope we will be able to pass this, and I am sure we probably will not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am a little at a loss to hear the Senator from Arizona talking about reopening the Navy shipyard. Maybe it is a good idea but it is not my idea. It is not my idea today.

This $40 million has already been appropriated. It was done in the Omnibus appropriations bill last year in regular order. So contrary to what the Senator from Arizona says, we are not talking about appropriating $40 million. What we are talking about is clarifying the purpose for which $40 million has been appropriated.

While the Senator from Arizona may not think there is the realism of a high-speed military sealift, these fast ships can move military cargo as fast as they can be transported by air.

I hate to repeat myself. I have already done it once. There is no outlay of money. This money has been appropriated. It is a direction to the Department of the Navy as to how it is being expended for a very important purpose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. The Senator from Pennsylvania is correct. It was in last year's Omnibus appropriations bill, it was not in the Defense appropriations bill. It was not authorized in the Defense authorization bill.

Let me tell you what is so egregious about it. In the appropriations bill, in the Omnibus appropriations bill, it says, blah, blah, blah:

> . . . for a grant to Philadelphia Regional Port Authority, to be used solely for the purpose of construction, by and for a Philadelphia-based company. . . .

Here we are in an Omnibus appropriations bill we passed last year that not only designates $40 million that needs

to be spent but without competition, without scrutiny, without examination:

. . . by and for a Philadelphia-based company established to operate high-speed, advanced-design vessels for the transport of high-value, time-sensitive cargoes in the foreign commerce of the United States, of a marine cargo terminal and IT network for high-speed commercial vessels that is capable of supporting military sealift requirements.

Last year, it was astonishing that we would put in an omnibus appropriation a requirement that $40 million be spent by and for a Philadelphia-based company. In other words, a company in Seattle or a company in Charleston or a company in Oklahoma, they couldn't compete for this. It had to be a Philadelphia-based company. What is it about Philadelphia-based companies that warrants them receiving a $40 million contract without competition from anybody else?

I say to my friend from Pennsylvania, this is egregious. We should not be designating certain cities as a base for any company to compete for any contract of any kind.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to make certain everybody understands. This was appropriated. It was not directed clear enough for the Department of Defense to want to spend the money. What we are seeing is they want a clearer direction. I do not fault the Senator from Pennsylvania at all for trying to give them a clearer direction. I would like to do that for some companies in my area as well.

The fact is, it is not the way to run an airline, it is not the way to run a company. The omnibus appropriations process is not the way to run a country either, and it is my hope we don't get there this year either.

Mr. MCCAIN. Is the Senator aware—I misspoke. This is the language in this bill designating it for a Philadelphia-based company. Designating it for a Philadelphia-based company is in this legislation before us. I hope that is clear.

Mr. COBURN. The reason it is there is because they wanted the direction on where to spend it. I understand the intention of the Senator from Philadelphia, his purpose. The reason I raise this question is I believe this is the wrong way we should be doing things. We need to stop. Our future depends on the integrity of a budgeting and appropriations process that is not based on politics but is based on having the future best will for our country.

I don't have anything further to say on this, other than the Senator has given a great explanation. I understand what it is. He is trying to do something. The problem is, the military doesn't necessarily want to do that.

I yield to my chairman, the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, by way of very brief reply: There is no other competitor which has $75 million put up and which is in a position to accommodate these fast ships. This matter came up last year. It seems to me it is a decided matter. It is not quite a principle of res judicata. If there is to be an objection—perhaps there was an objection. I don't recall last year. There were many objections raised to expenditures in the appropriations bill. But if there was an occasion to defeat it, that was the time, not on what is essentially a technical amendment to accommodate the Department of the Navy so they know precisely what they are doing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I view this as a technical amendment to last year's bill. Last year, we provided these funds for the maritime cargo terminal, primarily because it is going to present us now with one of the most high-speed, advance-design capabilities of handling military sealift requirements. This provision clarifies the intent of the funds provided in prior fiscal years and provides authority to the Navy to execute those funds as we intended. The Navy says it needs this amendment in order to do that. We tried to clarify this issue in the 2004 bill but the Navy lawyers again said it wasn't sufficient. They want the greater authority to execute the funds in the way that is necessary for this port authority. Our language in the bill has been now reviewed by the Navy. The Navy now agrees with this language. If we finally enact this language, it will be sufficient to carry out our original intent.

I see the Senator from Arizona is on the floor. It is my intention to make a motion to table this amendment but I would be pleased to yield to the Senator. I do not want to offer my motion in a manner that would reduce his right to speak on the amendment.

Does the Senator wish time on this amendment?

Mr. MCCAIN. I do.

Mr. STEVENS. I understand the Senator from Oklahoma has four amendments—three more?

Mr. MCCAIN. Two more.

Mr. STEVENS. Two more. I think they are all to the Defense portion of the bill. Are they? Is this the only one to the Defense portion of the bill?

Mr. COBURN. Yes.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I do not want to take any more of the body's time. I would point out this provision appeared in the conference report of the Omnibus appropriations bill, which meant I never had a chance to propose an amendment to strike that $40 million because it was in the conference report. It was never in the original omnibus which would have been—or Defense Appropriations Committee bill and considered on the floor of the Senate. So I had no opportunity.

The Senator from Pennsylvania asked why we didn't object then. It is because I couldn't. I had an up-or-down vote on a bill that was ''that'' high. We had, I believe, less than 24 hours to act on that, much less read it.

If there is any objection to me or consternation about me objecting to it now, I didn't have the opportunity to object to it because $40 million, along with tens of billions of dollars of pork, was stuffed in it last year in this egregious and outrageous process we have evolved into called the Omnibus appropriations bill, and this was stuck in it.

I want to say again, it is not appropriate to designate ''by and for a Philadelphia-based company'' any money, any of our tax dollars. Our tax dollars should be competed for.

With respect to the chairman of the Defense Appropriations Subcommittee, when he says ''the Navy agrees,'' of course the Navy agrees because it is there. But the Navy did not agree in a meeting the Senator from Pennsylvania and I had with the Secretary of the Navy, where they adamantly refused to agree to have this money spent because they have no fast ship even on the drawing boards, much less any that could be based in Philadelphia.

We are going to pass this. I do not believe we can beat it. But now we are in the practice of designating a locality-based company to spend $40 million of American taxpayers' dollars. That is not right.

I will bet there is expertise around the country—even if this were necessary—to be able to compete for this $40 million contract. But now we are designating it to the city of Philadelphia. I wonder if people out in the county might be able, or maybe someone in Pittsburgh might be able to compete for it. Probably not.

This is a wrong way to legislate. In these times of burgeoning fiscal deficits, for us to designate money to be spent by a local-based company is just the wrong way to designate, and I think most Americans would agree.

I do not intend to extend this debate any further. I yield the floor.

Mr. COBURN. Mr. President, I ask unanimous consent to withdraw the amendment.

Mr. MCCAIN. I object.

Mr. COBURN. I ask for a voice vote on the amendment, amendment No. 450.

The PRESIDING OFFICER. It is not in order to request a voice vote.

Mr. COBURN. Mr. President, I would like to discuss amendment No. 471.

The PRESIDING OFFICER. The amendment is pending.

Mr. STEVENS. Will the Senator yield?

Mr. COBURN. I will.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 450

Mr. COBURN. I ask for the regular order on amendment No. 450.

The PRESIDING OFFICER. That amendment is now the regular order.

Mr. COBURN. I would like to ask for a voice vote on this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 450) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 471

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to visit amendment No. 471, which reduces funding in the supplemental for the Iraqi Embassy. According to the report language on this bill, $592 million is to be appropriated over the next 7 years for an embassy in Iraq. I do not have any objection. I think there ought to be tremendous hearings on the amount of money expended on that, but $592 million? Mr. President, $106 million of that is all that will be expended over the next 2 years. So what is going to happen is we are going to have $486 million hanging out there that will be rescinded and spent on something else.

First of all, we had a vote in this body, of which 61 Members of this body voting on the Byrd amendment this week agreed that the President ought to put everything that he sought for the war in Iraq and for its needs in the regular budget and the regular appropriations request he sends to the Congress.

By far, 61 Members out of 100 of this body will agree with the principle that I am bringing forward. They voted for it. The idea with this amendment is to trim the appropriations from what is expected to be spent for the next 2 years. And it is even questionable whether that is an emergency.

I also note that the House, in passing the supplemental bill, eliminated the ability of this money to be spent for an embassy. I will state that the purpose of the emergency wartime supplemental ought to be to fund operations and projects that are emergencies. Money that is going to be needed for this embassy and complex in 2007, 2008, 2009, 2010, 2011, and 2012 can be appropriated at that time. It can be authorized before then, but it can be appropriated at the proper time.

Again, quite simply, the emergency supplemental should only contain items we need right now in order to fight the war on terror.

I will have trouble finding somebody who will actually debate on why we need to spend $586 million on an embassy complex, and we need to do it now rather than run it through the regular appropriations process.

Mr. COCHRAN. Mr. President, will the Senator yield for a response to that statement?

Mr. COBURN. I would be happy to yield.

Mr. COCHRAN. The Senator suggested he does not know anyone who would debate the issue or support the funding that is contained in the bill. The Senator is totally incorrect about that. There is a difference of opinion as reflected in the House-passed bill and the bill as reported by the Senate Committee on Appropriations. We had hearings on this issue. We had testimony that was compelling from the Secretary of State, Dr. Condoleezza Rice. We had an appeal that was made personally to Senators on the committee by the Secretary, which were very compelling.

To give some example of what the Secretary said, we have personnel, who are trying to live and stay alive in the Bagdad regions, who are representing the interests of the United States, who are trying to contribute toward a democracy being established under very difficult and dangerous circumstances. Many of them are located in temporary shelters, some are in tents, some are in other structures. We have people trying to carry on the work of our U.S. Embassy in a palace that was formerly occupied by Saddam Hussein that is not safe from mortar attacks or other military actions and terrorist activities. There is a perimeter that is very difficult to defend that we have all heard about and read about in the newspapers and seen on television. And to follow the suggestion of the Senator from Oklahoma to do nothing to try to establish quarters that are safe, that can be protected, that will permit our Ambassador to operate safely in a secure environment, we would be neglecting our obligations as representatives of the people of this great country.

To say that they are on their own, to continue to try to manage the way they have been for the last year and a half, I think that would be an absolute abrogation of responsibility for this Senate.

Our committee recommended that we approve the request submitted by the administration for these funds. I strongly support the appropriation. I will defend the action of this committee on this issue as long as the Senator wants to debate it.

So to say there is no one who is willing to argue the point is absolutely without basis in fact.

Mr. COBURN. Mr. President, I agree with everything the chairman said except he didn't talk about the issue I am raising. The issue I am raising is spending $400 million in the years 2007 through 2012 should go through the regular appropriations process. I want us to have an embassy over there. I want us to do the very things the chairman outlined.

But, again, we are playing a game with the appropriations process. The administration is playing the same game by requesting it. We have $592 million, and only $106 million is going to be spent in the next 2 years to accomplish what the honorable chairman of the Appropriations Committee said. Why not run the rest through the regular order? Why put this to the bottom line and not make us do what we need to do in time of parity in how it is spent?

Again, I think this extra money, this $486 million, ought to go through the regular order. We are going to go out and borrow and ask our kids and our grandchildren to pay it back. When you ask them to pay it back, it is going to be at a rate of about seven or eight times what we borrow. We are not paying back money, we are paying interest, and then we are paying interest on the interest. That very well equates to us abandoning the vision that we want to give the future of this country; that is, opportunity and freedom, and we can't do that if we continue. All of this money in this bill goes straight to debt. None of it goes through the budget process. There is no limit. We are going to go out and borrow the money tomorrow. It is going straight to debt.

I don't disagree with the chairman at all. I appreciate his working with me on this committee in terms of learning, of teaching a new Senator the ropes. He has been wonderfully kind to me. But the fact is, only $106 million is going to be expended over the next 24 months after this is put out, and the rest of it ought to go through the regular order. That is all I am asking. I am saying it should come through the regular appropriations process. That is all I am asking. I am not saying don't do it. I am saying do it in a way in which we are held accountable, and we are going to hold our children accountable. It isn't just about numbers. It is about the future of our country and whether we are going to change the process in Washington that truly recognizes that we have to start being responsible.

The South Korean Government, about a month ago, made one little, small comment about changing their mix on foreign holdings. The dollar fell 1.8 percent that day. We will not be able to hold the value of the dollar in the international financial community unless we are seen as being competent and secure about solving our problems and not spending money we don't have. This is a good first place to start.

There is nothing wrong with sending it through the appropriations process on the regular order. It makes it a little harder for the appropriations team; I understand that. They have already done what they have been asked by the administration to do. But we need to send a signal to the administration to quit asking for money in outyears on the appropriations process so we don't look as bad when we count the so-called deficit. Remember, this is going against the deficit. It won't go against the published numbers. It is outside the rules of the game because we call it all an emergency. Money spent on an embassy in Iraq in 2011 is not an emergency to anybody in this country I

know of. I think we would have trouble finding it.

With that, I will cease discussion on that issue and discuss amendment No. 467.

Mr. COCHRAN. Mr. President, will the Senator yield before he abandons this issue?

Mr. COBURN. I would be happy to yield to the chairman.

Mr. COCHRAN. I want to point out that the Department of State submitted to the committee a letter on April 18, 2005 in justification for proceeding with the funding for the embassy compound and pointed out the reasons it was important to approve the full funding now. It is not something we dreamed up or that we are doing to undermine the integrity of our fiscal soundness as a country. It is not irresponsible in any way whatsoever.

Here is what the letter says in part:

This funding request in the supplemental is more urgent as a result of the highly successful Iraqi elections. Now that it is clear that Iraq is on the road to full sovereignty, building a permanent United States embassy has become imperative. In order to complete compound construction within 24 months construction must start now.

That is why it is an emergency in any sense of the word. That is why our committee was impressed with this argument. This argument wasn't made very well over on the House side of the Capitol. But it was in person by the Secretary in appeals to individual Members. I can recall being in my State and getting a telephone call from the Secretary of State on this subject to emphasize the importance of doing what we are recommending the Senate approve.

Here is another sentence from this same letter signed by Nicholas Burns. I will have it printed in the RECORD so Senators will be able to read the letter in its entirety.

We need the Committee-recommended level of funding to ensure that we can adequately house and protect U.S. Government staff for our mission in Baghdad. Less than the full Committee-recommended funding level will delay moving our people into more safe, secure, and functional facilities, causing greater risks to U.S. Government personnel.

That is good enough for me. I think it is good enough for the Senate, and I hope the Senate will reject this amendment.

I ask unanimous consent that a copy of this letter that I referred to be printed in the RECORD.

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

DEPARTMENT OF STATE,
Washington, DC, April 18, 2005.

Hon. THAD COCHRAN,
Chairman, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN, As the Senate considers the President's FY 2005 Supplemental request, I would like to draw attention to the Committee recommendation of $592 million for funding the New Embassy Compound (NEC) in Baghdad. We appreciate the Senate Appropriations Committee including the funding for the NEC and while each element of the President's request is critical and deserves the full support of Congress, I understand that amendments may be offered that would drastically reduce the funding level recommended by the Appropriations Committee to build the new Embassy.

On behalf of the Secretary of State, I am writing to support the full funding recommendation of the Senate Appropriations Committee. We need the Committee-recommended level of funding to ensure that we can adequately house and protect U.S. Government staff for our mission in Baghdad. Less than the full Committee-recommended funding level will delay moving our people into more safe, secure, and functional facilities, causing greater risks to U.S. Government personnel. The completed NEC, as currently planned and budgeted, will provide personnel from the Department of State and the other civilian agencies with the best possible security situation under the circumstances. We must begin construction of this compound as soon as possible to improve the safety and security of our U.S. Government employees. The current offices and housing in the Palace complex are operationally inadequate, as the facilities were never designed as offices and are only marginally usable as an Embassy. We need an appropriate, secure facility to carry out the U.S. Government's business in Iraq. Furthermore, the Palace complex has symbolic importance to the Iraqi people. We have agreed to return the Palace and other properties to them and returning the Palace will be a symbol of normalization in our relations.

This funding request in the supplemental is more urgent as a result of the highly successful Iraqi elections. Now that it is clear that Iraq is on the road to full sovereignty, building a permanent United States embassy has become imperative. In order to complete compound construction within 24 months construction must start now. The NEC buildings are being planned with the maximum flexibility so that the mission needs for U.S. Government agencies, including the State Department, can be accommodated upon completion. We have sized the NEC to meet interagency vetted diplomatic, functional, and security requirements. Should we not receive the full Committee recommended funding level in the Senate passed supplemental, we would be unable to build an embassy that meets those safety, security and space requirements. Additionally, without full funding of the Committee recommendation site maintenance costs would be extended and the costs of construction could rise. In the meantime, the high security and operating costs associated with the interim embassy facilities would remain.

We look forward to continuing to work with the Congress to secure the funding required for this important project. Thank you for your support of this Supplemental request.

Sincerely,

R. NICHOLAS BURNS,
Under Secretary of State for Political Affairs.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Wyoming.

Mr. COBURN. Madam President, again, great words. True. We need to do it. But that doesn't address the issue of why that money should not go through the regular process on the outyears. I understand the tough job the chairman has to do.

AMENDMENT NO. 467, WITHDRAWN

With that, I will move, if I may, to the next amendment, No. 467.

Madam President, this is an amendment that ought not have to be brought forward. There is no question that there was, in fact, significant damage and flooding at the University of Hawaii. There was, in fact, significant loss of records and volumes at the University of Hawaii. There was, in fact, over $30 million in FEMA money that was sent to the University of Hawaii. There was, in fact, a $10 million matching contribution from the State of Hawaii for that matching grant. There is at least $25 million in insurance proceeds to go with the State assembly that was also trying to actively increase that amount, and public statements were made by the president of the University of Hawaii outlining the damage assessment, with this $10 million that is not truly an emergency anymore in this bill.

This is not directed toward the Senator from Hawaii in any way. I wanted to talk about this, and then I am going to withdraw this amendment, if I have a unanimous consent to do it. But I want to use it as an example of what we shouldn't be doing.

The fact is, they haven't even spent all the money that has been sent out there for the repair of this facility right now. On an emergency basis, we are going to appropriate $10 million more. If you total up everything, if you take what the University of Hawaii said and others have said about the total cost of the flood, $50 million, there is going to be $100 million that goes toward the University of Hawaii for a $50 million flood. That is bad enough. But this is not the way we ought to be doing this process.

I am standing on the floor of the Senate today to offer amendments, not critical of any one individual but critical of the process because I believe if we don't have a functional, structural process change in how we appropriate taxpayer dollars in this country, we are going to undermine the standard of living for the next few generations. We very well could be the first generation of Americans to leave the next generation worse off.

I believe things that are in an emergency bill ought to be truly emergencies. No. 1, they ought to have to be spent out in a short period of time, and with that comes the authorization for further spending so the appropriations committees can have the direction, so they don't have to spend it all and then rescind it.

I believe we need to change things. We look around to our children. We see a future, we see hope, we see promise. But we see all of that in light of what we see today. We don't think down the road about what potentially can happen to our country—now $9 trillion in debt, with $600 billion worth of trade deficit every year with multiple poor countries in the world that export agricultural products holding large amounts of our dollars that are also dependent on our dollars staying at a certain value. We have to think long range about how we do this.

I am challenging how we think, not to make a mark or to direct anything

toward any individual person. We have to change. I will stand on every appropriations bill to come in the future and I will personally read the appropriations report language to find out what is there, and use the privilege granted to me as a Member of this body to raise these issues until we change how we do it.

It is my hope I don't have to do that. I don't want to have to do that. But it is very important we start down a new road. It is not a partisan issue. It does not have anything to do with Democrats or Republicans but it has to do with our children, the future of our country, the viability of defending ourselves.

Every dollar we waste or do not spend appropriately is $1 we cannot use to defend ourselves or create the technology to compete in this global economy. We have to do what is right for future generations.

I will withdraw this amendment, as well, but I want to put my fellow Members on notice that I will be bringing this up. It is time to change. I don't do that with any ill will. I don't do it saying I have all the knowledge. But what I do know is I want a future for our country and for the children. We cannot continue doing what we are doing in terms of spending. We cannot continue either the process or the procedure on how we are doing it.

With that, I ask unanimous consent to withdraw amendment numbered 467.

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

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. I thank my colleague from Oklahoma for withdrawing this amendment.

If I may, for clarification, so the record can be clear, the United States historically has responded expeditiously to all disasters—natural or domestic, manmade—when American communities seek assistance. For example, we provided $2 billion for the Midwest floods in 1993. We provided $56 million to Oklahoma City for the Murrah Federal Building disaster—not for the building itself but for other projects, community development, street alignments, and such. We also provided over $3 billion for Midwest floods in 1997, and for all of the hurricanes.

This flood in Moanalua Valley on the island of Oahu in Hawaii was one of those extraordinary disasters that occurs about once every 100 years. It went down the valley and literally wiped out parts of the University of Hawaii. I point out that the university library has not received any FEMA funds. These funds are beyond what the State has put in for construction and reconstruction and rebuilding. This is for cleanup. This is for restoration of books so our students can continue studying. We are not asking for anything more than what other communities have been receiving.

I am most grateful to the Senator from Oklahoma for withdrawing his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 443

Mr. DURBIN. Madam President, I have an amendment pending numbered 443 and I would like to speak to it. I will not call it for a vote because there may be need for debate in the Senate.

This is an amendment I am cosponsoring with Senator LEVIN and Senator FEINSTEIN. The amendment requires that none of the funds appropriated by this supplemental appropriations bill be expended to subject anyone in the custody or control of the United States to torture or cruel, inhuman, or degrading treatment.

I know the managers of the bill are trying to dispense with amendments. I understand this amendment has been cleared by the managers. However, one Senator or another on the other side of aisle has objected, so a rollcall vote might be necessary.

I ask my colleagues to consider for a moment what could possibly be the basis for a Senator objecting to an amendment which says we won't spend any American taxpayer funds to torture prisoners. We have signed all the treaties. We have passed the laws. This is the law of the land.

This amendment says, let's remind people again that what happened at Abu Ghraib is not American policy. The abuses at Guantanamo Bay are not American policy. It is aberrant conduct. It is the kind of conduct which we do not condone.

We should state clearly in this appropriations bill that all the money being appropriated—$80 billion plus—is not to be used for the purposes of torture.

This should be an easy amendment. In fact, it has passed twice in the Senate by unanimous consent. But now a Senator on the other side of the aisle has problems with it. I don't understand. It simply affirms our Nation's very important, longstanding obligation not to engage in torture or other cruel treatment. That standard is in the U.S. Constitution and in many treaties ratified by the United States.

I wrote this amendment very carefully. I am not putting in any new language, new ideas. I am restating existing law that governs the conduct of Americans. It is limited to the torture or cruel and inhuman or degrading treatment ''that is prohibited by the Constitution, laws or treaties of the United States.'' In other words, it prohibits conduct already prohibited under U.S. law. It simply restates it. It is important we do restate it.

I am afraid one of the terrible legacies of the invasion of Iraq is going to be this whole question of how we treated prisoners. We should not mince words. We are opposed to torture and cruel, inhuman, or degrading treatment. We have voted that way before. The American people support that. We should say so in this supplemental appropriations bill.

This amendment specifically provides:

> Nothing in this section shall affect the status of any person under the Geneva Conventions or whether a person is entitled to protections of Geneva Conventions.

So the amendment does not extend the protections of the Geneva Conventions to anyone who does not already have those protections.

It is important to note this amendment is virtually identical to an amendment I offered to last year's Defense authorization bill and an amendment Senators MCCAIN and LIEBERMAN offered to the intelligence reform bill. Both of them were adopted by the Senate by unanimous voice votes. In fact, this amendment is actually more limited than those because it applies only to funds appropriated and does not contain any reporting requirements.

Last year, when he accepted my amendment to the Defense authorization bill, Senator WARNER, the chairman of the Armed Services Committee, said in the Senate:

> The unambiguous policy of this and preceding administrations is to comply with and enforce this Nation's obligations under international law. These obligations are embedded in American domestic law.

Senator WARNER continues:

> So I think it is very important we do the codification, as the Senator [from Illinois] recommends.

Unfortunately, in conference, the Defense authorization amendment was revised to a nonbinding sense-of-the-Senate amendment. The intelligence reform amendment was eliminated in conference. That is why I am offering this amendment today.

It is important. Many around the world, especially in the Muslim world, are watching us, watching the United States, and they want to know whether we will stand by our treaty obligations in this age of terrorism. With American troops in harm's way, Congress must send a clear signal that we are committed to treating all detainees humanely.

The prohibition on torture and other cruel treatment is deeply rooted in American history. The Framers of the Constitution made clear they intended the Bill of Rights to prohibit torture and other forms of cruel punishment. It was un-American then; it is un-American now.

These principles guided us during times of war. In the Civil War, President Abraham Lincoln asked Francis Lieber, a military law expert, to create a set of rules to govern the conduct of U.S. soldiers in the field. The result, the so-called Lieber Code, prohibited torture and other cruel treatment of captured enemy forces. This was the foundation for the modern law of war, which is embodied in the Geneva Conventions.

After World War II, we discovered what had happened in Nazi Germany. Horrified by those abuses, the United

States and its allies created a new international legal order based on respect for human rights. One of the fundamental tenets of this new order was a universal prohibition on torture and cruel, inhuman, and degrading treatment. The United States took the lead in this effort, establishing a number of treaties that banned the use of torture and other cruel treatment against all persons at all times. There are no exceptions to this prohibition.

The United States, along with a majority of countries in the world, is a party to the Geneva Conventions, the International Covenant on Civil and Political Rights, and the Torture Convention, all of which prohibit torture and cruel, inhuman, or degrading treatment, the exact words in my amendment.

Aside from our legal obligations, there are also important practical reasons for standing by this commitment.

Torture is ineffective. It is an interrogation tactic that produces unreliable information. People who are being tortured will say almost anything to stop the pain.

Resorting to torture will make it harder for us to defeat terror. In the words of the independent 9/11 Commission:

Allegations that the United States abused prisoners in its custody make it harder to build the diplomatic, political, and military alliances the government will need [to win the war on terrorism.]

The 9/11 Commission was right.

Most importantly, engaging in torture or cruel treatment places our brave service men and women at risk. The U.S. Army knows this. The Army Field Manual on Intelligence Interrogation says the following:

Use of torture or other illegal methods is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the interrogator wants to hear. Revelation of use of torture by U.S. personnel will bring discredit upon the U.S. and its Armed Forces while undermining domestic and international support for the war effort. It may also place U.S. and allied personnel in enemy hands at greater risk of abuse by their captors.

Retired RADM John Hutson served our country 28 years. For the last 3 years he was the Judge Advocate General, the top lawyer in the Navy. Last week he sent me a letter in support of this amendment. He wrote as follows:

Clarion opposition to torture and other abuse by the U.S. will help protect U.S. troops who are in harm's way.

Former Congressman Pete Peterson, a personal friend of mine, a man I served with in the House of Representatives, was a prisoner of war in Vietnam for 6½ years. He came to see me recently. He is doing great. He was our former Ambassador to Vietnam under President Clinton. In a letter of support for this amendment he said:

Congress must affirm that America stands by its moral and legal obligation to treat all prisoners, regardless of status, as we would want the enemy to treat our own. Our courageous service men and women deserve nothing less.

As the great American patriot Thomas Paine said:

He that would make his own liberty secure must guard even his enemy from oppression.

This year, Congress should affirm that the United States will not engage in torture and other cruel treatment.

I thank the chairman for his leadership on the bill. We are reaching a point where there are only four or five identified germane amendments and this is one of them. I would like to call this amendment for a vote. I know there are some on your side who may want to speak to the amendment so I will not try to do it at this time, but I would hope any staffers or those listening to the debate who know of opposition to this amendment would contact the chairman and let him know when they are coming to the floor. I will join them and in short order summarize what I have said, answer their comments, and ask for a vote. I know the chairman is anxious to get this bill completed to send to the President.

Mr. COCHRAN. Mr. President, I am happy to assure the Senator we will have an opportunity to vote on any amendments that require votes. There are some Senators who are off the premises right now and I ask they be given some notice so they can get back. We will confer with the leader and I will consult with the Senator from Illinois. I thank the Senator for his assurances.

REAL ID ACT

Madam President, I rise in opposition to the REAL ID Act. The REAL ID Act is a measure the House Republicans attached to the supplemental appropriations bill. It has little or nothing to do with appropriations for tsunami victims, or appropriations for our men and women in uniform. It is a separate immigration matter, and a very controversial one.

They chose this bill because they know we need this bill. It needs to be signed by the President. So they are hoping to push through this change in immigration law on a bill that is a must-pass bill. We have had no hearings, no debate, no votes in the Senate on this so-called REAL ID Act.

The Senate Republican leadership has stated it is opposed to including this act in the appropriations bill. I hope they mean it. The test will come when this bill returns from the conference committee.

I want to take a couple minutes to explain why the REAL ID Act is something we should debate. The proponents of this act claim it is simple, that all it wants to do is prevent illegal immigrants from obtaining driver's licenses.

Several States across America have decided, in their State legislatures, to allow the issuance of State driver's licenses to people who are not documented. You know the argument: Those people are going to drive anyway. It is better they are licensed, that they clearly have demonstrated they can drive a truck or a car, and they have insurance.

Now, we can get into that debate, and it would be an interesting one, as to whether those States have made the right decision. This bill says all the States that have decided to issue the driver's licenses are wrong. So it would prohibit those who are undocumented from receiving driver's licenses.

If that were the only issue, it is one we could debate for a little while and decide whether we ought to preempt all of these State legislatures. But this bill does so much more. The REAL ID Act would mean real big problems for the States and a lot of people. It imposes very difficult standards for driver's licenses on the States.

When we passed the intelligence reform bill, we carefully crafted language—bipartisan language—to establish standards for States issuing driver's licenses. We did not tell the States who could receive a driver's license. That has always been a State decision. But we required that the Federal Government work cooperatively with the States to create minimum Federal standards for driver's licenses. Standards will be established for, among other things, documents presented as proof of identity, fraud prevention, and security features included in driver's licenses.

The REAL ID bill goes far beyond this intelligence reform provision. Its impact will be felt by every American when they go in for a driver's license. It requires that the State DMV verify every document, including birth certificates, presented by every applicant, including American citizens. This means significant expense and long processing delays.

If a State, incidentally, fails to comply with the REAL ID provisions included in the House bill, no resident of that State—listen to this carefully—no resident of that State will be able to use their driver's license for Federal purposes. So what would that mean? The most common form of identification in an airport is a driver's license. If you have been on an airplane, you know it. People bring out their driver's license.

This provision coming over from the Republican House says if your State does not comply with this law, if you are a resident of that State, you cannot use your driver's license to get on an airplane. What will you use? If you have a passport, I guess you could use it, but many people do not have a passport. So it goes way beyond what it needs to do to make certain we have secure driver's licenses.

As I mentioned earlier, we have already addressed the issue of driver's license security in the intelligence reform bill. The Federal Government is already meeting with State governments to negotiate new minimum Federal standards for driver's licenses. The REAL ID Act would stop this process dead in its tracks by repealing the

driver's license provision in the intelligence reform bill.

Incidentally, the REAL ID Act is opposed strongly by the States. Every Senator has received a letter opposing the REAL ID Act from the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, and the American Association of Motor Vehicle Administrators. They have said clearly, this REAL ID Act will ''impose technological standards and verification procedures, many of which are beyond the current capacity of even the Federal Government.''

Madam President, I ask unanimous consent to have this letter printed in the RECORD.

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

MARCH 17, 2005.

Hon. WILLIAM H. FRIST,
Majority Leader,
U.S. Senate, Washington, DC.
Hon. HARRY REID,
Minority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR FRIST and SENATOR REID: We write to express our opposition to Title II of H.R. 418, the ''Improved Security For Driver's Licenses and Personal Identification Cards'' provision, which has been attached to H.R. 1268, the fiscal year 2005 supplemental spending measure. While Governors, state legislatures, other state elected officials and motor vehicle administrators share your concern for increasing the security and integrity of the driver's license and state identification processes, we firmly believe that the driver's license and ID card provisions of the Intelligence Reform and Terrorism Prevention Act of 2004 offer the best course for meeting those goals.

The ''Driver's Licenses and Personal Identification Cards'' provision in the Intelligence Reform Act of 1004 provides a workable framework for developing meaningful standards to increase reliability and security of driver's licenses and ID cards. This framework calls for input from state elected officials and motor vehicle administrators in the regulatory process, protects state eligibility criteria, and retains the flexibility necessary to incorporate best practices from around the states. We have begun to work with the U.S. Department of Transportation to develop the minimum standards, which must be completed in 18 months pursuant to the Intelligence Reform Act.

We commend the Members of the U.S. House of Representatives for their commitment to driver's license integrity; however, H.R. 418 would impose technological standards and verification procedures on states, many of which are beyond the current capacity of even the federal government. Moreover, the cost of implementing such standards and verification procedures for the 220 million driver's licenses issued by states represents a massive unfunded federal mandate.

Our states have made great strides since the September 11, 2001 terrorists attacks to enhance the security processes and requirements for receiving a valid driver's license and ID card. The framework in the Intelligence Reform Act of 2004 will allow us to work cooperatively with the federal government to develop and implement achievable standards to prevent document fraud and other illegal activity related to the issuance of driver's licenses and ID cards.

We urge you to allow the provisions in the Intelligence Reform Act of 2004 to work. Governors, state legislators, other state elected officials and motor vehicle administrators are committed to this process because it will allow us to develop mutually agreed-upon standards that can truly help create a more secure America.

Sincerely,

RAYMOND C. SCHEPPACH,
Executive Director, National Governors Association.
LINDA R. LEWIS,
President and CEO, American Association of Motor Vehicle Administrators.
WILLIAM T. POUND,
Executive Director, National Conference of State Legislatures.
DAN SPRAGUE,
Executive Director, Council of State Governments.

Mr. DURBIN. COL Margaret Stock, who is a law professor at West Point, points out that military personnel around the world will be dramatically impacted if their State driver's licenses are not accepted by the Federal Government. It is not simply a matter of getting on an airplane. For our men and women overseas it can be much worse. She wrote:

This law threatens to disrupt thousands of routine yet official acts that occur daily on every military post in the world. . . .The proposed law threatens vital functions of the Department of Defense, and promises unforeseen headaches for military personnel and their family members.

Madam President, I ask unanimous consent to have this article printed in the RECORD.

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

THE ''REAL ID'' ACT—A REAL NIGHTMARE FOR DOD

(By LTC Margaret D. Stock, USAR)

If you watched or heard the congressional debate over H.R. 418, the ''REAL ID Act of 2005,'' you might have thought this proposed law—which passed the House of Representatives Friday, February 11, 2005, by a vote of 261–161—was all about stopping terrorists from getting on airplanes. But you would be wrong. This bill—which sets new rules for state motor vehicle departments (DMVs)—promises to be more of a nightmare for DoD than a deterrent to any terrorists.

Consider this language, which is found in the section creating federal standards for state driver's licenses and identification cards:

''Beginning 3 years after the date of the enactment of this Act, a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section.''

No state currently meets the requirements of the proposed law, and it's unlikely that many will be able to comply within three years. the ''REAL ID'' Act would require, among other things, that each state create an expensive new computer system for issuing state driver's licenses and identification cards; obtain security clearances for its DMV employees; verify with the issuing agency the validity of each document offered by an applicant in support of a driver's license application; put digital photos on all licenses; print the principal residence of the applicant on the face of the license; ensure that all prior licenses have been terminated before issuing a new one; verify the immigration status of all applicants; and color-code licenses to show that the state has complied with the law. While all these goals may be laudable, achieving them any time soon is almost impossible, particularly within three year. And yet any license issued in violation of this law cannot be used ''for any official'' federal purpose unless a special waiver is granted by the secretary of homeland security.

Here are some ''official'' federal purposes for which state driver's licenses and identification cards are commonly used by military members, their families, and their friends:

Enlisting in the military; obtaining an initial military identification card; Obtaining a U.S. passport; voting in a federal election; registering a vehicle on a military installation; entering a military installation; driving on a military installation; entering a federal building; writing a check to a federal agency; obtaining federal firearms licenses; boarding an airplane; boarding an Amtrak train; or obtaining federal hunting or fishing licenses.

If this law passes, military members and their families won't be able to do any of these things with their state driver's licenses and ID cards—unless they are lucky enough to be residents of a state that manages to meet the three-year deadline for compliance.

Military personnel will be harmed by this law in other ways as well: Deployments often prevent soldiers from renewing their licenses in a timely manner, and many states give them ''automatic extensions.'' These extensions would be barred. Many states currently issue licenses to military members that are ''valid without photo.'' This practice will not be barred by federal law. The REAL ID Act on its face also bars military police and other federal law enforcement officials from using state driver's licenses and ID cards to identify criminal suspects.

At a time when federal and state budgets are under tremendous pressure, the Congressional Budget Office (CBO) estimates the cost of complying with ''REAL ID'' to be in excess of $120 million—$20 million more than the cost of complying with the legislation enacted last year in Public Law 108–458, the Intelligence Reform and Terrorism Prevention Act of 2004. This CBO estimate, however, is probably a vast underestimate of the true cost of the proposed law. Worse, Congress has not agreed to pay for the required upgrades to state DMV systems, making ''REAL ID'' yet another ''massive unfunded mandate,'' according to both the National Governor's Association and the American Association of Motor Vehicle Administrators. If the federal government isn't going to pay to implement this law, most states won't be able to pay for it without raising taxes—and all of their residents will be punished accordingly.

Indirectly, however, DoD will suffer—because this law threatens to disrupt thousands of routine yet official acts that occur daily on every military post in the world. Those who already have military ID cards or who carry a passport around at all times can avoid some of the problems with this law—but a US passport or military ID doesn't give a person the right to drive on a military base. Also, anyone without a passport or other Federal ID prior to the effective date of the law will have difficulty obtaining one unless she can produce some other valid government-issued picture identification, such as a foreign passport. Strangely, this law will make it easier for foreigners or naturalized citizens to travel than native-born Americans: The law allows the use of a foreign passport, but bars the use of American

state-issued licenses and identification cards.

REAL ID's sponsors claim the law will stop terrorists from getting on airplanes. The flaw in this logic is that the 9/11 terrorists did not need state driver's licenses to board the airplanes they hijacked—they could have used their foreign passports, and at least one of them did. Is meeting a false ''security gap'' a reason to spend millions forcing the states to conform to the ''REAL ID'' requirements?

REAL ID's sponsors are seeking support in the Senate. Their bill, however, goes far beyond the common-sense driver's license provisions enacted last year in Public Law 108–458, the Intelligence Reform and Terrorism Prevention Act of 2004. The ''REAL ID'' Act almost completely preempts state regulation of driver's licenses and effectively creates a national ID card by federal fiat. The proposed law threatens vital functions of the Department of Defense, and promises unforeseen headaches for military personnel and their family members. The reforms enacted late last year by Congress were sensible and worthy, but the ''REAL ID'' Act is a recipe for chaos.

Mr. DURBIN. Separate and apart from the driver's license issue, the REAL ID Act goes into other equally important and controversial issues. It would dramatically raise the standards for receiving asylum. This provision is supposedly aimed at terrorists but applies to all asylum applicants. Current law already prohibits—already prohibits—suspected terrorists from obtaining asylum. That is not an issue.

In Illinois, there is a wonderful social-services agency called Heartland Alliance. One of the things they do is provide assistance to refugees who have come to Illinois from all over the world. Heartland Alliance is not a political organization. They are down in the trenches doing important work for people in need. So when I received a letter from them telling me the REAL ID Act would hurt the people they serve, I paid attention.

Let me tell you what they said:

REAL ID threatens to eliminate relief for immigrants most in need of protection—those fleeing persecution in their home countries. REAL ID is inconsistent with our commitment to international agreements relating to refugees, and it violates some of the rights that we, as a nation of immigrants and a global leader of human rights, cherish.

Madam President, I ask unanimous consent to have this letter printed in the RECORD.

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

HEARTLAND ALLIANCE,
Chicago, IL, March 25, 2005.

DEAR SENATOR DURBIN: At the opening of the 109th Congress, national security and immigration reform concern Americans as never before. In response to these concerns, the House of Representatives introduced legislation that, if passed into law, would undermine the asylum provisions of immigration law while doing nothing to effectively advance national security REAL ID (HR 418) will not provide the immigration reform needed or advance national security, but it will force us to turn our backs on asylum seekers.

REAL ID is not Congress' first attempt to dismantle the asylum system in an effort to further national security. These ill-conceived changes to asylum law were proposed as part of the intelligence reform bill last year, but Congress (following the lead of the 9/11 Commission which found no fault with the current asylum system) wisely excluded these changes from the National Intelligence Reform Act of 2004. Despite the findings of the 9/11 Commission, REAL ID threatens to eliminate relief for immigrants most in need of protection—those fleeing persecution in their home countries. REAL ID is inconsistent with our commitments to international agreements relating to refugees, and it violates some of the rights that we, a nation of immigrants and a global leader of human rights, cherish.

REAL ID Eviscerates Due Process Protections In the Asylum Adjudication Process:

Judicial oversight guarantees a full and fair process in proceedings that can literally mean life or death to asylum applicants. The 7th Circuit Court of Appeals has recognized that ''caseload pressures and . . . resource constraints'' can cause errors in Immigration Courts; the growing dockets make these errors more inevitable. However, because all immigrants are ''entitled to a national analysis of the evidence,'' judicial review must exist to maintain this standard.

REAL ID would suspend habeas corpus review for many immigrants, denying them one of the most cherished protections from government abuse. This provision would prevent parole for immigrants challenging unwarranted detention or deprivation of fundamental freedoms.

REAL ID eliminates stays of removal pending judicial review. Stays of removal exist to allow asylum seekers to remain in the United States while petitioning for relief. The 7th Circuit has explained that this right is especially ''vital when the alien seeks asylum or contends that he would be subject to torture if returned,'' but by deporting asylum seekers, REAL ID would make it impossible for these asylum seekers to see their case to its judicial end.

REAL ID Will Result in the Denial of Asylum to Those Who Are Persecuted:

REAL ID raises the burden of proof for asylum applicants by requiring them to prove that the central reason for their persecution is one of the five protected grounds. Applicants can rarely prove the unspoken intent of their persecutors. Moreover, persecution rarely happens for one specific reason. The current law recognizes this limitation and grants asylum to many individuals who have suffered persecution for complex or multiple reasons. Women fleeing female genital mutilation, domestic violence, and honor killings, and victims from political contexts where economic or sexual violence such as extortion, kidnapping for ransom, and rape are political tools can find safe haven in the United States. REAL ID would eliminate asylum for these and other deserving individuals.

Under current law and longstanding international authority, individuals may be granted asylum based solely on their credible testimony explaining their well-founded fear of persecution. The law relects the reality that refugees cannot obtain documents from their persecutors. REAL ID would give Immigration Judges wide discretion to deny relief from removal simply because the immigrant lacks corroborating evidence, even when the applicant's testimony is found to be credible. For example, under this provision, a refugee may be denied protection if his country lacks sufficient infrastructure to issue official documentation.

Because credibility determinations are notoriously subjective, judges must substantiate their findings in reasoned judgments, and they may not make negative credibility findings based on minor inconsistencies in testimony. REAL ID eliminates these safeguards. It would allow judges to determine credibility based on any alleged inconsistency with any prior statements, even if that inconsistency is immaterial to the person's claim. Judges could also use an applicant's demeanor, perceived candor, or responsiveness as a basis for a credibility finding.

REAL ID will damage asylum seekers' right to protection while doing nothing to enhance our national security. The current U.S. asylum system screens all applicants using thorough background checks and allows the U.S. State Department to comment on all applications. Under the existing system, asylum is granted only to those who establish that they are refugees and who have no ties to criminal or terrorist organizations. If REAL ID is passed in its current form, many deserving applicants will be denied refuge in this country.

If Congress truly wishes to address the link between immigration and national security, it must turn its full attention to the problem. Because of their piecemeal nature, the asylum provisions of REAL ID are ineffective. Furthermore, attempts to tack on these provisions as amendments to appropriations bills reflect an unwillingness to recognize the need for immigration reform. We need a better system for tracking arriving and departing non-citizens; we need to improve security screening while reducing backlogs that keep families separated for years and U.S. employers short of labor. We do not, however, need to throw out an effective system and replace it with harmful provisions in REAL ID.

As a representative of the people of Illinois and a Senate leader, we appeal to you to vigorously oppose REAL ID and to encourage your colleagues to do the same. We hope you will work as our ally to ensure that the bill docs not pass. Moreover, we hope to continue working with you to ensure comprehensive reform that improves our immigration system, strengthens our national security, and reflects the will of the general public and our common values; REAL ID docs none of these. We would welcome an opportunity to talk to you further about the REAL ID and will contact your office within the next few days to arrange a meeting with you or your staff. In the meantime, if you have any questions or comments, please contact Mary Meg McCarthy, Director of Heartland Alliance's Midwest Immigrant & Human Rights Center at (312) 660–1351 or mmccarthy@heartlandalliance.org.

Sincerely,

Natalie Spears, Sonnenschein Nath & Rosenthal LLP, Co-Chair MIHRC Leadership Counsel; Mary Meg McCarthy, Director, Midwest Immigrant & Human Rights Center; William B. Schiller, Davidson & Schiller, LLC Co-Chair MIHRC Leadership Counsel; Brain Neuffer, Winston & Strawn LLP; Lee Ann Russo, Jones Day; David Austin, Jenner & Block LLP; Bart Brown, Chicago-Kent College of Law; Linus Chan, Butler Rubin Saltarelli & Boyd LLP; Sid Mohn, President, Heartland Alliance; Carlina Tapia-Ruano, Minsky, McCormick & Hallagan, PC, American Immigration Lawyers Association, First Vice President; Nicole Nehama Auerbach, Katten Muchin Zavis Rosenman;

Terrance Norton, Sonnenschein Nath & Rosenthal LLC; Amalia Rioja; David Berten, Competition Law Group LLC; Craig Mousin, DePaul University College of Law; James Morsch, Butler Rubin Saltarelli & Boyd LLP; Martin Castro, Sonnenschein Nath & Rosenthal LLP; Terry Yale Fiertag, Mandel Lipton & Stevenson Ltd.; Hugo

Dubovoy, Baker & McKenzie LLP; Joseph A. Antolin, Executive Director, Heartland Human Care Services; Elissa Steglich, Asylum Project Managing Attorney, Midwest Immigrant & Human Rights Center; Maria Woltjen, Unaccompanied Children's Advocate Project, Midwest Immigrant & Human Rights Center; Jennifer K. Fardy, Seyfarth Shaw LLP; Marketa Lindt.

Mr. DURBIN. I agree with Heartland Alliance. Our country has always stood with, not against, refugees. I have heard Members of Congress, Democrats and Republicans, Senators and Congressmen, step forward and talk about religious persecution in other countries. I have heard people on both sides of the aisle lamenting some of these human rights abuses in other countries where people who are simply expressing their points of view are imprisoned.

We have said, and I believe, that the United States is in favor of freedom around the world. So the victims of oppression, the victims of tyranny, the victims of dictatorships, when they escape, come to the shores of the United States and ask us if we will give them refuge until their country changes. And we have done it. It is one thing to say you stand for freedom of religion and freedom of speech and freedom of the press; it is another to prove it by accepting these refugees.

This bill, the so-called REAL ID Act, will make it much more difficult for those refugees to come to our shores. If this becomes law, it will become very difficult for individuals fleeing persecution and torture to receive asylum in the United States. If we shut the door to the most vulnerable, how can we continue to preach to the rest of the world about our commitment to democracy?

Remember President Reagan's vision of our Nation. He called it ''a shining city on a hill.'' Here is what he said:

If there have to be city walls, the walls have doors and the doors are open to anyone with the will and heart to get here. . . . The city is a beacon . . . a magnet for all who must have freedom, for all pilgrims from all the lost places who are hurtling through the darkness, toward home.

Like me, President Reagan was the son of an immigrant. We had very different political philosophies, but President Reagan understood that our great country has always been a sanctuary for those fleeing persecution and oppression.

Even the conservative Wall Street Journal is opposed to the REAL ID Act. In an editorial they called the driver's license provisions ''costly and intrusive.'' They said:

It's not hard to imagine these de facto national ID cards—

Which they believe this bill would create—

turning into the kind of domestic passport that U.S. citizens would be asked to produce for everyday commercial and financial tasks.

They also called the asylum provisions ''dubious.'' That is the Wall Street Journal. Listen to what they said:

The last thing a terrorist would want to do is apply for asylum. Not only would he be bringing himself to the attention of the U.S. government—the first step is being fingerprinted—but the screening process for applicants is more rigorous than for just about anyone else trying to enter the country. . . . Raising the barrier for asylum seekers at this point would only increase the likelihood of turning away the truly persecuted.

That is the Wall Street Journal, not known as a bleeding-heart publication. They think the REAL ID Act makes no sense in fighting terrorism.

Madam President, I ask unanimous consent to have the editorial printed in the RECORD.

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

[From the Wall Street Journal, Feb. 17, 2005]

NATIONAL ID PARTY

Republicans swept to power in Congress 10 years ago championing State prerogatives, and one of their first acts was to repeal Federal speed-limit requirements. Another was aimed at ending unfunded State mandates. So last week's House vote to require costly and intrusive Federal standards for State drivers' licenses is a measure of how far the party has strayed from these federalist principles.

More important, it reveals a mindset among some that more enforcement alone will bring better border security and reduce illegal immigration. The bill that passed the House last week and now goes to the Senate is known as the Real ID Act, and the driver's license requirements may not even be the worst part of the legislation. Also included are unnecessary provisions that would make it much more difficult for foreigners to seek asylum in the U.S.

House Judiciary Chairman James Sensenbrenner, who authored the bill, insists that his goal is to reduce the terrorist threat, not immigration. But it just so happens that the bill's provisions have long occupied the wish list of anti-immigration lawmakers and activists. Mr. Sensenbrenner produced a photo of Mohammed Atta during the floor debate last week, arguing that the 9/11 hijackers' ability to obtain drivers' licenses and use them to board airplanes represents a security loophole.

His solution is to force States to issue federally approved drivers' licenses with digital photographs and ''machine-readable technology.'' In theory, states can opt out, but if they do their drivers' licenses will no longer be accepted as identification to board planes, purchase guns, enter Federal buildings and so forth. It's not hard to imagine these de facto national ID cards turning into a kind of domestic passport that U.S. citizens would be asked to produce for everyday commercial and financial tasks.

Aside from the privacy implications of this show-us-your-papers Sensenbrenner approach, and the fact that governors, State legislatures and motor vehicle departments have denounced the bill as expensive and burdensome, there's another reality: Even if the Real ID Act had been in place prior to 9/11, it's unlikely that the license provisions would have prevented the attacks.

That's because all of the hijackers entered the U.S. legally, which means they qualified for drivers' licenses. The Real ID Act wouldn't change that. Moreover, you don't need a driver's license to fly. Other forms of identification—such as a passport—are acceptable and also were available to the hijackers. Nothing in the Sensenbrenner bill would change that, either.

The biggest impact will be on undocumented workers in the U.S., which is why the immigration restrictionists are pushing for the legislation. But denying drivers' licenses to illegal aliens won't result in fewer immigrants. It will result in more immigrants driving illegally and without insurance.

Mr. Sensenbrenner's claims that tougher asylum provisions will make us safer are also dubious. The last thing a terrorist would want to do is apply for asylum. Not only would he be bringing himself to the attention of the U.S. government—the first step is being fingerprinted—but the screening process for applicants is more rigorous than for just about anyone else trying to enter the country. In the past decade, perhaps a half-dozen individuals with some kind of terrorists ties have applied for asylum. All were rejected.

The Real ID Act would raise the bar substantially for granting asylum to people fleeing persecution. But this is a solution in search of a problem. A decade ago the U.S. asylum laws were in fact being abused by foreigners with weak claims who knew they would receive work permits while their cases were pending.

But in 1994, the Clinton Administration issued regulations to curb this abuse. The law now says that asylum seekers cannot receive work permits until they have won their case. Applications per year subsequently have fallen to about 30,000 today from 140,000 in the early 1990s. This was the biggest abuse of the system, and it's been fixed. Raising the barrier for asylum seekers at this point would only increase the likelihood of turning away the truly persecuted.

But the bigger problem with Mr. Sensenbrenner's bill is that is takes our eye off the ball. Homeland security is about taking useful steps to prevent another attack. It's not about keeping gainfully employed Mexican illegals from driving to work, or cracking down on the imagined hordes gaming our asylum system.

President Bush realizes this and is pushing for a guest-worker program that would help separate people in search of employment from potential terrorists. If the Republican Congress doesn't realize that, perhaps a Presidential veto of the Real ID Act would focus its attention.

Mr. DURBIN. Madam President, clearly, the REAL ID Act is a Draconian piece of legislation that would impose unnecessary hardships on the States and the American people and lead us to turn away deserving refugees who are fleeing persecution.

I sincerely hope the Senate Republican leadership, which has said they do not want this provision in this bill, will oppose its inclusion in the conference report.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 340

Mr. COCHRAN. Madam President, I ask for the regular order with respect to amendment No. 340.

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. COCHRAN. Madam President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is well taken and sustained. The amendment falls.

AMENDMENT NO. 351

Mr. COCHRAN. Madam President, I ask for the regular order with respect to amendment No. 351.

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. COCHRAN. Madam President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 375

Mr. COCHRAN. Madam President, I ask for the regular order with respect to amendment No. 375.

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. COCHRAN. Madam President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 395

Mr. COCHRAN. Madam President, I ask for the regular order with respect to amendment No. 395.

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. COCHRAN. Madam President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 417

Mr. COCHRAN. Madam President, I ask for the regular order with respect to amendment No. 417.

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. COCHRAN. Madam President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 432

Mr. COCHRAN. Madam President, I ask for the regular order with respect to amendment No. 432.

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. COCHRAN. Madam President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 445

Mr. COCHRAN. Madam President, I ask for the regular order with respect to amendment No. 445.

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. COCHRAN. Madam President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 451

Mr. COCHRAN. Madam President, I ask for the regular order with respect to amendment No. 451.

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. COCHRAN. Madam President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 452

Mr. COCHRAN. Madam President, I ask for the regular order with respect to amendment No. 452.

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. COCHRAN. Madam President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 456

Mr. COCHRAN. Madam President, I ask for the regular order with respect to amendment No. 456.

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. COCHRAN. Madam President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 459

Mr. COCHRAN. Madam President, I ask for the regular order with respect to amendment No. 459.

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. COCHRAN. Madam President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 463

Mr. COCHRAN. Madam President, I ask for the regular order with respect to amendment No. 463.

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. COCHRAN. Madam President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 499

Mr. COCHRAN. Madam President, I ask for the regular order with respect to amendment No. 499.

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. COCHRAN. Madam President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 471

Mr. COCHRAN. Madam President, the Senator from Oklahoma offered an amendment No. 471 relating to the Embassy in Iraq. We have had a discussion of that amendment. I ask unanimous consent that it be in order to table the amendment, and I ask for the yeas and nays. And I ask unanimous consent that the vote be ordered to occur at 1:45.

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

Is there a sufficient second?

There appears to be a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BURR. Madam President, I ask unanimous consent to speak on another topic and ask that the time be charged.

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

(The remarks of Mr. BURR are printed in today's RECORD under ''MORNING BUSINESS.'')

Mr. BURR. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 498

Mr. WARNER. Mr. President, I ask unanimous consent that the pending amendment be laid aside and amendment No. 498 be called up.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for himself, Mr. NELSON of Florida, Mr. ALLEN, and Mr. TALENT, proposes an amendment numbered 498.

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

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

The amendment is as follows:

(Purpose: Relating to the aircraft carriers of the Navy)

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

AIRCRAFT CARRIERS OF THE NAVY

SEC. 1122. (a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—

Of the amount appropriated to the Department of the Navy by this Act, necessary funding will be made available for such repair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—No funds appropriated or otherwise made available by this Act may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following:

(1) The date that is 180 days after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(2) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that such agreements have been entered into to provide port facilities for the permanent forward deployment of such numbers of aircraft carriers as are necessary in the Pacific Command Area of Responsibility to fulfill the roles and missions of that Command, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two conventional aircraft carriers.

(c) ACTIVE AIRCRAFT CARRIERS.—For purposes of this section, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routing or scheduled maintenance.

Mr. WARNER. Mr. President, I inquire of the distinguished Presiding Officer, is this amendment germane?

The PRESIDING OFFICER. This amendment is germane.

Mr. WARNER. I thank the Chair. The amendment is germane; therefore, it can be made a part of the business pending before the Senate and, hopefully, it will be acted upon by a record vote and included as a part of the underlying bill. I will seek that at an appropriate time.

Mr. President, this is an amendment that follows on an amendment that I earlier put in on this bill, which understandably failed to meet the germaneness test, and therefore just early this morning it was stricken. Nevertheless, I have carefully crafted this, and now it is confirmed by the Parliamentarian that this amendment is germane.

This amendment applies to the question of the USS *John F. Kennedy*, a very famous and historic ship of the U.S. Navy, which recently was designated to be retired by the Department of Defense as a consequence of a restricted budget that was placed in the waning hours of the budget process on the Department of the Navy. Quite unexpectedly, the Department of the Navy departed from its steadfast opinions, published statements, and records that this Nation required 12 aircraft carriers in our fleet. It came as a complete surprise to the Congress. I didn't feel that we had any particular consultation. Nevertheless, the executive branch has the right to make budget decisions, so that history is behind us.

I believe it is imperative that the Congress—and now, at this time, the Senate—examine this situation and determine whether at this point in time this ship should be stricken from the active force and designated for mothballs. I say that because the Department of Defense is well along in its Quadrennial Defense Review. The Congress has 180 days, once that is completed, to look at that report. Therefore, the purpose of this amendment is to say that this ship stays in the fleet in an active status until two things happen: the Department completes its Quadrennial Defense Review and the Congress has had 180 days to study the results of that review; and the Secretary of Defense certifies to the Congress that necessary agreements have been entered into with other nations to provide for the permanent forward deployment of aircraft carriers in the Pacific necessary to carry out the mission within the Pacific Command area of responsibility.

The reasons I am offering this amendment are simple. Congress has a constitutional role and mandate to maintain a navy. I will repeat that. Under the Constitution, we raise armies in time of need, but we maintain a navy. As I have heard many colleagues say—and I recently heard my colleague, Senator MCCAIN, speaking to a group—a warship really has two purposes. It has its underlying missions to deter aggression and, if necessary, to repel aggression, but it also has a very valuable role as a silent ambassador wherever it is beyond the shores of the United States. Particularly when the magnificence of an American ship is in a harbor beyond our shores, people from that country come from all over to take a look. It is a silent way of saying America is there to help protect freedom. It is called ship diplomacy. It is well documented in the long history of this country. We being, in many respects, an island nation, we have always depended upon our maritime arm of defense to play a role in diplomacy and, if necessary, to take up arms.

The funds for the *Kennedy*'s scheduled maintenance were authorized and appropriated in previous bills. Money to do the work that is necessary to keep this ship active in the fleet is in the coffers of the U.S. Navy today. For that reason, we are not trying to touch a single dollar that is in this bill. We will maintain the *Kennedy* in the fleet until 2018. The ship will be quite old; nevertheless, in the opinion of the sailors who sail it today and the sailors who will sail it tomorrow, it can be an effective ship and be counted upon as a full partner in the fleet of some 12 carriers.

All analyses presented to the Congress, to include the last two Quadrennial Defense Reviews, in 1997 and 2001, set the minimum number of aircraft carriers at 12. There has been no analysis to support reducing the aircraft carrier fleet to 11—that is, formal analysis. I realize there are working documents in the Department of the Navy, but I have not seen that type of analysis that I believed fully justified a decision of this importance. I think that analysis will be done in the forthcoming 2005 review.

Next, the reason the Department submitted the budget request with the decommissioning of an aircraft carrier was because the Navy was handed a budget cut in December, somewhat unexpectedly. The Navy's original budget submission included the *Kennedy*. I point that out. Throughout the budget process, that particular process, and the budget of the Department of Defense, the *Kennedy* was always included with the 12 carriers. Then, with the flick of a wrist and some very brief analysis I have seen, out she went.

The *Kennedy*, as I say, is in good material condition. In the words of the battle group commander who just returned on this ship from a 6-month deployment in support of Operation Iraqi Freedom in December, it is in ''outstanding material condition.''

With the scheduled decommissioning of the USS *Kitty Hawk* in fiscal year 2008, the *Kennedy* would be the only, assuming this amendment prevails, conventionally powered aircraft carrier available in the Pacific Command area of responsibility where there are nations that simply will not allow a nuclear warship to enter its waters.

Again, I believe Congress should now show its responsibility—I repeat, its responsibility—in making force structure decisions and go back and review what the Navy has done and say to the Department of the Navy: Not at this time should we be decommissioning this ship. We should await the normal processes of the QDR, the BRAC process, and other ongoing congressional and active procedures until such time, and then the decision can be made, in a balanced way, as to the fate of the carrier.

Mr. President, I thank my principal cosponsor, the distinguished Senator from Florida. We are joined in this matter by Senator ALLEN, Senator MARTINEZ, and Senator TALENT, who is chairman of the Armed Services Seapower Subcommittee. This is a bipartisan approach. It is not a political matter. We are simply here in the best interests of the Department of Defense and this country in suggesting strongly to our colleagues we should have a voice in this matter, and to do so, the Senator from Florida and I and others are bringing this amendment to the attention of the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I express my personal appreciation to the senior Senator from Virginia, who has, just like the old Navy man he is, risen again to the call to duty of what he thinks is in the best defense interest of this country.

It is one thing for the senior Senator from Florida to make this argument when it is perceived as an argument in this Senator's parochial interest because the *John F. Kennedy* aircraft carrier is stationed in Mayport in Jacksonville. I could argue all of the specifics Senator WARNER has, and it would still be interpreted that it was

the position of the Senator from Florida looking out for his constituency. Certainly, that is a part of my motivation. But a part of my motivation also is that in my title is ''United States Senator,'' and a very fortunate and proud member of the Senate Armed Services Committee, I am trying to make decisions that are in the best defense interests of our country.

That defense interest is clearly that we, the United States, must have a carrier homeported in Japan. We simply do not know, since it is not a decision of the central Government of Japan—it is a decision of the local municipal governments that influence the decision—whether they will be receptive to a nuclear-powered carrier. If some time between now and 2008, when the conventionally powered carrier, the *Kitty Hawk*, that is residing in Japan, is scheduled to be decommissioned, if at some time in that time period Japan says no to a nuclear carrier, suddenly we are without an aircraft carrier homeported in Japan.

I remind the Senate what the Chief of Naval Operations, the four-star chief admiral of the Navy, testified to before the Senate Armed Services Committee: With the rising threat of China, one carrier in Japan is worth a great deal to him as opposed to other carriers that are stationed elsewhere around the world.

If I could get the attention of the Senator from Virginia, I want him to hear my appreciation because he has, in his independent and expert judgment, come to this conclusion. He has stepped forth and offered this amendment so it would be led by the chairman of the Senate Armed Services Committee and many of his bipartisan membership who have joined with him.

Mr. President, I say to all Senators, listen to the chairman. He knows what he is talking about. Then on down the road, if because of new capabilities of ships we are able to lessen the carriers from 12 to 11, we will be in a position where we will not have this window of vulnerability for projecting our force structure in the Pacific area of operations.

I plead with the Senate. This should not be a fight. We ought to be listening to the chairman of the committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if the time is appropriate for the Senator from Florida and me to ask for the yeas and nays on this amendment?

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Florida. I think other Senators desire to speak on this amendment. I yield to the good judgment and fair judgment of the senior members of the Appropriations Committee as to the timing of the vote on this amendment. I do urge Senators to come and express their views on this important issue.

Mr. President, I see the distinguished Senator from West Virginia. Therefore, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Virginia, Mr. WARNER.

AMENDMENT NO. 516

Mr. BYRD. Mr. President, when Congress passed the USA PATRIOT Act in 2001, the Enhanced Border Security Act of 2002, and the Intelligence Reform and Terrorism Prevention Act of 2004, Congress recognized, on a bipartisan basis, the need to provide more people and more resources to patrol and secure our borders.

The PATRIOT Act called for tripling the number of Border Patrol agents and Immigration and Customs investigators on our northern border. The Enhanced Border Security Act called for an additional 200 investigators a year—on top of the PATRIOT Act increases—for fiscal years 2003 through 2006. The Intelligence Reform and Terrorism Prevention Act authorized the hiring of an additional 2,000 Border Patrol agents and 800 new ICE immigration investigators, and provided for another 2,000 detention bed spaces per year for 5 years. Together these laws reflect a consensus in the Congress that more needs to be done. But a consensus and a series of authorization bills produces only promises of progress, but promises do not make our borders more secure.

In written testimony before the Senate Intelligence Committee on February 16, the Department's then-Deputy Secretary, Admiral James Loy, cited recently received intelligence as the reason for his concern about the threat facing the Mexican border. He said the intelligence ''strongly suggest(s)'' that al-Qaida ''has considered using the Southwest border to infiltrate the United States. Several al-Qaida leaders believe operatives can pay their way into the country through Mexico and also believe illegal entry is more advantageous than legal entry for operational security reasons.''

On March 10, 2005, Secretary of State Condoleezza Rice said:

> There is no secret that al-Qaida will try to get into this country. . . . They're going to keep trying on our southern border. They're going to keep trying on our northern border.

In his December 6, 2004, letter to Congress urging final passage of the Intelligence Reform Act, the President said:

> I also believe the Conference took an important step in strengthening our immigration laws by, among other items, increasing the number of border patrol agents and detention beds.

Remarkably, despite the threat to our borders as enunciated by senior administration officials, despite the clear intent of Congress in three separate authorization laws, and despite the President's commendation of the intelligence reform conferees for increasing the number of Border Patrol agents and detention beds, the President included virtually nothing in his budget to actually hire and train those Border Patrol agents or to hire and train immigration investigators or to purchase or construct detention facilities for illegal aliens.

Our citizens are concerned about the security gaps along our borders. It has reached such a fever pitch in some locations that private groups, such as the self-proclaimed ''Minutemen,'' are banding together to form watch groups along the borders to act as additional ''eyes and ears'' and report suspicious border crossings to the Border Patrol for appropriate response. While perhaps not reaching the level of vigilante activity, this is a clear expression of the frustration felt by many citizens along the border areas that the Federal Government is asleep at the switch and failing to address a key Federal function.

Even our military is concerned about border security. According to an April 7 CNN report, Marines preparing for combat in Iraq or Afghanistan have lost significant amounts of training time because undocumented immigrants from Mexico have constantly wandered onto a bombing test range at the Marine Corps air station near Yuma, AZ. The range has been shut down more than 500 times over this past 6 months for a total of 1,100 training hours lost. Last year, more than 1,500 illegal immigrants were caught in the training area. In the first 3 months of this year, more than 1,100 have already been apprehended.

Today, I am offering a bipartisan amendment, cosponsored by Senator CRAIG of Idaho, that will fund the real work of securing our borders. The amendment provides $389.6 million for border security, and the amendment is paid for by reducing funding for diplomatic and consular programs the Department of State has indicated is not necessary until fiscal year 2006.

The amendment begins to address the security gap on our borders by funding the hiring of 650 new Border Patrol agents, and this number may fall short of the authorization goals set by the various acts, but it is a responsible level which Customs and Border Protection can meet in the coming months.

During an April 4, 2005, interview on C–SPAN's Washington Journal, Customs and Border Patrol Commissioner Robert Bonner said, ''The Border Patrol is almost . . . being overwhelmed by illegal immigration. This is like a sinking ship with a hole in it. You've got to plug the hole. You've got to stop the illegal migration into the United States. . . .''

The agency responsible for enforcing our immigration laws, known as Immigration and Customs Enforcement, ICE, has been forced to endure a hiring freeze and funding shortfall for more

than a year. Vehicles are not being replaced. Body armor is not being purchased. Travel to pursue immigration investigations has been curtailed. ICE continues to lose personnel, and the agency has not been able to fill those positions because of a hiring freeze. Through the end of January alone, ICE lost a total of 299 personnel.

My amendment—and it is cosponsored by several senators—would give ICE the resources that are so vital to beginning the process of hiring and training the personnel it needs to enforce our immigration laws.

This amendment also provides funds for deploying unmanned aerial vehicles along the Southwest border. The Border Patrol has tested and operated, for a limited period of time this year, unmanned aerial vehicles, UAVs, along the Southwest border. Using funds provided to it by the Congress, the Border Patrol conducted successful tests using UAVs to assist in the surveillance and detection of individuals attempting to enter the U.S. illegally. The operation, known as the Arizona Border Control Initiative, used these drones to monitor and patrol a 350-mile long swath of the desert border. More than 350,000 illegal immigrants crossing into the U.S. were apprehended during the operation. Regrettably, this program was shut down on January 31 of this year. The funds provided in this amendment would allow for the immediate resumption of these surveillance and detection operations.

Finally, the amendment includes funds for the Federal Law Enforcement Training Center Border Patrol Academy in Artesia, NM, to train the new personnel.

The case for this amendment is clear; the need for it is critical; and the support for it should be bipartisan. This amendment is focused and targeted to address key border security shortfalls. The Border Patrol's role is to apprehend those illegally entering this country. They also work with ICE investigators to crack down on illegal immigration. They then turn over those who are here illegally to ICE, which needs the detention bed space and to deportation officials to hold, process, and then remove these individuals.

We must start now. This cannot wait.

The job of our immigration officers is staggering, and their resources are meager.

Along the 2,000 miles of land border with Mexico, the United States has deployed only 1,700 agents at any given time. That is one agent, just one, guarding more than one mile of border.

Of the 10 million illegal aliens in the country, 2,000 interior enforcement agents are charged with locating and arresting them. That is one agent, just one, charged with locating and arresting 5,000 illegal aliens.

Of the 10,000 border patrol agents authorized in the Intelligence Reform and Terrorism Prevention Act, the President's budget included funds to hire just 210. Of the 4,000 interior enforcement agents authorized, the President's budget included funds to hire only 500 of them. Of the 40,000 detention beds authorized, the President's budget included funding for a mere 5 percent of them. However, in every case, the very modest proposed increases for 2006 will barely make up for the 137 border patrol positions lost during the first two quarters of fiscal year 2005, the 299 ICE personnel lost and the 2,000 detention beds that do not exist, for lack of funding.

We ask how and why illegal aliens continue to pour into our country, and the answer lies in every border patrol increase we do not fund, every agent we do not hire, and every illegal alien we release due to lack of detention space.

This is our opportunity to reverse that sorry record. This is our opportunity to strengthen our border defenses. This is our opportunity to support a substantive, concrete effort to address the alarming rise in illegal immigration.

Sir Edward Coke wrote that a man's house is his castle, for where shall a man be safe if not in his own home?

The United States is home to 296 million people. They, by right, demand that their Government secure their castle against the unknown threat seeking to infiltrate its sanctuary.

I urge adoption of the amendment. It is cosponsored by Senators CRAIG, BAUCUS, DORGAN, LIEBERMAN, OBAMA, LEAHY and FEINSTEIN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I ask unanimous consent to speak as in morning business for 3 minutes.

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

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

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we will soon have a time for a recorded vote. I will yield the floor at the appropriate time, if the Chair will notify me when it is time to start that vote.

Mr. President, there are a series of amendments now that have been filed on this bill to earmark money in the portion of the supplemental dealing with Defense. Our subcommittee and the full Appropriations Committee did not earmark any money in the Defense portion of this bill. It was my position and the position of the Senator from Hawaii, Mr. INOUYE, that this is, after all, supplemental money on an emergency basis to deal with the problems of those who are in combat now: Iraq and Afghanistan and the war against terror.

We have urgent needs of those people. This money must be approved and must be available to them no later than the first week in May. Under those circumstances, I have come to the floor to tell the Senate now we are going to oppose any amendment that would earmark money in this bill.

There are some legitimate desires here on the floor for the Department to spend some of the money it has for specific purposes. I think a sense-of-the-Senate resolution in most of those instances would call that matter to the attention of the Department, and to a great extent I believe the Department would follow the suggestion of the Senate—of the Congress, if you want to make it a sense-of-the-Congress, as an amendment to this bill. We can change the amendments into a sense-of-the-Senate concept. But we cannot start taking these amendments. We turned down the amendments that came to us in subcommittee. We turned down the amendments that came to us in markup in the subcommittee. We turned down the amendments when they came to the full committee. Now to have them come to the floor in a cloture situation I think exacerbates the situation.

This is to say it is my intention to move to table any amendment that will attempt to earmark money in this bill or elsewhere for nonemergency purposes. I know of none of them I have seen that are emergencies that have been filed on this bill. But I assure the Senate we are sympathetic to many of the amendments. As a matter of fact, I think I may have cosponsored one or two of them myself in connection with previous bills, the annual appropriations bills for Defense.

But this is a supplemental. It is primarily designed to provide emergency funds. This is not the time for us to be taking up policy questions that should be addressed in the authorization bill or amendments that should be offered to the bills when we bring the bills out of the committee dealing with fiscal year 2006.

I believe it is almost time for the vote that is scheduled. Again, I urge my friends who have offered these amendments to stay on the floor and discuss them with us. Again, I say, many of them are very well intentioned. I personally would support them in many circumstances, but I cannot in good conscience do that now. We should take this bill as clean as possible to conference and get it out of conference as quickly as possible.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question now is on agreeing to the motion to table the Coburn amendment No. 471. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—54

Akaka	Durbin	Murkowski
Alexander	Feinstein	Murray
Allard	Frist	Nelson (FL)
Allen	Hagel	Reed
Baucus	Hutchison	Reid
Bennett	Inouye	Roberts
Biden	Johnson	Rockefeller
Bingaman	Kerry	Salazar
Bond	Landrieu	Santorum
Burns	Lautenberg	Shelby
Cantwell	Leahy	Smith
Cochran	Levin	Snowe
Coleman	Lieberman	Specter
Corzine	Lugar	Stabenow
Dayton	Martinez	Stevens
DeWine	McCain	Talent
Dole	McConnell	Voinovich
Domenici	Mikulski	Warner

NAYS—45

Bayh	Crapo	Kohl
Boxer	DeMint	Kyl
Brownback	Dodd	Lincoln
Bunning	Dorgan	Lott
Burr	Ensign	Nelson (NE)
Byrd	Enzi	Obama
Carper	Feingold	Pryor
Chafee	Graham	Sarbanes
Chambliss	Grassley	Schumer
Clinton	Gregg	Sessions
Coburn	Harkin	Sununu
Collins	Hatch	Thomas
Conrad	Inhofe	Thune
Cornyn	Isakson	Vitter
Craig	Kennedy	Wyden

NOT VOTING—1

Jeffords

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

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

The motion to lay on the table was agreed to.

(The remarks of Mr. LEAHY, Mr. REID, and Mr. BAUCUS are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 466

Mr. SHELBY. Mr. President, I call up amendment No. 466 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself, and Mr. DORGAN, proposes amendment numbered 466.

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

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

The amendment is as follows:

(Purpose: To provide for a refundable wage differential credit for activated military reservists)

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

REFUNDABLE WAGE DIFFERENTIAL CREDIT FOR ACTIVATED MILITARY RESERVISTS

SEC. 1122. (a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. WAGE DIFFERENTIAL FOR ACTIVATED RESERVISTS.

''(a) IN GENERAL.—In the case of a qualified reservist, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the qualified active duty wage differential of such qualified reservist for the taxable year.

''(b) QUALIFIED ACTIVE DUTY WAGE DIFFERENTIAL.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified active duty wage differential' means the daily wage differential of the qualified active duty reservist multiplied by the number of days such qualified reservist participates in qualified reserve component duty during the taxable year, including time spent in a travel status.

''(2) DAILY WAGE DIFFERENTIAL.—The daily wage differential is an amount equal to the lesser of—

''(A) the excess of—

''(i) the qualified reservist's average daily qualified compensation, over

''(ii) the qualified reservist's average daily military pay while participating in qualified reserve component duty to the exclusion of the qualified reservist's normal employment duties, or

''(B) $54.80.

''(3) AVERAGE DAILY QUALIFIED COMPENSATION.—

''(A) IN GENERAL.—The term 'average daily qualified compensation' means—

''(i) the qualified compensation of the qualified reservist for the one-year period ending on the day before the date the qualified reservist begins qualified reserve component duty, divided by

''(ii) 365.

''(B) QUALIFIED COMPENSATION.—The term 'qualified compensation' means—

''(i) compensation which is normally contingent on the qualified reservist's presence for work and which would be includible in gross income, and

''(ii) compensation which is not characterized by the qualified reservist's employer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence.

''(4) AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—

''(A) IN GENERAL.—The term 'average daily military pay and allowances' means—

''(i) the amount paid to the qualified reservist during the taxable year as military pay and allowances on account of the qualified reservist's participation in qualified reserve component duty, determined as of the date the qualified reservist begins qualified reserve component duty, divided by

''(ii) the total number of days the qualified reservist participates in qualified reserve component duty during the taxable year, including time spent in travel status.

''(B) MILITARY PAY AND ALLOWANCES.—The term 'military pay' means pay as that term is defined in section 101(21) of title 37, United States Code, and the term 'allowances' means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

''(5) QUALIFIED RESERVE COMPONENT DUTY.—The term 'qualified reserve component duty' means—

''(A) active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code, or

''(B) full-time National Guard duty (as defined in section 101(19) of title 32, United States Code) which is ordered pursuant to a request by the President, for a period under 1 or more orders described in subparagraph (A) or (B) of more than 90 consecutive days.

''(c) QUALIFIED RESERVIST.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified reservist' means an individual who is engaged in normal employment and is a member of—

''(A) the National Guard (as defined by section 101(c)(1) of title 10, United States Code), or

''(B) the Ready Reserve (as defined by section 10142 of title 10, United States Code).

''(2) NORMAL EMPLOYMENT.—The term 'normal employment duties' includes self-employment.

''(d) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a qualified reservist who is called or ordered to active duty for any of the following types of duty:

''(1) Active duty for training under any provision of title 10, United States Code.

''(2) Training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code.

''(3) Full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

''(e) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed the taxpayer under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 36 of such Code''.

(2) The table of sections for subpart C of part IV of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

''Sec. 36. Wage differential for activated reservists.

''Sec. 37. Overpayments of tax.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

Mr. SHELBY. Mr. President, I ask unanimous consent to add Senator DORGAN as a cosponsor.

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

Mr. SHELBY. Mr. President, I rise this afternoon to speak about this amendment because I believe it is very important to our Reserve and Guard units who have been called upon to serve their country during this time of war.

This amendment is based on a bill I introduced last month with Senator DORGAN. It provides a financial safety net for the families of our service members proudly serving in our Nation's military Reserve and National Guard.

Today, our National Guard and Reserve units are being called upon, as you well know, more than ever and are being asked to serve their country in a very different way than they have in the past. The global war on terror and the high operational tempo of our military require that our Reserve components play a more active role in the total force.

These long tours and frequent activations have a profound and disruptive effect on the lives of these men and women and on the lives of their families and loved ones. Many of our reservists suffer significant loss of income when they are mobilized, forcing them

to leave often higher paying civilian jobs to serve their country. Such losses can be compounded by additional family expenses associated with military activation, including the cost of long distance phone calls and the need for additional childcare. These circumstances create a serious financial burden that is extremely difficult for reservists' families to manage.

I believe we can and we should do more to alleviate the financial burden; therefore, the amendment I am discussing this afternoon would provide a completely refundable income tax credit of up to $20,000 annually to a military reservist called to active duty. The amount of the tax credit would be based upon the difference between wages paid by the reservist's civilian job and the military wages paid upon mobilization. The tax credit would be available to members of the National Guard or Ready Reserve who are serving for more than 90 days and would vary according to their length of service.

Now is the time to recognize the service and sacrifice of the men and women in the Guard and Reserves. I believe the Congress should focus on this issue. It is important to thousands of service members who are serving their country and their families who are struggling financially.

Mr. President, I recognize that the emergency supplemental before us today may not be the best place to begin a discussion about this subject, so I urge my colleagues on the Senate Armed Services Committee and the Finance Committee to not only study but to work with me and Senator DORGAN to act on this issue this year. This is very important to thousands and thousands of families in this country.

At a time when the Nation is calling our guardsmen and reservists to active duty to execute the war in Iraq, fight the war on terrorism, and to defend our homeland, I believe it is imperative that Congress recognize their vital role and acknowledge that the success of our military depends on these troops. It is not too much to ask of our Nation and, more importantly, I believe it is the right thing to do.

AMENDMENT NO. 466, WITHDRAWN

Mr. President, I want to withdraw my amendment because I don't think this is the proper place for it on the supplemental, but it is the proper place to begin the debate in the Senate. I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 481

Mrs. LINCOLN. Mr. President, first, I withdraw a pending amendment, No. 481, which I offered earlier in this debate.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

AMENDMENT NO. 482

Mrs. LINCOLN. Mr. President, I call up my amendment 482.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself and Mr. PRYOR, proposes an amendment numbered 482.

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

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

The amendment is as follows:

(Purpose: To require a report assessing the feasibility and advisability of implementing for the Army National Guard a program similar to the Post Deployment Stand-Down Program of the Air National Guard)

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

REPORT ON IMPLEMENTATION OF POST DEPLOYMENT STAND-DOWN PROGRAM BY ARMY NATIONAL GUARD

SEC. 1122. Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report containing the assessment of the Secretary of the feasibility and advisability of implementing for the Army National Guard a program similar to the Post Deployment Stand-Down Program of the Air National Guard. The Secretary of the Army shall prepare the assessment in consultation with the Secretary of the Air Force.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that I may add Senator PRYOR as a cosponsor of this amendment.

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

Mrs. LINCOLN. Mr. President, first of all, I compliment Chairman COCHRAN for all of his hard work on this bill, and I appreciate so many of the Members who I have been able to work with for a better understanding in how we approach the ability we have to help our service men and women. That is exactly the intention of my amendment—to provide the Army the ability to study some of the tools that are used in other branches of the armed services in order to be able to provide the correct direction on the leave policies that they have.

We all certainly share our pride and our gratitude for the service men and women from our Guard units and Reserve units in our home States who have portrayed such courage and dedication to our Nation and to the freedoms for which they fight. As they return, we want to ensure that every opportunity is made available to them, and certainly we want to give them everything they need to readjust and transition back into their communities. So I am delighted to be able to offer this study. It is giving the Army National Guard the opportunity to study what the Air National Guard and Air Force do in their leave policy. I hope we can do more with the leave policy of our Guard and Reserve as they return home.

I appreciate the work the chairman has done. I look forward to the opportunity to be able to move our amendment forward. We got an OK from our side and, apparently, got the OK from the other side. Hopefully, we can move it forward.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. It is my understanding that the Senator's amendment is before the Senate at this time. Would she object to it being set aside for the purpose of the consideration of another amendment?

Mr. COCHRAN. Mr. President, I suggest we adopt the amendment offered by the Senator from Arkansas on a voice vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

If not, the question is on agreeing to amendment No. 482, offered by the Senator from Arkansas.

The amendment (No. 482) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 475

Mr. CRAIG. Mr. President, I call up amendment No. 475 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself, Mr. BAUCUS, Mr. ROBERTS, and Mr. ENZI, proposes an amendment numbered 475.

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

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

The amendment is as follows:

(Purpose: To limit the use of funds to restrict the issuance of general licenses for travel to Cuba in connection with authorized sales activities, and for other purposes)

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

SEC. 6047. (a) Notwithstanding any other provision of this Act, beginning in fiscal year 2005 and thereafter, none of the funds made available by this 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 this Act, beginning in fiscal year 2005 and thereafter, none of the funds made available by this 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 this Act, beginning in fiscal year 2005 and thereafter, none of the funds made available by this 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.

Mr. CRAIG. Mr. President, this amendment is very straightforward. Its purpose is to limit the use of funds to restrict the issuance of general licenses for travel to Cuba in connection with authorized sales activities and for other purposes.

This amendment responds specifically to an action by the Department of Treasury in a new rulemaking process that dramatically curtails the potential of agricultural trade with the nation of Cuba. A group of us—one of my colleagues who is on the Senate floor, MAX BAUCUS, and others—sent a letter to our Secretary of Agriculture. We know agricultural trade is extremely important for American agriculture. Last year, there was a surplus of $9.5 billion. That is going to drop precipitously this year to as much as $2.5 billion.

Trade with Cuba has been growing. This amendment dramatically restricts that trade by the unwillingness of the Treasury Department to offer the necessary licenses for agricultural traders to travel to Cuba for that purpose.

I hope we can consider it. It is very straightforward. I understand my colleague from Montana has a second-degree amendment.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 549 TO AMENDMENT NO. 475

Mr. BAUCUS. Mr. President, I call up amendment No. 549, an amendment in the second degree.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself and Mr. CRAIG, proposes an amendment numbered 549 to amendment No. 475.

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

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

The amendment is as follows:

(Purpose: To clarify the terms of payment under the Trade Sanctions Reform and Export Enhancement Act of 2000)

Strike all after ''Sec.'', and insert the following:

6407. CLARIFICATION OF PAYMENT TERMS UNDER TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

(a) IN GENERAL.—Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended by inserting after subparagraph (B) the following:

''(C) Notwithstanding any other provision of law, the term 'payment of cash in advance' means the payment by the purchaser of an agricultural commodity or product and the receipt of such payment by the seller prior to—

''(i) the transfer of title of such commodity or product to the purchaser; and

''(ii) the release of control of such commodity or product to the purchaser.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales of agricultural commodities made on or after February 22, 2005.

AMENDMENT NO. 549, AS MODIFIED

Mr. BAUCUS. Mr. President, I have a modification to my amendment. It changes the effective date. I ask unanimous consent that the amendment be modified with the text I send to the desk.

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

The amendment, as modified, is as follows:

Strike all after ''Sec.'', and insert the following:

6407. CLARIFICATION OF PAYMENT TERMS UNDER TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

(a) IN GENERAL.—Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended by inserting after subparagraph (B) the following:

''(C) Notwithstanding any other provision of law, the term 'payment of cash in advance' means the payment by the purchaser of an agricultural commodity or product and the receipt of such payment by the seller prior to—

''(i) the transfer of title of such commodity or product to the purchaser; and

''(ii) the release of control of such commodity or product to the purchaser.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales of agricultural commodities made on or after October 28, 2000.

Mr. BAUCUS. Mr. President, this is an amendment which I think is agreeable all the way around. It addresses the basic problem we are facing where the U.S. Government is essentially changing the rules of the game. I hope the Senate will adopt this amendment so we can overturn the Treasury Department ruling.

This is for farmers, this is for ranchers, this is for agricultural cooperatives, and this is for shipping companies and port authorities around our country. It is not only my State of Montana but Mississippi, Alaska, Alabama, and others. Farmers in all of our States are looking for new markets. That is clear. They are asking Congress to expand current markets and open up new markets overseas, including the country of Cuba.

Last year alone, Cuba was worth $400 billion of U.S. agricultural exports, making it the 25th agricultural export market. This amendment I worked on with Senator CHAMBLISS and Senator CRAIG would overturn a recent Treasury Department rule that restricts the payment terms of agricultural sales to Cuba. That rule cuts across $200 million worth of open contracts, including sales of Montana wheat and beans.

These contracts are now on hold. The shipments cannot be made. Why? Because of the recent Treasury ruling which we all think has gone way beyond the intent of legislation. I do not think we should sit idly by as Government bureaucrats down at Treasury try to shut down a promising export market that, again, Congress purposely opened.

Congress, in the 2000 act, opened trade to Cuba for agriculture and medicine on a cash basis. This amendment does nothing to change that. It makes sure we live up to that intent. Congress purposely opened the market of Cuba to U.S. exporters when it passed the Trade Sanctions and Export Enhancement Act of 2000. While I think there is a lot more we can do and should do to make our exporters more competitive in the Cuban market, this amendment does nothing more than deal with the emergency they are now experiencing.

Agricultural trade with Cuba will remain on a one-way cash basis only. We do not seek to change that here. But why should we turn down opportunities to sell even on a cash basis from Cuba? We should not. Producers, port authorities, and shipping companies alike urgently need this rule overturned if they are going to remain competitive in the Cuban market.

I remind my colleagues, every other country in the world freely ships products to Cuba. We are the only country in the world that is restricted. Other countries' trade is some indication we should perhaps trade as well. This amendment does not deal with lifting the travel ban. It does not deal with the embargo or anything else, except it makes clear the act we passed in the year 2000 is lived up to. That is all this is.

Our farmers and ranchers face mounting pressures of a tricky trade surplus. We should be working to open, not close, export markets with them.

I thank my colleagues for working this out. I see Senator CHAMBLISS in the Chamber. I thank him and I thank Senator CRAIG. I thank the chairman of the Appropriations Committee, Senator COCHRAN, and others who are trying to make sure our agricultural producers are able to get markets they justly deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in support of this amendment and

the second-degree amendment thereto. I thank my friend from Montana, Senator BAUCUS, as well as Senator CRAIG from Idaho. All three worked very hard to come to a compromise on this very sensitive issue.

What we are doing is basically restoring the normal trade discourse between our two countries to what it was before this change in a regulation that occurred about 2 months ago. We think the regulation does not state what Congress intended with the act that was passed 4 years ago.

Mr. President, 4 years ago, we did pass the Trade Sanctions Reform and Export Enhancement Act which allows sales of food and medicine only to Cuba for the first time in nearly four decades. The act did not signal an end to the embargo, exactly as Senator BAUCUS said, or efforts to do so but merely exempted food and medicine from unilateral sanctions that harm populations.

U.S. exporters require payment before turning over title and control of the goods. That is a standard operating procedure in the shipping business. The exporters routinely ship U.S. goods to Cuba where they remain under the custody of the seller until such time as the seller certifies full payment. Only then are goods released to Cuba. At no time is credit extended in any form to Cuba. I cannot overemphasize that because that is exactly what the act requires.

This standard method of doing business has been in practice since sales to Cuba began. This amendment will overturn OFAC's new definition of ''cash in advance.'' The legislation allows exporters to resume normal trading and does not include any extraneous provisions that are unrelated to the immediate problem.

I again thank my colleagues for working on this issue and coming to a good resolution to return to the way trading was done prior to the arbitrary change in the regulation by OFAC. I thank Senator COCHRAN for his cooperation in letting us get this to the Senate floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I strongly support the second-degree amendment. I think it has been well spoken by the ranking member of the Finance Committee, Senator BAUCUS. He has detailed exactly what we intend to do. The chairman of the Senate Agriculture Committee has echoed that very clearly. I support reinstating the 2000 act, in its clarity, in its simplicity, to allow agricultural and medical supply trade with Cuba. To see that changed by a regulatory process in the Treasury Department was not, nor is it, in my opinion, the intent of Congress.

I thank my colleagues for their collective effort in reinstating this issue.

The PRESIDING OFFICER. Is there further debate on the second degree amendment? If not, the question is on agreeing to amendment No. 549, as modified.

The amendment (No. 549), as modified, was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 475, as amended.

Mr. COCHRAN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I have been notified that there is a Senator who wants to be heard on the issue of germaneness on this amendment—or on the issue itself.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 443

Mr. DURBIN. I ask the pending amendment be set aside temporarily to consider my pending amendment No. 443.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, the amendment is set aside.

The Senator from Illinois.

Mr. DURBIN. I urge the adoption of amendment No. 443.

The PRESIDING OFFICER. Without objection, the amendment is called up.

The question is on agreeing to the amendment.

The amendment (No. 443) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DURBIN. Mr. President, at this point I return to the pending amendment subject to the wishes of the chairman—the previous pending amendment.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, I ask unanimous consent that at 3:15 today the Senate proceed to votes in relation to the following amendments; provided further that no second-degree amendment also be in order to the amendments prior to the vote: the Byrd amendment No. 516 on border security, the Warner amendment No. 498 on carriers; further, that there be 2 minutes of debate equally divided prior to each vote.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Reserving the right to object, is there any objection to add to that list the Landrieu amendments Nos. 414 and 479?

Mr. COCHRAN. Mr. President, those amendments have not been offered yet. These are amendments that have been offered and debated. We are simply proceeding to dispose of them.

Ms. LANDRIEU. Reserving the right to object, I would like to add after that vote Senator LANDRIEU would be allowed to take up amendments Nos. 414 and 479.

Mr. COCHRAN. Mr. President, I add that as part of the unanimous consent request.

The PRESIDING OFFICER. Is there objection? The request is so modified.

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, Senator WARNER has offered an amendment relating to delaying the decommissioning of the *John F. Kennedy* aircraft carrier CB–67. Is that the pending amendment?

AMENDMENT NO. 516

The PRESIDING OFFICER. The pending amendment is the Byrd amendment, No. 516.

Mr. STEVENS. Is the Warner amendment scheduled for a vote?

The PRESIDING OFFICER. The Byrd amendment is scheduled to follow the Warner amendment.

Mr. STEVENS. I ask unanimous consent the vote on the Warner amendment be scheduled to accompany the next vote requested by the Senate. I have been unable to make the statement I wanted to make on this amendment. I have been taken away for several other problems. I don't know when the next vote will be scheduled. But I do wish some time to discuss the amendment.

The PRESIDING OFFICER. A vote is currently scheduled on the Warner amendment.

Mr. STEVENS. I ask unanimous consent that be postponed until the next amendment that is scheduled.

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

Mr. STEVENS. Mr. President, do I have a couple of minutes before the vote?

The PRESIDING OFFICER. There are 2 minutes equally divided before the vote on the Byrd amendment.

Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the Byrd amendment.

The PRESIDING OFFICER. The yeas and nays were previously ordered.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

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

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—65

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Grassley	Obama
Bingaman	Gregg	Pryor
Boxer	Harkin	Reed
Bunning	Hutchison	Reid
Byrd	Inhofe	Roberts
Cantwell	Inouye	Rockefeller
Carper	Isakson	Salazar
Chambliss	Johnson	Santorum
Clinton	Kennedy	Sarbanes
Coburn	Kerry	Schumer
Conrad	Kohl	Sessions
Cornyn	Kyl	Snowe
Corzine	Landrieu	Stabenow
Craig	Lautenberg	Sununu
Crapo	Leahy	Talent
Dayton	Levin	Thune
Dodd	Lieberman	Vitter
Domenici	Lincoln	Wyden
Dorgan	Mikulski	

NAYS—34

Alexander	DeMint	McCain
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Bennett	Ensign	Shelby
Bond	Enzi	Smith
Brownback	Frist	Specter
Burns	Graham	Stevens
Burr	Hagel	Thomas
Chafee	Hatch	Voinovich
Cochran	Lott	Warner
Coleman	Lugar	
Collins	Martinez	

NOT VOTING—1

Jeffords

The amendment (No. 516) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that the name of Senator BINGAMAN be added as a cosponsor of the amendment just agreed to.

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

AMENDMENT NO. 498

Mr. STEVENS. Mr. President, is the Warner amendment the pending amendment?

The PRESIDING OFFICER. That had been the pending amendment. The Senator obtained consent to postpone its consideration.

Mr. STEVENS. I have come to the Senate to oppose this amendment.

The PRESIDING OFFICER. There were to be 2 minutes equally divided at this time on the Warner amendment.

Mr. STEVENS. Mr. President, I have not had the opportunity to speak on this amendment. I seek to oppose it.

I ask unanimous consent that we have 15 minutes on each side on this amendment.

Mr. WARNER. Mr. President, I wish to oblige the distinguished chairman. May I hear the request again.

Mr. STEVENS. I asked unanimous consent that we have 15 minutes on each side, and I intend to oppose the amendment. I assume the Senator from Virginia would have another 15 minutes on the amendment.

Mr. WARNER. I am perfectly agreeable to an equal division of the time. If the Senator needs 15, we have had the opportunity, Senator NELSON, myself, and others, and I believe the Presiding Officer may wish to speak, and Senator ALLEN. So that is agreeable.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Mr. President, reserving the right to object, will the Senator yield for a second first to take care of a procedural matter?

Mr. BAUCUS. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Alaska has the floor.

Mr. STEVENS. Mr. President, I have two Senators on the floor who wish to argue about who gets the floor, but I have the floor. The Senator from Nevada wishes to have an opportunity to do something.

I ask unanimous consent that I be able to allow the Senator from Nevada to make his presentation without losing my right to the floor.

Mr. BAUCUS. I object.

The PRESIDING OFFICER. There is objection. The Senator from Alaska retains the floor.

Mr. STEVENS. I regret that the Senator from Nevada is unable to do that.

Mr. President, I have come to the Senate floor now to oppose the amendment offered by my friend from Virginia. He is the chairman of the Armed Services Committee, and I do so very reluctantly. However, at hearings held by the Defense Appropriations Subcommittee, the Secretary of the Navy and the Chief of Naval Operations have opposed the goal of this amendment, which is to maintain 12 carriers in our fleet.

I want to read from that transcript. I said this to the Secretary:

Are you going to be terribly disturbed if we tell you to keep the *Kennedy* where it is?

The Secretary of the Navy said:

Yes, sir, we would be terribly disturbed to keep the *Kennedy* where it is. First of all, the money is out for the *Kennedy*. It is not in our budget. If we have to keep the *Kennedy*, then something else has to go. So we don't have the money in the budget for the *Kennedy*. It's gone. It is $1.2 billion and it is 40 years old. It has never been through a major upgrade. It is a Reserve carrier. So we have always had the expense and serious issues in keeping the *Kennedy* properly maintained. Frankly, it is so expensive for us and it has marginal capability. As the CNO said, our carriers are 4 times more capable than they were during Desert Storm. We are about to double capability by 2010 and, frankly, we do not need this carrier.

We have a disagreement of opinion between the Senator from Virginia and myself caused by the testimony. Parenthetically, I say to my friend, I hope he will look at the amendment.

Mr. WARNER. Mr. President, at this time, will you entertain a brief question?

Mr. STEVENS. Yes.

Mr. WARNER. The Senator has read from a transcript. We have had a discussion about it. Wouldn't you say that the Chief of Naval Operations expressed a different view at a different time?

Mr. STEVENS. Mr. President, I have been so informed by the Senator from Virginia, but he has not said that in my presence. Let me note for the Senator, the way this amendment is drafted, the money to maintain 12 carriers would come out of this bill, the supplemental appropriations, to be used for nonemergency purposes. Whatever happens to my objection, I hope that you will look at this amendment because we are informed that this would take $288 million out of the funds in this bill.

From a policy point of view, decommissioning the *Kennedy* as the Navy proposes in the fiscal year 2006 budget will have minimal near-term operational impact due to a previously scheduled complex overhaul that was scheduled to begin in May of this year. This complex overhaul would result in 2 years of nonavailability for the ship.

Decommissioning the *Kennedy* also has minimal near-term industrial base impacts and allows the Navy to free resources necessary to fight the global war on terrorism while preparing to face future challenges.

The Navy's plan to decommission the *Kennedy* will save $1.2 billion over fiscal years 2006 through 2011. These savings are critical for modernizing our Naval forces, and for providing the necessary resources for the Navy's shipbuilding account.

The *Kennedy* was chosen for decommissioning because of its material condition and operational readiness. The *Kennedy* has never been through a major upgrade. It served as a Reserve carrier from 1995 to 1998. The Navy has always had expenses and issues keeping the *Kennedy* properly maintained. It is expensive for the Navy and it is of marginal capability.

The *Kennedy* was scheduled to go through a complex overhaul from May 2005 to August 2006. It would be 40 years old coming out of this overhaul with the intent of extending it to 50 years of age.

The Navy now believes it would be difficult to maintain this platform within reasonable cost even after the complex overhaul given that it did not go through a mid-life service life extension program.

The overhaul risk in reducing the number of carriers from 12 to 11 is mitigated by several improvements realized in the multimission capabilities

of today's carrier strike groups. For example, carrier aircraft such as the F/A–18E and F/A–18F Super Hornets, are transitioning to the fleet with improved capabilities to hit multiple targets on a single sortie.

Our carriers today are at least four times more capable, as measured in number of targets serviced per day, than they were during Desert Storm. The Navy is expected to almost double this capability by 2010 as we bring on new airplanes, more precision weapons, and increased sortie rates with future carriers currently in development.

The Navy's fleet of nuclear-powered aircraft carriers has significant capabilities over conventional carriers, such as the *Kennedy*. Nuclear-powered carriers have greater range and speed, and can operate at full speed for indefinite periods without the need for refueling.

During flight operations, conventional carriers will need to refuel and re-arm every 2 to 3 days, compared to nuclear-powered carriers which will only need to re-arm and refuel every 7 to 10 days. The nuclear carriers have the capacity to carry 35 percent more fuel and ordnance than conventional carriers. Therefore, nuclear carriers are far less reliant on logistics support.

The Navy is also transforming how they operate and extracting more readiness out of the force. The Navy's fleet response plan is revolutionary and is providing greater availability of carrier strike groups.

The fleet response plan is supportable with an 11-carrier force as the emphasis is on enhanced readiness, speed of response, and increased carrier employability. These precepts continue to apply even with fewer carriers, as the Navy has ensured me that they will be fully able to meet combatant commander's requirements in key regions.

The Department has already begun to implement mitigation strategy to address the impact of the *Kennedy*'s complex overhaul workload cancellation. Approximately $28 million has been expended in supporting the Puget Sound Naval Shipyard and Intermediate Maintenance Facility to execute required maintenance on the USS *John C. Stennis*, CVN–74.

Norfolk Naval Shipyard personnel are also executing work on the USS *George Washington*, CVN–73, currently undergoing a docking phased incremental availability at Newport News.

Approximately $26 million has been obligated to Norfolk Naval Shipyard and the private sector to accomplish this additional required maintenance.

Additionally, there are other nonrecoverable costs totaling $47.1 million. Some of these are planning costs that will be required to be spent again if the complex overhaul of the *Kennedy* is reinstated, thereby increasing the original cost estimate of the complex overhaul.

The Navy also informs me that workload disruptions throughout all shipyards would be severe if their workload mitigation plans were changed at this point in the fiscal year.

I repeat that. They have told me workload disruptions throughout all naval shipyards would be severe if their workload mitigation plans were changed at this point in the fiscal year.

I will try to respond to my colleagues who suggest the *Kennedy* would be available to replace the USS *Kitty Hawk*, which is currently forward deployed and permanently homeported in Japan, if the *Kitty Hawk* was not available for operations.

The Navy assures me the *Kennedy* would not be moved to Japan if something happened to the *Kitty Hawk*. The Navy leadership believes the *Kennedy* does not provide the capabilities required to meet the mission for that area of responsibility.

Although the *Kennedy* is older than the *Kitty Hawk*, the Navy provides regular upgrades and maintenance on the *Kitty Hawk* to keep her in excellent material condition. If the *Kitty Hawk* becomes unavailable for operations, the Navy will rotate a nuclear carrier into the region until the *Kitty Hawk* would be repaired.

Finally, I know many Senators are concerned that the retirement of the *Kennedy* will negatively impact base realignment and closure decisions, BRAC decisions, regarding Mayport, FL, and possibly leave the Nation with only one port facility on the east coast capable of supporting large-deck, deep-draft vessels.

I can tell those Senators the Navy is committed to retaining two strategic ports capable of accommodating large-deck, deep-draft ships on each coast.

To this end, Mayport continues to be a critical large-deck-capable port. In the near term, the Navy will look at homeporting a large-deck amphibious ship in Mayport to mitigate the impact to the community for the loss of the *Kennedy*.

As I said, I am here to oppose this amendment because of the cost it will impose on the Navy and the risk it will impose on future capabilities being developed for our naval forces.

There is no question in my mind this is the wrong way to go. The Navy has stated that to us very clearly in statements made to the Appropriations Committee, following the time of the comments to the Armed Services Committee.

I want to again say Secretary English, with the Chief of Naval Operations sitting by him, said this to our committee:

> So we fully support taking out the *Kennedy*, and, Mr. Chairman, if we are required to keep the *Kennedy*, then we're going to have to take money out of someplace else because we do not have the money to keep the *Kennedy*.

The impact of this amendment is it will be taking money out of this supplemental appropriations for this purpose. My good friend from Virginia I do hope will take, in any event, a look at his amendment because I do not think this emergency money ought to be diverted to a change in a policy decision and overruling the Secretary of the Navy with regard to how many carriers there are in our fleet.

I reserve the remainder of my time.

Mr. WARNER. Mr. President, I say to my good friend the funds needed, to the extent funds are needed, to keep this ship in an operational status are in the 2005 budget. The only reason we had to make reference with the sentence ''of the amount appropriated for the Department of Navy by this act'' was to get it germane so we could get it to the floor so the Senate of the United States can make a decision.

I say to the Senator most respectfully, the funds that are needed to put this ship in such condition to continue are there. However, just today the admiral, who was the battle fleet commander who brought this ship back from its most recent deployment, said as follows:

> If improvements made to the *JFK* avionics maintenance facility prior to deployment—

The access to this ship. And he concludes by saying:

> The results from our aggressive self-sufficiency and superb technical support, mostly via aviation technology, enabled us to return from the deployment in outstanding material condition.

That is the status of the ship. The reason we are trying to keep this in is not a political one, it is not relating to our various jurisdictions. It is for the interest of this country to keep a ship in port in Japan which is nonnuclear, while the Japanese Government and the local mayoral government—I think it is called a precept—make the decision as to whether they will ever allow a nuclear carrier in there.

I think there is adequate testimony in our records of the Armed Services Committee to the effect the Navy believes keeping a ship in that area of operation, particularly at this time of heightened tension, is in the interest of our national security and our ability to work with our allies and friends in that region.

I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I want to underscore so Senator STEVENS can hear what Senator WARNER said. The funds were provided in the 2005 Defense appropriations bill. There were funds in excess of $300 million in that bill. To the best of my recollection, it was $317 million for the purpose of dry dock. Some of those funds have already been expended for the planning of the dry dock. However, there are approximately $288 million already appropriated in the 2005 bill for the drydocking of the *John F. Kennedy*. This is not the expenditure of moneys in the supplemental bill.

I want to underscore also what the distinguished chairman of the Senate Armed Services Committee has said in quoting Admiral McCollum, the battle

group commander of the *John F. Kennedy*, which has just returned from operation, and what he quoted from the written testimony of the admiral. I was at that committee meeting.

I just came from a committee meeting. I said: ''Admiral,'' and I read the statement the chairman just read to the Senate, ''are you saying that the *John F. Kennedy* is seaworthy?''

He said: Yes, sir.

Thirdly, I emphasize what the distinguished chairman has said, and that is, this all boils down to a matter of defense of our interests with a rising threat from China in the Pacific area of operations. It is clear, in testimony after testimony by four-star admirals, we have to have a carrier homeported in Japan so they can get to an area of conflict quickly. Between now and when the *Kitty Hawk* is going to retire in 2008, we do not have any assurance the municipal government in Japan is going to say: We will accept a nuclear-powered carrier. Therefore, out of prudent and conservative planning for our projection of forces in the Pacific region, we should keep this conventional carrier alive.

Mr. WARNER. Mr. President, can I inquire of the time remaining under my control? My understanding is there were 15 minutes to Senator STEVENS and 15 minutes given to my side.

The PRESIDING OFFICER. It is the opinion of the chair that agreement on time was never formally reached. However, the Senator from Virginia has used 3 minutes and the Senator from Alaska 10.

Mr. WARNER. I think, in the interest of moving this along, that we adhere to the request there be 15 minutes to each side.

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

Mr. STEVENS. That was my understanding of the situation at the time. I think there have been more requests for time.

Mr. WARNER. We failed to achieve an agreement. So can I reinstate the original request, 15 minutes to each side—it is now less the amount of time consumed by both sides—so the Senate can get on with its business?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I have no objection.

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

Mr. WARNER. Mr. President, I say to Senator NELSON and my colleagues, it is clear this decision to take the *Kennedy* and put it in a situation where it is going into mothballs was made in the final hours of the budget process.

It was driven by the budget. The Chief of Naval Operations had testified before our committee, which testimony is before the Senate, that he always wanted 12 carriers. If we are to make a decision to go from 12 carriers to 11, that should be done in the QDR process which is underway now, which will be concluded this year, possibly impacted by the BRAC process which likewise is underway, and consequently there are orderly procedures legislated by the Congress by which a decision of this magnitude should be made.

There are three Senators who desire to speak, and I will yield 2 minutes to each of them: Senator ALLEN, 2 minutes; Senator MARTINEZ, 2 minutes, and Senator TALENT, 2 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I thank my good colleague Senator WARNER for his great leadership on this matter. This is a bipartisan effort.

Let us recall what this amendment is about. It is to provide our Navy with the maximum flexibility to project our power in East Asia. The Senator's amendment says before we mothball the *JFK*, two things have to happen. There is the Quadrennial Defense Review to determine how this mixture should be, and actually 180 days thereafter, and also assure us we can have a nuclear carrier ported in Japan, which prohibits nuclear-powered ships in their land.

A little over 2 years ago, Admiral Clark said: The current force of 12 carriers and 12 amphibious groups is the minimum we can have to sustain the operations we are in. In the 2002 naval posture statement: Aircraft carrier force levels have been set at 12 ships as a result of fiscal constraints. However, real-world experience and analysis indicate that a carrier force of at least 15 ships is necessary to meet the warfighting Commander in Chief's requirements for carrier presence in all regions of importance to the United States.

What has happened in the last 2 years? Nothing to restrain or think that these threats are less than they were before. We are still in the war on terrorism. China is building up their navy. They are passing anticession laws, threatening Taiwan more than ever. So while we are standing down, to some extent, our building of a navy, then reducing a carrier which would not be available to be in Japan in that theater of concern, it is illogical to take away this flexibility of protecting our security interests in the Indian Ocean as well as, for that matter, the Pacific Ocean. I believe a plan to mothball the *Kennedy* at this time is shortsighted, especially in this time of war and with the rapid buildup of the Chinese Navy.

The PRESIDING OFFICER. The Senator from Virginia has used 2 minutes.

Mr. STEVENS. How much time remains?

Mr. ALLEN. I ask unanimous consent for an additional 30 seconds.

Mr. WARNER. Mr. President, might I inquire as to the total time remaining under my control?

The PRESIDING OFFICER. The Senator from Virginia has 7 minutes remaining and the Senator from Alaska has 5 minutes remaining.

Mr. WARNER. I yield 30 additional seconds to the Senator from Virginia.

Mr. ALLEN. The threats in the western Pacific are greater than they were before. Even last year, the funding was put in for this year for the refurbishment and the maintenance of the JFK. For the sake of our security and the flexibility we need for projecting our power, protecting our interests in the Far East, the wise thing to do is accept the amendment of the Senator from Virginia, which is shared by cosponsors from Florida and elsewhere.

I yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I rise in support of Senator WARNER's amendment. I believe it is of crucial importance to our Nation that we maintain the readiness of our carrier force.

I thank my colleagues from Virginia, and also the senior Senator from my State, Mr. NELSON, who has been so dogged in his fight in this effort. I believe we have made a lot of progress since we began to talk about keeping the *Kennedy* and keeping 12 carriers in the fleet.

The thing that has impressed me as this discussion has proceeded is a commentary from the Secretary of the Navy, as well as the Chief of Naval Operations as they have discussed the need for readiness of 12 carriers, as well as the fact there is a need for maintaining operations on the east coast of the United States with two ports available to our Navy.

I believe as this debate and this discussion has ensued, it has become increasingly clear that at a time of great stress upon our Armed Forces, at a time when we expect our global reach to be just that, global, we cannot make do with 11 carriers to satisfy short-term budgetary goals.

The fact is our Nation is best served by a 12-carrier force. Our Nation is also best served by having two ports on the east coast that can handle nuclear carriers. I believe we should move forward in that regard as well to allow that diversity and that opportunity.

I yield the remainder of my time and thank the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I thank the chairman for yielding. I am the chairman of the Seapower Subcommittee, which is kind of strange given that I am from Missouri. It is not as though we have ports or shipyards in Missouri, although we do build the planes that go on these carriers.

I want to endorse this amendment, which I have cosponsored, and endorse what other Senators have said in support of it and briefly give the Senate the broader picture. Several years ago the Chief of Naval Operations opined that we needed about 375 ships in the U.S. Navy to meet the national military strategy, basically to protect our security. We now have around 288.

A Quadrennial Defense Review is underway. It is going to be completed next year. We are looking very carefully in the Armed Services Committee

at how many ships we need and what we need to do to the shipbuilding budget and what we need to do to demand more efficiency from our shipyards and our shipbuilders.

I am very hopeful in the next year or so we will move forward with a major package in this area. I know the chairman of the full committee feels the same way.

In the meantime, especially given the rising tensions in the western Pacific, I think allowing the Navy to go from 12 to 11 carriers would send exactly the wrong statement. We need to make the point to everyone around the world that we are going to sustain naval strength at the level necessary to protect the security of the United States. So we as a Congress need to begin resolving now that we are going to do what is necessary to accomplish that, which means in part, yes, not allowing the number of carriers to shrink, at least not before the Quadrennial Defense Review is finished, but also it means sustaining the shipbuilding and conversion account at a funding level that is necessary to buy the ships we need to sustain a 300-ship or more Navy.

There is going to be more on this next year. We have to stand by on that. I am sympathetic with the concerns of the Senator from Alaska, but I sponsored the amendment and I support it now. Passing it would be the prudent thing to do.

I yield back.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have 5 minutes?

The PRESIDING OFFICER. That is correct, the Senator has 5 minutes.

Mr. STEVENS. Please notify me when I have 1 minute remaining.

Mr. President, pursuant to rule VI, paragraph 2, I ask unanimous consent that Senator BYRD be considered necessarily absent and he be excused from any further service of the Senate for the remainder of today.

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

Mr. STEVENS. Mr. President, this amendment says the money will come out of this bill. Now, it is true that for 2005 we did appropriate money to the Navy for the CV–67, the *John F. Kennedy*. But I have in my hand the cancellation of the complex overhaul. We know exactly where the money has been reallocated. It has been reallocated to a series of functions. Some of those functions are already prepared.

I say to my colleagues, no matter what we do, the money will come out of this bill because the money that was allocated in the 2005 bill has been used for the *Stennis*, for the *George Washington*, support travel for the CVN–73 and 74, for the USS *Truman*, CVN–75, for additional work at Hampton Roads, for the USS *Charlotte*, which is the SSN–766, a submarine, and for work inactivation of the carrier at Mayport. As a practical matter, they have already spent the $288 million in the 2005 bill—at least obligated it. The Senator from Virginia, I understand, disputes that. But that is the information we have received.

What I am saying, for our committee I oppose this amendment of Senator WARNER because it, No. 1, will preserve 12 carriers; No. 2, it will take money from this bill or somewhere to go back and reinstate the basic complex overhaul which, as I said to the Senate, the Navy now believes is unwarranted because of the age of this vessel. This vessel is so old and it did not have a midlife service program. So there is no reason to suspect it will have 10 years' service after this overhaul is completed.

What this will do, if we spend the money, we are going to delay the modernization of the Navy. We know throughout the world nations are building more ships. We cannot keep up with them. We cannot keep up with them because we are keeping old hulls. It is time we woke up. We need smaller, faster, more capable vessels than these vessels we are talking about. To prolong their life is wrong.

The Secretary of the Navy and the CNO have taken a different position than they did 6 months ago on this issue. They finally came to the conclusion they could not do what they wanted to do, and they told us that in our committee. I am reporting that to the Senate.

The choice of the Senate is to support the Navy's position now as expressed by the Secretary and the Chief of Navy Operations and spend this money the way they want to spend it for the future, or to go back and reverse that decision and try to maintain a 40-year-old carrier and extend its life for 10 years when the experts say you can spend all this money and it still will not be a serviceable vessel to meet the needs of the Navy.

I reserve the remainder of my time.

Mr. WARNER. Mr. President, I simply say to my good friend in a very dispassionate, calm way, you read from a document that is only 10 days old. They learned that I differed with them, and they have done everything they can to build a case to stop it. But not a dollar has gone out of the Navy Treasury. It is still there. You will see that that was done just 10 days ago.

I say to my good friend, they made the decision to keep this in the budget. It was in the budget up until the last 2 days when down came a cut in dollars and they decided to go to where they maybe cut a few bucks out. They can restore them and that ship can stay alive and that ship can be added to address any problem to defend our interests in that area for an indefinite period of time because it is in good condition as certified today—am I correct, Senator?—by the admiral in charge of that ship?

Mr. NELSON of Florida. The Senator is absolutely correct; just 30 minutes ago from the admiral.

Mr. WARNER. So as a former Secretary of the Navy myself, I feel very strongly. I do not know of any Senator who stood on this floor more times to defend the Department of the Navy—I say with a sense of humility—than I. But I believe this time the decision was driven by the budget, and it is not a correct one given the status of forces in that area, given the uncertainty about the ability to continue the homeporting of a Navy carrier in our expensive base that we have maintained—as a matter of fact, as Secretary I put it together—in Yokosuka.

If there is more time, I yield the time back and suggest the Senate work its will.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 30 seconds.

Mr. STEVENS. Mr. President, I regret being here with this argument because I have such deep respect for Senator WARNER, the Senator from Virginia, the former Secretary of Navy. But I think this year I am going to be at this desk saying this again and again. We are in a program of reshaping our military. We are looking out to the future, based on the lessons we have learned in Afghanistan and Iraq and the war on terrorism.

We note some of the failures of our system. One of them is the failure to modernize in time. We got behind. The very fact that this 40-year-old vessel is out there with overhaul appropriations was wrong to begin with. We should be looking to the future and to the needs of this Navy. I congratulate the Secretary of the Navy and the CNO for being willing to reverse their stand and come to us and say: Please oppose this amendment. Keep the schedule we have decided on and let us modernize the Navy.

That is the decision before the Senate. Are we going to go forward with the people making the tough decisions? Are we going to do it after BRAC? Are we going to do it for the Air Force? We are going to have some tough ones for the Air Force. Are we going to do it for the Army? We are going to have some tough decisions on the Army. Every single part of the military is going to be realigned in terms of spending this year, and this is the beginning.

I leave it to the Senate. Make the decision. Shall we follow the Chief of Naval Operations and the Secretary of Navy, their current position, or shall we follow the position they had just 6 months ago?

The PRESIDING OFFICER. All time has expired.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. All time has expired. The yeas and nays have been ordered.

Mr. WARNER. I ask Senator COLLINS be added to those as cosponsor, and that the list remain open because we

have received a lot of calls from people who want to support this amendment.

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

Mr. WARNER. I thank the Chair.

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

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The vote was announced—yeas 58, nays 38, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—58

Akaka	DeWine	Lott
Allen	Dodd	Martinez
Baucus	Dole	Mikulski
Bayh	Durbin	Murray
Biden	Ensign	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Boxer	Graham	Obama
Brownback	Hagel	Pryor
Burr	Harkin	Reed
Cantwell	Hatch	Reid
Carper	Inhofe	Salazar
Chambliss	Inouye	Sarbanes
Clinton	Isakson	Snowe
Coburn	Kerry	Stabenow
Coleman	Landrieu	Talent
Collins	Lautenberg	Thune
Cornyn	Leahy	Vitter
Corzine	Levin	Warner
Craig	Lieberman	
Dayton	Lincoln	

NAYS—38

Alexander	Feingold	Rockefeller
Allard	Frist	Santorum
Bennett	Grassley	Schumer
Bond	Gregg	Sessions
Bunning	Hutchison	Shelby
Burns	Johnson	Smith
Chafee	Kohl	Specter
Cochran	Kyl	Stevens
Crapo	Lugar	Sununu
DeMint	McCain	Thomas
Domenici	McConnell	Voinovich
Dorgan	Murkowski	Wyden
Enzi	Roberts	

NOT VOTING—4

Byrd	Jeffords
Conrad	Kennedy

The amendment (No. 498) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. By previous order, the Senator from Louisiana is to be recognized.

The Senator from Louisiana.

AMENDMENT NO. 414

Ms. LANDRIEU. Mr. President, I call up amendment No. 414.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 414.

The amendment is as follows:

(Purpose: To encourage that funds be made available to provide assistance to children affected by the tsunami)

On page 194, line 13, after ''tsunami:'' insert ''*Provided further*, That of the funds appropriated under this heading, not less than $25,000,000 should be made available to support initiatives that focus on the immediate and long-term needs of children, including the registration of unaccompanied children, the reunification of children with their immediate or extended families, the facilitation and promotion of domestic and international adoption for orphaned children, the protection of women and children from violence and exploitation, and activities designed to prevent the capture of children by armed forces and promote the integration of war affected youth:''.

Ms. LANDRIEU. Thank you.

Mr. President, I ask unanimous consent that Senator BINGAMAN be recognized for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I thank my colleague, the Senator from Louisiana.

AMENDMENT NO. 483, AS MODIFIED

Mr. President, I ask unanimous consent that the pending amendments be set aside and that amendment No. 483 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is pending.

Mr. BINGAMAN. Mr. President, I send a modification to the amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. Is there objection to the amendment being modified?

The Senator from Nevada.

Mr. ENSIGN. Reserving the right to object, which amendment is this?

The PRESIDING OFFICER. The amendment previously offered by the Senator from New Mexico——

Mr. BINGAMAN. No. 483.

The PRESIDING OFFICER. No. 483.

Mr. ENSIGN. No objection.

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

The amendment, as modified, is as follows:

On page 202, lines 22 through 24, strike ''*recent Supreme Court decisions and recently enacted legislation, $60,000,000*'' and insert ''increased immigration-related filings, recent Supreme Court decisions, and recently enacted legislation, $65,000,000''.

Mr. BINGAMAN. Mr. President, this modification would provide that instead of the $60 million that is in the bill now for the operation of our Federal courts, there would be $65 million, and that the additional funding could be used for both responding to recent Supreme Court decisions, responding to recently enacted legislation, and responding to the increased immigration-related filings in the Federal court. This is a good amendment. It is one that is important, particularly for the States where these immigration-related filings are happening. I believe this is an acceptable amendment to both sides, and I urge my colleagues to support it. I believe it can be agreed to on a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 483, as modified.

The amendment (No. 483), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 414, AS MODIFIED

Ms. LANDRIEU. Mr. President, I am glad I was able to accommodate our colleague. At this time I send a modification to amendment No. 414 to the desk and ask unanimous consent that we discuss this slightly modified version.

The PRESIDING OFFICER. Is there objection to the modification of the amendment?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 194, line 13, after ''tsunami:'' insert ''*Provided further*, That of the funds appropriated under this heading, not less than $25,000,000 should be made available to support initiatives that focus on the immediate and long-term needs of children for protection and permanency, including the registration of unaccompanied children, the reunification of children with their immediate or extended families, assistance to improve the capacity of governments and appropriate private entities to facilitate domestic and international adoption of orphaned children, the protection of women and children from violence and exploitation, and activities designed to prevent the capture of children by armed forces and promote the integration of war affected youth:''.

Ms. LANDRIEU. Mr. President, as we continue to discuss the supplemental bill, it is not the largest bill in terms of dollar amounts that we have talked about on the Senate floor. Of course, we manage to move through 13 appropriations bills most years. That is billions and billions of dollars in priorities that we are trying to reflect on behalf of our constituents in our States and around the Nation.

One of the important components of this $80 billion supplemental bill is about $1 billion for relief for tsunami victims. We remember all too vividly and dramatically and traumatically when on Sunday, December 26, a wave of about 50 feet hit several countries in the Indian Ocean, primarily Indonesia, and within a few hours or a few days, 120,000 people were dead, some of them children who were simply unable to get out of the way of the wave; there was no warning.

The Senators who have forwarded this supplemental are very aware of the needs. I offer this amendment on behalf of Senator CRAIG and myself because part of the effort to reconstruct this region is to help not only rebuild

the roads, rebuild the houses, rebuild the schools, reinvest in the health and education infrastructure. I argue that it is most important for us to rebuild the families. We talk about nation rebuilding. We talk about building nations. We talk about reconstruction. All of that is wonderful and terrific, but I don't know if people are understanding that nations are built, communities are built, cities are built on families.

When I read through the many pages of this very well put together bill, one of the problems was there was not a mention under the title for USAID of this Government's efforts to reunite orphans and parents, to establish strong programs or initiatives to help reunite children with parents who are still alive or with extended family relatives so that those family units can be strong.

I can tell you, I know from experience—and I think every Republican and Democrat on this floor would agree with me—you can build the strongest buildings in the world. You can build the mightiest interstate systems. You could have the finest school buildings and the finest universities. But if you don't have strong families, the nation, the community, is not going to thrive, and there will be no future. The future is passed from parent to child, from grandparent to grandchild, not from a bureaucratic government. Governments do a lot of things well, but let me stand here on behalf of the Coalition on Adoption, which represents 180 Members of Congress, to say, governments do a lot of things well. Raising children is not one of them. Parents raise children.

Senator CRAIG and I—and I see the Senator on the floor, and I would like him to add his insights—want to strongly go on the record saying that if we are going to spend a billion dollars to help tsunami victims, certainly we can carve out of that money, not adding money to this, $25 million for the express purpose of strengthening families, identifying those children who have been orphaned, working to see if some relative would adopt them. If that relative who wants to adopt has lost their fishing boat and is no longer able to provide for their surviving children and the orphans of the sister or brother who was lost next to them in the wave, then these programs we are establishing could help to reunite that family and keep them together and not pull these children out of these family units and send them to be raised in an orphanage or in a boarding school and give them food.

They need more than food. They need emotional support. They need spiritual support. They need care. I could go on and on for hours, which I won't do, to give you documents that are alarming to me from people whose salaries we pay saying that this is not important.

I want to say to the Members—and all of us feel it is quite important—it is a real problem when these pages do not reflect that principle and that priority.

I know Senator CRAIG's time may be short. Let me yield at the moment to him. He may want to add a word. I am hoping we can get this adopted without a vote.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator from Louisiana has made the point so very clearly. We are sending a billion dollars to the tsunami region and the tsunami victims. We speak not once about reuniting families.

The Senator from Louisiana traveled with our majority leader to the tsunami area immediately following that tragedy. She saw firsthand the phenomenal difficulties. I was in India recently on behalf of the congressional coalition on adoption and children and once again heard about the tremendous problems that are real to this region.

One of the things that both the Senator from Louisiana and I know, because we immediately extended our assistance and opened our arms and said, Americans are ready to adopt these orphan children, we got a very nice, polite response: No, we will work to take care of our own.

The reason that response was appropriate was because in those regions of that part of our world, in those cultures and religions, the extended family is phenomenally important. They work very hard at taking care of their own under most difficult situations of the kind we have seen. It isn't just that they can reach out their arms for love and care; it is that they have the resources to assume those children into their families who are part of the extended family.

I do believe this is an appropriate amendment. It does some targeting within. It is not adding money to; it is not taking money away from; it is simply defining and shaping a very important use. I would hope we could agree on that and accept this amendment of the Senator from Louisiana as an appropriate amendment to the underlying bill.

Ms. LANDRIEU. I thank the Senator from Idaho for his insight and his addition to the record. Let me make two additional points. As we know, President Bush has asked former President Bush and former President Clinton to head up an international private sector effort, so the money that we lay down, the $1 billion, is sort of a guide to the private dollars being raised.

This Congress cannot, with the power that we have, let this budget go out without a mention or a specific dedication or at least an underscore that we in the Congress think families are important, we would like to send that message out to private donors saying: Please, let's rebuild the highways, let's rebuild the schools, let's rebuild the hospitals. But while we are doing that, let's respect the family. Let's honor the family. Let's try to keep children within families through extended kinship adoption, through adoption domestically and, if not, through international adoption with all the proper safeguards.

Second, we have spent a lot of time coming up with new rules and regulations about child trafficking, child exploitation. It is terrible to see children sold into the sex trade, and many of these children are sold into the sex trade because they don't have parents who are watching them and protecting them. Yet in some cultures it is unfortunate that even children have children and the parents are not strong enough, either economically or in a strong enough physical position, to protect these children from these exploitations.

So I say to my friends in this room, if we want to protect children from exploitation, if we want to protect children from child trafficking, then, heavens, help them find a parent. Parents do a lot better job of protecting children than any army in the world. Nobody could get my children out from underneath my watchful eye. So I know. We all hover around our children and protect them. The least our Government can do is honor the work parents in the United States of America do in trying to protect their children, and when their parents are killed or separated from them, move them to adoptive parents who will protect them and keep them away from the traffickers.

So I say to the leaders, the managers of the bill, we are not adding money to the bill; $25 million is not that much money when you are talking about continents and nations and hundreds of thousands of families that could benefit. Please consider accepting this amendment. If not, you can understand why Senator CRAIG and I would have to ask for a vote. We are not asking for any more money. We have mentioned everything in this bill—physical disabilities, mental illness, loss of fishing boats, highways, houses, schools. I have read every page of it, and I am on the Appropriations Committee. I cannot find a mention in here about the U.S. Government—after many of us have traveled to the region and taken pictures with orphans and with the families and promised aid, I don't see why we cannot earmark and set as a priority $25 million, which is a small amount of money, to this end.

That is basically the argument. I hope the leadership will accept it. I thank the chairman, the Senator from Mississippi, for his great help and support. I know it is a difficult bill to move through. Whether he wants to vote now or if he wants to stack it for later, I am open to that.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I know of no other requests for debate on the amendment. I have no objection to our proceeding to a voice vote on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 414), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 475

Mr. ENSIGN. Mr. President, I call for the regular order with respect to amendment No. 475 and make a point of order that the amendment is not germane under the provisions of rule XXII.

The PRESIDING OFFICER. The point of order is well taken and sustained. The amendment falls.

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me say how disappointed I am that the action taken by the Senator from Nevada has just happened. We were working very hard to solve a very specific problem that the administration had chosen to rule by regulation, what I believe is a total subversion of a law that was critically necessary and helpful to our agricultural people. But that has now happened, and the Senator was in his right, as disappointed as I am, by what I believe is a near bushwhack, but then again that is chosen.

I yield to the Senator from Georgia.

AMENDMENT NO. 472, AS MODIFIED

Mr. CHAMBLISS. Mr. President, at this time, I ask unanimous consent to call up amendment No. 472, as modified, which is at the desk.

Mr. ENSIGN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Senators LUGAR, ROBERTS, HARKIN, DORGAN, ENZI, and JOHNSON be added as cosponsors of amendment No. 472, as modified.

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

The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I ask unanimous consent to withdraw amendments Nos. 388 and 406.

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

AMENDMENT NO. 520

Mr. BAYH. Mr. President, I call up amendment No. 520.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. BAYH] proposes an amendment numbered 520.

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

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

The amendment is as follows:

(Purpose: To appropriate an additional $213,000,000 for Other Procurement, Army, for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles (UAHMMWVs))

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

UP-ARMORED HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLES

SEC. 1122. (a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount appropriated by this chapter under the heading ''OTHER PROCUREMENT, ARMY'' is hereby increased by $213,000,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading ''OTHER PROCUREMENT, ARMY'', as increased by subsection (a), $213,000,000 shall be available for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles (UAHMMWVs).

(c) REPORTS.—(1) Not later 60 days after the date of the enactment of this Act, and every 60 days thereafter until the termination of Operation Iraqi Freedom, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the current requirements of the Armed Forces for Up-Armored High Mobility Multipurpose Wheeled Vehicles.

(2) Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the most effective and efficient options available to the Department of Defense for transporting Up Armored High Mobility Multipurpose Wheeled Vehicles to Iraq and Afghanistan.

Mr. BAYH. Mr. President, I call up this amendment to address what has been a chronic and pressing need on the part of our military forces in both Iraq and Afghanistan.

Mr. President, there is an old saying we are all familiar with: Fool me once, shame on you. Fool me twice, shame on me.

Mr. President, fool me nine times, and it qualifies as an emergency that must be addressed, particularly when the lives and limbs of our military men and women are at stake. Specifically, I refer to the fact that the United States Army has now, on nine consecutive occasions, underestimated the need for uparmored humvees in the theater of Iraq. This has been a matter of some public attention in Newsweek Magazine and elsewhere. It is a chronic need we need to address now.

The figure the Army indicates they currently need—and allegedly have met—would not have been met at all if, last year, we had not taken similar action to do what I am currently requesting. They would have had funding for thousands of fewer vehicles and not met the need that currently they suggest is imperative. The figure they are saying is sufficient today includes—think about this—a range of attrition of 226 vehicles throughout the combat in Iraq. They have only lost 226 uparmored humvees throughout the last 2 years in that theater. This is below the attrition rate of 10 to 15 percent, suggesting strongly that they are erring yet again—for the tenth time.

I ask my colleagues, when it comes to something this important, with a track record of underestimating the need this clear, should we not err on the side of doing more, rather than less, when it comes to protecting the lives and safety of our military men and women?

I note some of my colleagues, who I esteem greatly on the other side of the aisle, will suggest the generals are simply saying we don't have an additional need at this time. Mr. President, that is not what the troops are saying. Do you remember the one brave soldier who brought to the attention of the Secretary of Defense the fact that they were having to resort to what he called ''hillbilly armor'' for their protection? We should not allow this deplorable condition to continue.

I remind my colleagues again, in spite of what the generals are currently saying in a letter circulating, they have been wrong nine consecutive times. The credibility on this issue is not that great. It is also suggested perhaps we should take our resources—and I understand they are scarce—and allocate them instead to have striker vehicles instead of uparmored humvees.

Mr. President, I submit this is a false choice. When it comes to protecting our troops, we should do whatever it takes to get the job done and not leave some exposed to unnecessary harm while choosing instead to protect others. We can afford to do both.

Mr. President, I conclude my comments by saying how much I respect Senator COCHRAN and Senator STEVENS but the track record here is very clear. On nine consecutive occasions, the Army has underestimated the need. The need wouldn't be met today for the number of vehicles suggested in their letter if we had not acted last year. Let us err on the side of doing more rather than less. Let us take this action to protect our troops. It is the very least we can do when they are in harm's way on our behalf.

Mr. President, on behalf of Senator KENNEDY, myself, and others, I ask we take this action.

I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the global war on terrorism requirement for these uparmored humvees is 10,079 units. I have a letter from the Department of the Army signed by David Melcher, Lieutenant General, U.S. Army, and James Lovelace, Lieutenant General, Deputy Chief of Staff, which states the amount already appropriated and supported in reprogramming actions will fund the total requirement of 10,079 humvees by June of this year.

Without any money from this supplemental request, the total requirements have been set down for this system for this fiscal year.

This, after all, is a supplemental request, and we will be dealing with the Army's 2006 requirements in the full bill for the fiscal year 2006. We have appropriated and programmed moneys to

meet the requirements. As a matter of fact, the funds we put up already will exceed that requirement by 266 vehicles. The manufacturer is currently producing these humvees at the maximum capacity of 550 per month and will exceed the Department's requirements in June.

I am sad to oppose my good friend from Indiana, but the requirement for these uparmored humvees is not going to expand, in our judgment. The Army maintains they do not need more uparmored humvees in Afghanistan because they are too heavy to maneuver in the mountainous Afghan terrain. In the areas where they are capable of being used, we are bringing more and more critically needed equipment, such as the Strikers, into Iraq.

We should focus on the total funding for validated global war on terrorism requirements. These requirements were validated by the Army through its team system. There is no question that the procurement we have already paid for is sufficient to meet the total needs of the Army through the remainder of this fiscal year.

As I said, we are going to look at this in terms of 2006. The Army procurement request so far for 2005 has been sufficient. We do have critical force protection requirements, but we also have the problem of recapitalization of equipment used in operation and equipment that is coming up for rotation.

This is a very expensive time for the Army with the rotations that are going on. If we fund unvalidated requirements as proposed by this amendment at this time, that will come at the expense of validated requirements that have not been met.

We will look at this again in conference, I promise the Senator from Indiana. There is no question this is a system we provided in recent months for the global war on terrorism. This capacity of 550 per month is an enormous amount of production. We commend the manufacturer for increasing its rate of production, but what happens when you increase rate of production is you get to the end sooner.

We validated these requirements. We have met the requirements, and we do not need any additional money from this emergency bill to be spent for uparmored humvees.

I do not know if anyone else wishes to speak on the matter, but I oppose it. I urge a ''no'' vote on the amendment.

Again, at the request of the Department of Defense and the Department of the Army I oppose the Senator's amendment.

If there is no further debate, I am pleased to have the vote on this matter.

The PRESIDING OFFICER. Is there further debate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. I ask unanimous consent that the rollcall vote ordered on this amendment commence at 5:45 p.m.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EPILEPSY AND RETURNING WOUNDED SOLDIERS

Mr. OBAMA. Mr. President, I thank the senior Senator from Alaska for joining me to discuss an issue of growing importance for our service members wounded in Iraq and Afghanistan.

Mr. STEVENS. I am pleased to join the Senator from Illinois to discuss this issue.

Mr. OBAMA. Recently, USA Today reported that many of our injured soldiers are returning from Iraq with a condition known as traumatic brain injury, or TBI. Even though new technology and better body armor are helping soldiers survive bomb and rocket attacks, the blasts are still causing brain damage to them. As of January, 437 cases have been diagnosed in Army hospitals alone, and some doctors are saying that it could become the ''signature wound of the Iraq war.''

TBI is the greatest risk factor for developing epilepsy. In fact, a study of Vietnam vets showed that 51 percent of those who suffered TBI went on to develop this disorder. That is why I filed an amendment to provide $1 million to the Department of Defense Peer Reviewed Medical Research Program for epilepsy research—including research on the relationship between TBI and epilepsy. The Epilepsy Foundation of America supports the amendment.

However, I understand that this important issue is more appropriately addressed in the fiscal year 2006 appropriations process. With that understanding, I will not offer the amendment at this time.

Mr. STEVENS. I appreciate the Senator not offering the amendment at this time.

Mr. OBAMA. I look forward to working with the Senator from Alaska on this issue. Because epilepsy is a disorder that remains latent for many years, it is important that we work now to better understand the relationship between TBI and epilepsy and prevent the onset of epilepsy in these service members.

Mr. STEVENS. I look forward to working with the Senator from Illinois on this issue during the appropriations process and ensuring that the needs of our service members are being met.

Mr. OBAMA. I thank the Senator.

AMENDMENT NO. 440, AS MODIFIED

Mr. STEVENS. Mr. President, I call up amendment No. 440 and ask that it be brought before the Senate.

The PRESIDING OFFICER. The amendment is already pending.

Mr. STEVENS. Mr. President, I send to the desk a modification of that amendment.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

AMENDMENT NO. 440

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

SENSE OF SENATE ON FUNDING FOR VACCINE HEALTH CARE CENTERS

SEC. 1122. It is the sense of the Senate that, of the amount appropriated or otherwise made available by this chapter under the heading ''DEFENSE HEALTH PROGRAM'', not less than $6,000,000 should be available for the Vaccine Health Care Centers.

Mr. STEVENS. I ask that the amendment be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 440), as modified, was agreed to.

AMENDMENT NO. 518, AS MODIFIED

Mr. STEVENS. Mr. President, I send to the desk a modification of amendment No. 518.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BUNNING, proposes an amendment numbered 518.

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

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

The amendment is as follows:

(Purpose: To provide funding to meet critical needs for ceramic armor plates for military vehicles)

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

SEC. . SILICON CARBIDE ARMOR INITIATIVE.

Of amounts available to the Department of Defense in this Act, $5,000,000 may be used for the purpose of funding a silicon carbide armor initiative to meet the critical needs for silicon carbide powders used in the production of ceramic armor plates for military vehicles.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that the Department of Defense should provide funding sufficient, but not less than $5,000,000, under the Defense Production Act Title III to increase the domestic manufacturing capability to produce silicon carbide powders for use in the production of ceramic armor

plates for armored vehicles, personal body armor systems, and other armor needs.

Mr. STEVENS. Mr. President, I ask for the adoption of the amendment, as modified.

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

The amendment (No. 518), as modified, was agreed to.

AMENDMENT NO. 519, AS MODIFIED

Mr. STEVENS. I send to the desk a modification of amendment No. 519.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BUNNING, proposes an amendment numbered 519.

The amendment is as follows:

(Purpose: To provide funding to meet critical needs for urban assault and structure breaching)

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

SEC. . RAPID WALL BREACHING KITS.

Of amounts available to the Department of Defense in this Act, $5,000,000 may be used for procurement of Rapid Wall Breaching Kits.

The PRESIDING OFFICER. Is there objection to the modification of this amendment?

Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the Department of Defense should allocate sufficient funding, but not less than $5,000,000, in Fiscal Year 2005 to procure Rapid Wall Breaching Kits for use in Operation Iraqi Freedom, Operation Ensuring Freedom, and other uses;

(2) the Department of Defense should submit to Congress an amendment to the proposed Fiscal Year 2006 budget to procure sufficient Rapid Wall Breaching Kits for use in Operation Iraqi Freedom, Operation Enduring Freedom, and other uses in Fiscal Year 2006; and

(3) the Department of Defense should include in its budget requests for Fiscal Year 2007 and beyond funds to procure sufficient Rapid Wall Breaching Kits for use in Operation Iraqi Freedom, Operation Enduring Freedom, and other uses.

Mr. STEVENS. I ask for adoption of the amendment.

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

The amendment (No. 519), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the votes, and to lay the motions on the table, en bloc.

The motions to lay on the table were agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 480, AS MODIFIED

Mr. STEVENS. Mr. President, I send to the desk a modification of No. 480.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Ms. LANDRIEU, proposes an amendment numbered 480.

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

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

The amendment is as follows:

(Purpose: To appropriate an additional $17,600,000 for Operation and Maintenance, Army Reserve, and make the amount available for tuition assistance programs for members of the Army Reserve)

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

TUITION ASSISTANCE PROGRAMS OF THE ARMY RESERVE

SEC. 1122. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY RESERVE.—The amount appropriated by this chapter under the heading ''OPERATION AND MAINTENANCE, ARMY RESERVE'' is hereby increased by $17,600,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading ''OPERATION AND MAINTENANCE, ARMY RESERVE'', as increased by subsection (a), $17,600,000 shall be available for tuition assistance programs for members of the Army Reserve as authorized by law.

The PRESIDING OFFICER. Is there objection to modifying this amendment?

Without objection, it is so ordered.

The amendment, as modified, is as follows:

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

IT IS THE SENSE OF THE SENATE THAT

The amount appropriated by this chapter under the heading ''OPERATION AND MAINTENANCE, ARMY RESERVE'' may be increased by $17,600,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th) Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading ''OPERATION AND MAINTENANCE, ARMY RESERVE'', as increased by subsection (a), $17,600,000 may be available for tuition assistance programs for members of the Army Reserve as authorized by law.

Mr. STEVENS. I ask for adoption of that amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 480, as modified.

The amendment (No. 480), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we have gone through a series of amendments that have been offered to the Defense portion of this bill and have been able to work out substantial changes and modifications to meet the objectives of the sponsor as well as the urgency to get this bill done.

For the portion of the bill that represents Defense, I urge Members to come and discuss with us these amendments so we may find out how we can handle them. We are informed there are still three amendments that affect the Defense portion of the supplemental. There may be other Defense amendments, but those are all we have been notified of so far.

Again, I urge Members to contact us to see if we can work out these remaining Defense amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 444, AS MODIFIED

Mr. STEVENS. Mr. President, I send to the desk a modification of amendment No. 444.

The PRESIDING OFFICER. Is there objection to modifying the pending amendment?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

DEPLOYMENT OF WARLOCK SYSTEMS AND OTHER FIELD JAMMING SYSTEMS

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

(1) $60,000,000 may be made available for the rapid deployment of Warlock and other field jamming systems; and

(2) in conference, the Senate should recede to the House position.

Mr. STEVENS. I ask for adoption of the amendment. It is now a sense-of-the-Senate amendment and I urge its approval.

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

The amendment (No. 444), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 416

Mr. FEINGOLD. Mr. President, I ask unanimous consent to set aside the pending amendment and I call up

amendment No. 416 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 416.

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

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

The amendment is as follows:

(Purpose: To authorize travel and transportation for family members of members of the Armed Forces hospitalized in the United States in connection with non-serious illnesses or injuries incurred or aggravated in a contingency operation)

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

TRAVEL AND TRANSPORTATION FOR FAMILY OF MEMBERS OF THE ARMED FORCES HOSPITALIZED IN UNITED STATES IN CONNECTION WITH NON-SERIOUS ILLNESSES OR INJURIES INCURRED OR AGGRAVATED IN A CONTINGENCY OPERATION

SEC. 1122. (a) AUTHORITY.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting ''and'' at the end of subparagraph (A); and

(B) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) either—

''(i) is seriously ill, seriously injured, or in a situation of imminent death (whether or not electrical brain activity still exists or brain death is declared), and is hospitalized in a medical facility in or outside the United States; or

''(ii) is not described in clause (i), but has an illness or injury incurred or aggravated in a contingency operation and is hospitalized in a medical facility in the United States for treatment of that condition.''; and

(2) by adding at the end the following new paragraph:

''(3) Not more than one roundtrip may be provided to a family member under paragraph (1) on the basis of clause (ii) of paragraph (2)(B).''.

(b) CONFORMING AMENDMENTS.—

(1) HEADING FOR AMENDED SECTION.—The heading for section 411h of such title is amended to read as follows:

''§ 411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

''411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members.''.

(c) FUNDING.—Funds for the provision of transportation in fiscal year 2005 under section 411h of title 37, United States Code, by reason of the amendments made by this section shall be derived as follows:

(1) In the case of transportation provided by the Department of the Army, from amounts appropriated for fiscal year 2005 by this Act and the Department of Defense Appropriations Act, 2005 (Public Law 108–287) for the Military Personnel, Army account.

(2) In the case of transportation provided by the Department of the Navy, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Navy account.

(3) In the case of transportation provided by the Department of the Air Force, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Air Force account.

(d) REPORT ON TRANSPORTATION IN EXCESS OF CERTAIN LIMIT.—If in any fiscal year the amount of transportation provided in such fiscal year under section 411h of title 37, United States Code, by reason of the amendments made by this section exceeds $20,000,000, the Secretary of Defense shall submit to the congressional defense committees a report on that fact, including the total amount of transportation provided in such fiscal year under such section 411h by reason of the amendments made by this section.

AMENDMENT NO. 416, AS MODIFIED

Mr. FEINGOLD. I ask unanimous consent to modify the amendment.

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

Mr. FEINGOLD. I send a modification to the desk.

Mr. STEVENS. Reserving the right to object, can we have a copy of that.

Mr. FEINGOLD. I sent a copy to the desk.

Mr. STEVENS. We have no objection.

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

The amendment (No. 416), as modified, is as follows:

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

TRAVEL AND TRANSPORTATION FOR FAMILY OF MEMBERS OF THE ARMED FORCES HOSPITALIZED IN UNITED STATES IN CONNECTION WITH NON-SERIOUS ILLNESSES OR INJURIES INCURRED OR AGGRAVATED IN A CONTINGENCY OPERATION

SEC. 1122. (a) AUTHORITY.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting ''and'' at the end of subparagraph (A); and

(B) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) either—

''(i) is seriously ill, seriously injured, or in a situation of imminent death (whether or not electrical brain activity still exists or brain death is declared), and is hospitalized in a medical facility in or outside the United States; or

''(ii) is not described in clause (i), but has an illness or injury incurred or aggravated in a contingency operation and is hospitalized in a medical facility in the United States for treatment of that condition.''; and

(2) by adding at the end the following new paragraph:

''(3) Not more than one roundtrip may be provided to a family member under paragraph (1) on the basis of clause (ii) of paragraph (2)(B).''.

(b) CONFORMING AMENDMENTS.—

(1) HEADING FOR AMENDED SECTION.—The heading for section 411h of such title is amended to read as follows:

''§ 411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

''411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members.''.

(c) FUNDING.—Funds for the provision of transportation in fiscal year 2005 under section 411h of title 37, United States Code, by reason of the amendments made by this section shall be derived as follows:

(1) In the case of transportation provided by the Department of the Army, from amounts appropriated for fiscal year 2005 by this Act and the Department of Defense Appropriations Act, 2005 (Public Law 108–287) for the Military Personnel, Army account.

(2) In the case of transportation provided by the Department of the Navy, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Navy account.

(3) In the case of transportation provided by the Department of the Air Force, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Air Force account.

(d) REPORT ON TRANSPORTATION IN EXCESS OF CERTAIN LIMIT.—If in any fiscal year the amount of transportation provided in such fiscal year under section 411h of title 37, United States Code, by reason of the amendments made by this section exceeds $20,000,000, the Secretary of Defense shall submit to the congressional defense committees a report on that fact, including the total amount of transportation provided in such fiscal year under such section 411h by reason of the amendments made by this section.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. My amendment is designed to correct a flaw in the current law that unintentionally but severely restricts the number of families of injured servicemembers that qualify for assistance to travel to the bedside of their wounded loved ones.

This issue came to my attention when Tina Justice, the wife of Wisconsin Army National Guard 1LT Christopher Justice, contacted my office late last fall. First Lieutenant Justice and eight other members of Company B of the 118th Medical Battalion were traveling in a three vehicle convoy near Baghdad on September 12, 2004 and were waiting to clear a roadblock when they noticed a suspicious vehicle racing towards them. Members of Company B quickly responded, but the driver was still able to blow up his vehicle. The swift reaction undoubtedly saved many lives that day, but eight of the nine members of Company B still sustained injuries from the powerful blast, three severe enough to require evacuation to the United States.

First Lieutenant Justice was one of the three soldiers seriously injured and evacuated, first to Germany, and finally to Walter Reed, where he underwent several surgeries for his injuries. All three injured Wisconsin guardsmen received exceptional medical care from the outstanding medical staff at Walter Reed. The guardsmen were also very grateful to be able to see their families who quickly rushed to be with them during this very traumatic time. Tina Justice was one of those who immediately went to Walter Reed to be with

her husband, bringing along her 4-year-old daughter and 1-year-old son.

Congress has enacted legislation to help family members of injured servicemembers like First Lieutenant Justice. We have passed a law that provides Federal assistance to help pay for the travel and transportation costs of family members of very seriously or seriously ill or injured servicemembers. With her husband being injured seriously enough to require evacuation to Germany and then Walter Reed, Mrs. Justice naturally assumed that she would qualify for help under this provision. However, she found something quite different. According to the Army, her husband's injuries, which required evacuation to Europe and then to the U.S., did not qualify as ''serious,'' and therefore she would not be eligible for reimbursement. Despite her many attempts to reverse this decision, the Army continued to deny her claim.

After much frustration, Mrs. Justice contacted my office. When I heard about the case, I believed there must have been some sort of bureaucratic mix-up. After all, it makes no sense that the Army would spend all that money to evacuate personnel out of the theater, on to Germany, and finally to the United States if that person was not seriously injured. However, my inquiries to the Army and to Secretary of Defense Donald Rumsfeld did not satisfactorily resolve Mrs. Justice's problem.

The Justices are not alone. I was also recently contacted by the Carter family from Ladysmith, WI. Their son, SPC Andrew Carter, sustained shrapnel injuries to his legs and feet while serving his country in Iraq and was evacuated to Walter Reed. He and his family were also frustrated by the fact that they did not qualify for travel cost reimbursement because Specialist Carter's injuries weren't classified as serious by the Army.

The Army Surgeon General's office finally helped shed some light on the problem. Although the law provides travel benefits for family members of very seriously or seriously injured military personnel, what constitutes a very serious or serious injury to the Army is very different from what the average American may think. The Army's technical definition of very seriously ill or injured, VSI, is that the soldier is in imminent danger of death. In order to be classified as seriously ill or injured, SI, the soldier must require a very high level of care, such as being in the intensive care unit, but be expected to survive. All other injuries, including those that may require extensive and multiple surgeries and months of hospital care are listed as not seriously ill or injured, NSI.

Now I think that the average American would agree with the VSI classification. However, if someone has taken major shrapnel and other wounds from a suicide car bomber requiring several surgeries and is evacuated all the way to the United States from Iraq, my guess is that the average American would call that pretty serious. I know I did and I know that Mrs. Justice, the Carters, and others have as well. I also think that Congress, in passing laws to allow family members to visit their injured loved ones, had a definition of VSI and SI in mind more closely aligned to that of the average American rather than the technical definition used by the Army. What we have, therefore, is a well-intentioned law that is creating expectations that just aren't being met because our definitions don't match up.

The denial of travel benefits, known as Invitational Travel Orders, ITO, to families like the Justices and Carters, because their loved ones' injuries aren't bad enough comes at the absolute worst time for the injured men and women and their families. They are in the midst of an extremely traumatic time, trying to come to grips with what has happened and working to heal physically and emotionally. They need to be concentrating on these important tasks, not worrying about whether or not they can even afford to be there and fighting the bureaucracy for travel cost reimbursement.

The unfortunate and avoidable aftereffect of the current policy is that the injured troops and their families feel unappreciated by the Defense Department and by the country for which the servicemember almost lost their life.

The amendment I introduce today will help rectify this problem and more closely align expectations with what families are provided. This legislation would make an addition to current law by allowing for one ITO for up to three family members of a servicemember medically evacuated from a war zone to the United States, whether that injured person is listed as VSI, SI or NSI. It is important that families get this first trip and don't have to worry about whether or not they can afford to pay for it. This amendment would provide that first trip.

During that first trip, families can also acquaint themselves with the many fantastic public and private programs there to help them. The Red Cross, Fisher House, Operation Hero Miles, many veterans and military service organizations, the list goes on, all provide those injured in the line of duty and their families with many resources. Families can use that first trip to learn about and tap into these resources to assist them with future needs. I know the Justices and Carters deeply appreciated the help from these and other organizations.

Some may be worried that this amendment will simply crowd out the good work being done by private organizations with another Government program. This is an understandable concern. However, after consulting with some of these organizations, I am confident that this legislation will not do so. It will, in fact, complement current private efforts to assist servicemembers and their families. The experiences of the Justices and Carters also show that this proposed legislation fills a void in the current assistance efforts.

We are all very conscious of supporting our troops and making sure that those who have been injured receive the best possible medical care. This should be a priority. At the same time, we must not forget the families of these servicemembers. They, too, make great sacrifices and must cope with the changes in their lives brought about by the injuries and recovery of their loved ones. The amendment I introduce today will help reduce some of the burden faced by injured troops and their families so that they can concentrate on the important work of healing.

I ask the managers if they are willing to accept this amendment.

Mr. STEVENS. Mr. President, we commend the Senator for his modification and this necessary amendment. It deals with travel by dependents and loved ones with those who are seriously ill or injured or in a situation of imminent death. I do think the modification meets the increasing needs of our service men and women and their families. So we are pleased to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senators for their support. I hope they will be willing to work to keep this small but important amendment in the conference report.

I urge adoption of the amendment.

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

The amendment (No. 416), as modified, was agreed to.

Mr. FEINGOLD. Mr. President, I again thank the managers very much. I would like to make a brief statement about another amendment.

Mr. STEVENS. Will the Senator mind reconsidering that amendment at this time?

The PRESIDING OFFICER. The Senator from Alaska is recognized.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 459

Mr. FEINGOLD. Mr. President, I also want to speak very briefly regarding an amendment that I had filed, amendment No. 459. Chairman COCHRAN raised a point of order against the amendment today, but I want to spend just a few minutes to explain what this amendment was about, because it concerns the success or failure of the U.S. effort in Iraq, and it concerns every American taxpayer.

In 2003 I offered an amendment to the supplemental bill for Iraq and Afghanistan that established an inspector general for the Coalition Provisional Authority so that there would be one auditing body completely focused on ensuring taxpayer dollars are spent wisely and efficiently, and that this effort is free of waste, fraud, and abuse.

Then the CPA phased out and, happily, Iraqi sovereignty was transferred back into Iraqi hands. Congress agreed that continued oversight of the reconstruction effort was important, and agreed to an amendment that I offered last year to turn the CPAIG into the Special Inspector General for Iraq Reconstruction. But even today, many months after that change, in many ways the reconstruction effort has only just begun. According to the Congressional Research Service, as of about a month ago, only a little more than $6 billion of the nearly $21 billion reconstruction fund had actually been expended. The work of the Special Inspector General must continue.

My amendment is simple and largely technical. This amendment would adjust the termination date for the Special IG to link to expenditures rather than obligated funds. Obligations are dramatically outpacing expenditures in the reconstruction effort today. If we let the Special IG sunset after the bulk of the money is obligated but not expended, we will not have a clear picture of what these billions of U.S. taxpayer dollars actually achieved on the ground. The imminent disappearance of auditors can also create a real incentive for cutting corners in actually implementing projects. So we need to make sure that Congress signals its support for the Special IG continuing to see this reconstruction effort through.

Transparency and accountability in the reconstruction effort is not about finding new things to criticize. It is about responsible stewardship of taxpayer resources, and it is about getting reconstruction right. Ultimately, it is about achieving our goals in Iraq. Congress appropriated reconstruction funds in an emergency supplemental. Congress created this IG in an emergency supplemental. It is entirely appropriate to make these technical changes to the IG's mandate in this supplemental to ensure that Congressional intent—which is to have ongoing, vigorous, focused oversight of the reconstruction effort—is respected.

I am deeply disappointed that the managers of this bill did not see fit to devote any effort to this important amendment. The amendment had been cleared on the Democratic side, but apparently there was some problem, or some lack of interest, that prevented this amendment from being accepted. This is troubling. It is difficult to understand why anyone would oppose solid oversight of the reconstruction effort. The IG's team needs some sense of certainty as the obligation rate soars and their termination grows closer and closer, yet the bulk of reconstruction funds remain unexpended. The Senate addressed this issue in the $87 billion 2003 supplemental for Iraq, and then made an important adjustment by unanimous consent last year while we considered the DOD Authorization bill. This needs to get done, and I will continue to work to make sure that happens.

The PRESIDING OFFICER. Under the previous order, the hour of 5:45 having arrived, the Senate will proceed to a vote on the Bayh amendment.

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

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 418, AS FURTHER MODIFIED

Mr. STEVENS. Mr. President, I send to the desk a modification of amendment No. 418.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is further modified.

The amendment (No. 418), as further modified, is as follows:

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

PROHIBITION ON TERMINATION OF EXISTING JOINT-SERVICE MULTIYEAR PROCUREMENT CONTRACT FOR C/KC–130J AIRCRAFT

SEC. 1122. No funds in this Act may be obligated or expended to terminate the joint service multiyear procurement contract for C/KC–130J aircraft that is in effect on the date of the enactment of this Act.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. I urge the adoption of the amendment as modified.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 418), as further modified, was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 493, AS MODIFIED

Mr. COCHRAN. Mr. President, I ask unanimous consent that I be permitted to send to the desk a modification of amendment No. 493 in behalf of Senator LEAHY.

The PRESIDING OFFICER. Is there objection to modifying the amendment? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LEAHY, proposes an amendment numbered 493, as modified.

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

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

The amendment is as follows:

On page 176, line 12, after the colon insert the following:

Provided further, That of the funds appropriated under this heading, not less than $5,000,000 should be made available for assistance for families and communities of Afghan civilians who have suffered losses as a result of the military operations:

On page 183, line 23, add the following new section:

MARLA RUZICKA IRAQI WAR VICTIMS FUND

SEC. . Of the funds appropriated by chapter 2 of title II of PL 108–106 under the heading ''Iraq Relief and Reconstruction Fund'', not less than $30,000,000 should be made available for assistance for families and communities of Iraqi civilians who have suffered losses as a result of the military operations. *Provided*, That such assistance shall be designated as the ''Marla Ruzicka Iraqi War Victims Fund''.

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

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 493), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 489, AS MODIFIED

Mr. COCHRAN. Mr. President, I send to the desk another modification in behalf of Senator DURBIN.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is modified.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. DURBIN, proposes an amendment numbered 489, as modified.

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

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

The amendment (No. 489), as modified, is as follows:

On page 194, line 9, after the colon insert the following:

Provided further, That of the funds appropriated under this heading, not less than $10,000,000 should be made available for programs and activities which create new economic opportunities for women:

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 489), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 342, AS MODIFIED

Mr. COCHRAN. Mr. President, I send to the desk another modification of an amendment in behalf of Senator DEWINE, No. 342.

The PRESIDING OFFICER. The amendment is pending.

Is there objection to the modification? Without objection, the amendment is so modified.

The amendment (No. 342), as modified, is as follows:

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

ASSISTANCE FOR HAITI

SEC. . Of the funds appropriated by title II, chapter 2 of this Act, not less than $20,000,000 shall be made available for assistance for Haiti: *Provided*, That this assistance should be made available for election assistance, employment and public works projects, and police assistance: *Provided further*, That the obligation of such funds shall be subject to prior consultation with the Committees on Appropriations.

The PRESIDING OFFICER. Is there further debate on the amendment, as modified? If not, the question is on agreeing to the amendment.

The amendment (No. 342), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 425, AS MODIFIED

Mr. COCHRAN. Mr. President, I send to the desk another modification to amendment No. 425, in behalf of Mr. BENNETT.

The PRESIDING OFFICER. Is there objection to the modification of the amendment? Without objection, the amendment is so modified.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BENNETT, proposes an amendment numbered 425, as modified.

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

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

The amendment (No. 425), as modified, is as follows:

On page 194, line 13, after ''tsunami:'' insert ''*Provided further*, That of the funds appropriated under this heading, not less that $20,000,000 should be made available for microcredit programs in countries affected by the tsunami, to be administered by the United States Agency for International Development:''.

The PRESIDING OFFICER. Is there further debate on the amendment, as modified? If not, the question is on agreeing to the amendment.

The amendment (No. 425), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ISAKSON. Mr. President, I ask unanimous consent to address the Senate for 2 minutes.

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

The Senator is recognized.

AMENDMENT NO. 429 WITHDRAWN

Mr. ISAKSON. Mr. President, as the Senate is aware, I proposed an amendment identified as No. 429, which is still pending in the Senate. That amendment is verbatim the amendment that came out of the House of Representatives with regard to the REAL ID and came to us on the supplemental appropriations emergency bill.

I am about to ask unanimous consent to withdraw that amendment. Prior to doing so, I want to be clear for the record I believe the House position on the REAL ID, the 9/11 Commission position, which is where that came from, and the security of our borders is truly an emergency situation and an appropriate place for that amendment to be on the emergency supplemental for Iraq and Afghanistan.

I respect those who had differences, and I respect those who have withdrawn amendments to this bill. Because of that, and because we are reaching a conclusion, I will respectfully ask unanimous consent my amendment be withdrawn with the express understanding that I sincerely hope the conferees and the conference committee, before this bill finally comes to rest, will have agreed that position is correct; that REAL ID will have been included, and they will have addressed the security of our borders and the identification of those entering the United States of America.

I ask unanimous consent amendment No. 429 be withdrawn.

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

The amendment (No. 429) was withdrawn.

Mr. KENNEDY. Mr. President, today I rise in opposition to the inclusion of the so-called REAL ID bill in the emergency supplemental appropriations conference report. That bill is harmful and unnecessary. The Intelligence Reform Act we approved overwhelmingly last year provides real border security solutions. The so-called REAL ID bill contains controversial provisions we rejected last year and should reject again. It's a false solution on border security. There's no need to revisit these issues again, and they serve no purpose except to push an anti-immigrant agenda.

The supporters of the REAL ID bill continue to say that loopholes exist in our immigration and asylum system that are being exploited by terrorists, and this bill will close them. In fact, it does nothing to improve national security, and leaves other big issues unresolved.

Asylum seekers would find no refuge. Battered women would be exposed to abuse. Many Americans would have problems getting driver's licenses, and law enforcement would be outsourced to bounty hunters. All of our laws, including labor laws, would be waived to build a wall. For the first time since the Civil War, habeas corpus would be prohibited.

Each year, countless refugees are forced to leave their countries, fleeing persecution. America has always been a haven for those desperate for that protection. At the very beginning of our history, the refugee Pilgrims seeking religious freedom landed on Plymouth Rock. Ever since we've welcomed refugees, and it's made us a better nation. They represent the best of American values. They have stood alone, at great personal cost, against hostile governments for fundamental principles like freedom of speech and religion. With this legacy, we have a responsibility to examine our asylum policies carefully, to see that they are fair and just.

The REAL ID bill would trample this noble tradition and make it devastating for legitimate asylum-seekers fleeing persecution. It would make it more difficult for victims fleeing serious human rights abuses to obtain asylum and safety, and could easily lead to their return to their persecutors.

Supporters of the REAL ID bill want us to believe that its changes will keep terrorists from being granted asylum. But current immigration laws already bar persons engaged in terrorist activity from asylum. Before they receive asylum, all applicants must also undergo extensive security checks, covering all terrorist and criminal databases at the Department of Homeland Security, the FBI, and the CIA.

Another section of the REAL ID bill contains a provision that would complete the US-Mexico border fence in San Diego. But it goes much further than that. It would require DHS to waive all laws necessary to build such fences, not just in San Diego, but anywhere else along our 2,000 mile border with Mexico and our 4,000 mile border with Canada. This unprecedented and unchecked power covers all Federal or State law deemed necessary to build the barriers, even child labor laws, worker health and safety laws, minimum wage laws, and environmental laws. It would even take away the rights of Native Americans to control their land.

The cost of building such fences is into the hundreds of millions of dollars, and still won't stop illegal immigration. Immigrants who can find jobs in the U.S. and have no legal visas to

enter will simply go around these walls. What we need are safe and legal avenues for immigrants to come here and work, not more walls.

The REAL ID driver's license provisions don't make us safer either. The Intelligence Reform Act sets up a process for States and the Federal Government to work together to establish Federal standards for driver's licenses and identification cards, and progress is being made to implement these important measures. The REAL ID bill would repeal the driver's license provisions and replace them with highly problematic and burdensome requirements. According to the National Conference of State Legislatures, the REAL ID prescribes ''unworkable, unproven, costly mandates that compel States to enforce federal immigration policy rather than advance the paramount objective of making State-issued identity documents more secure and verifiable.''

The bill does nothing to address the threat of terrorists or to address legitimate security concerns. It would not have prevented a single 9/11 hijacker from obtaining a driver's license, or a single terrorist from boarding a plane. All 13 hijackers could have obtained licenses or IDs under this proposal, and foreign terrorists can always use their passports to travel.

The REAL ID bill contains other broad and sweeping changes to laws that go to the core of our national identity. If enacted, it would deny judicial review and due process which could result in devastating consequences for immigrants and refugees.

By restricting judicial review and habeas corpus, it could force people to be deported before they can challenge basic errors made in their cases. It would deny the constitutionally protected writ of habeas corpus, which has not been changed since the Civil War. Habeas corpus is a fundamental principle of American justice. It's called the ''great writ'' for a reason—because it's brought justice to people wrongly detained.

Just as absurd, the bill will outsource law enforcement by giving ''bounty hunters'' unprecedented authority to apprehend and detain immigrants, even if a bond has not been breached. Bonding agents would be given the discretion and decision-making power that belongs to judges who have the necessary legal training to make these determinations.

A major additional problem in the REAL ID bill is that it could result in the deportation even of long-time legal permanent residents, for lawful speech or associations that occurred twenty years ago or more. It raises the burden of proof to nearly impossible levels in numerous cases.

A person who made a donation to a humanitarian organization involved in Tsunami relief could be deported if the organization or any of its affiliates was ever involved in violence. The burden would be on the donor to prove by clear and convincing evidence that he knew nothing about any of these activities. The spouse and children of a legal permanent resident could also be deported too based on such an accusation, because of their relationship to the donor.

The provision could be applied retroactively, so that a permanent resident who had once supported the lawful, nonviolent work of the African National Congress in South Africa, Sinn Fein in Northern Ireland, the Northern Alliance in Afghanistan, or the contras in Nicaragua would be deportable. It would be no defense to show that the only support was for lawful nonviolent activity. It would be no defense to show that the United States itself supported some of these groups.

More than 600 organizations across the political spectrum oppose this legislation. A broad coalition of religious, immigrant, human rights, and civil liberties groups have expressed their own strong opposition. Also opposing the bill are the National Governors Association, the American Association of Motor Vehicle Administrators, and the National Conference of State Legislators, and a 9/11 family group, the September 11 Families for Peaceful Tomorrows.

In these difficult times for our country, we know that the threat of terrorism has not ended, and we must do all we can to enact genuine measures to stop terrorists before they act, and to see that law enforcement officials have the full support they need. The REAL ID bill will not improve these efforts. It will not make us safer or prevent terrorism and it is an invitation to gross abuses.

It is a false solution to national and border security. I urge the Senate to oppose the REAL ID bill.

Mr. LEAHY. Mr. President, there are many Members on both sides of the aisle with strong objections to the REAL ID Act, which the House included in its version of the emergency supplemental and which Senator ISAKSON has offered as an amendment. I oppose the REAL ID Act because I value our Nation's historic commitment to asylum, and do not want to see severe restrictions placed on the ability of asylum seekers to obtain refuge here. I oppose it because I value States rights, and side with the National Governors Association, the National Conference of State Legislatures, and the Council of State Governments in objecting to the imposition of unworkable Federal mandates on State drivers license policies. And I oppose the REAL ID Act because I support environmental protection and the rule of law, both of which the act would subvert by requiring the DHS Secretary to waive all laws, environmental or otherwise, that may get in the way of the construction of border fences or barriers, and by forbidding judicial review of the Secretary's actions.

Although I oppose the REAL ID Act, I respect Senator ISAKSON's desire to debate it in the Senate. The Senate should have a debate and vote on his amendment, and state clearly where we stand. I fear that if we do not, the Senate's silence will be treated as acquiescence by the Republican conferees from both Chambers. As a result, we will see this highly objectionable legislation included in an unamendable conference report. Such a backdoor approach may be the preferred course of action for the Senate's Republican leadership, but it is no way for us to conduct our business.

In addition to my substantive objections to the Isakson amendment, I oppose it because it would deprive the Judiciary Committee of the opportunity to consider and review these wide-ranging provisions. If the majority party believes this is good legislation, it should schedule committee consideration and move it through the regular order.

The majority leader has indicated in recent weeks that the Senate will be considering immigration reform this year. The provisions in the REAL ID Act should be considered at that time and in conjunction with a broader debate about immigration. We should consider the Isakson amendment and we should vote it down.

Mr. LIEBERMAN. Mr. President, I rise to speak in opposition to the House legislation known as the REAL ID Act and to urge that it not be included in the conference report for this spending bill. Last year Congress enacted comprehensive antiterrorism legislation, the Intelligence Reform and Terrorism Prevention Act, which implemented the recommendations of the 9/11 Commission. Some of the most important provisions we enacted strengthen our borders against terrorist infiltration and provide the government with new weapons in tracking terrorist travel around the globe. The act also requires minimum Federal standards to ensure that State-issued drivers' licenses are always secure and reliable forms of identification.

The REAL ID Act would repeal much of our work from last year, and replace it with provisions that impose on State governments unworkable standards for drivers' licenses. The REAL ID Act also includes punitive immigration provisions that we rejected last year, and that have no place on an emergency spending bill. Do not be fooled. Our nation is safer if we implement the protections we passed just last December. We must not allow an ideological debate over immigration policy to derail initiatives vital to the war against terrorism.

Last year I was privileged to work with my colleagues on both sides of the aisle and in both Chambers to develop antiterrorism and intelligence reform legislation of which we can all be proud. Among other things, the Intelligence Reform Act called for large increases in the numbers of Border Patrol agents, immigration enforcement agents, and detention beds. It strengthened consular procedures for screening

visa applicants. It closed a gaping vulnerability by requiring people entering the United States at our land borders to show a passport. And it required minimum Federal standards to ensure that State-issued drivers' licenses are always secure and reliable forms of identification.

At the same time, I joined with my fellow conferees to ensure that the intelligence reform bill focused on genuine antiterrorism measures and excluded extraneous measures. In particular, in conference we rejected a number of antiasylum and anti-immigration provisions. The REAL ID Act simply recycles several of the controversial immigration provisions which we rejected last year. When the REAL ID Act was debated on the House floor this year many of its supporters claimed that these provisions had been recommended by the 9/11 Commission, and are essential to the war on terrorism. That is simply not the case.

Last October, the 9/11 Commissioners made clear that the immigration provisions in the House bill were irrelevant to fighting terrorism. I would like to quote from a letter the conferees received from Gov. Thomas Kean and Congressman Lee Hamilton, a letter that reflected the unanimous view of the commissioners. Referring to the House provisions on immigration, they said, ''We believe strongly that this bill is not the right occasion for tackling controversial immigration and law enforcement issues that go well beyond the Commission's recommendations. We note in this regard that some of these provisions have been advocated in response to Commission recommendations. They are not Commission recommendations.'' The commissioners then added, ''We believe we are better off with broad bipartisan agreement on key recommendations of the Commission in support of border security than taking up a number of controversial provisions that are more central to the question of immigration policy than they are to the question of counterterrorism.''

As the commissioners made clear, the provisions in the REAL ID Act have more to do with immigration than with national security. These are controversial provisions that need to be fully considered by our Judiciary Committee. The legislation would make it harder for refugees fleeing oppressive regimes to get asylum. That provision does not target terrorists because current law already states that no member of a terrorist organization can be eligible for asylum. The REAL ID Act would suspend habeas corpus review in deportation proceedings. Not since the Civil War has habeas corpus been suspended. The House bill would allow the Department of Homeland Security to waive all laws so that fences and barriers can be built on any of our land borders. There is no limitation as to what laws can be waived environmental laws, labor laws, laws allowing property owners to be compensated for the confiscation of their land. These provisions have serious negative consequences and should be more carefully considered. I do not believe they could ever be enacted if they were carefully considered with our normal procedures.

I would also like to address the provisions in the REAL ID Act that would establish new Federal standards for drivers' licenses. My colleagues no doubt remember that just last December Congress enacted standards for drivers' licenses, as recommended by the 9/11 Commission, to ensure drivers' licenses are secure and identities are verified. The standards are now being implemented through a rulemaking, in which state governments are given a seat at the table to share their expertise. These legislative standards were a great accomplishment, a result of fine work done by Senators MCCAIN, DURBIN, COLLINS, ALEXANDER, and other colleagues. Last year the administration declared that the Senate's provisions were preferable to those drafted by the House, and the 9/11 Commission endorsed them.

The REAL ID Act would repeal the work Congress did last year. It would replace our provisions with much more rigid provisions from last year's House bill. The provisions are so unrealistic that States could not implement them. All Americans applying for drivers' licenses would have to wait for weeks while State DMVs tried to confirm the authenticity of paper birth certificates and other records, records filed away at county offices across the country. State governments would have no opportunity to provide input for the regulations, as they have under current law.

That is why the State government organizations think the REAL ID Act is a terrible idea. The National Governors' Association, the National Conference of State Legislatures, the Council of State Governments, and the American Association of Motor Vehicle Administrators have all announced their strong opposition to the REAL ID Act. The organizations have written to congressional leadership that the REAL ID Act would impose requirements on state governments which, ''are beyond the current capacity of even the federal government.'' The State government groups have asked that the law we passed last December be given a chance to work. I ask unanimous consent that a joint letter from these four organizations be printed in the CONGRESSIONAL RECORD following the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. LIEBERMAN. Mr. President, when the State governments of our Nation say that these drivers' license provisions are unworkable, we need to take notice. State governments have been issuing drivers' licenses for decades. They are the experts, and we will need their input and coordination if we are going to implement the drivers' license standards recommended by the 9/11 Commission.

I urge my colleagues to oppose the REAL ID Act. We must ask our Senate conferees not to allow such a controversial measure to be pushed through Congress on an emergency spending bill. The REAL ID Act contradicts our historic identity as a nation that provides a haven for the oppressed. The REAL ID Act would not make us safer. It would make us less safe. It would repeal provisions enacting a central recommendation of the 9/11 Commission, and it would undermine a vital counterterrorism initiative.

EXHIBIT 1

MARCH 17, 2005.

Hon. WILLIAM H. FRIST,
Majority Leader, U.S. Senate, Washington, DC.
Hon. HARRY REID,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR FRIST AND SENATOR REID: We write to express our opposition to Title II of H.R. 418, the ''Improved Security For Driver's Licenses and Personal Identification Cards'' provision, which has been attached to H.R. 1268, the fiscal year 2005 supplemental spending measure. While Governors, state legislatures, other state elected officials and motor vehicle administrators share your concern for increasing the security and integrity of the driver's license and state identification processes, we firmly believe that the driver's license and ID card provisions of the Intelligence Reform and Terrorism Prevention Act of 2004 offer the best course for meeting those goals.

The ''Driver's Licenses and Personal Identification Cards'' provision in the Intelligence Reform Act of 2004 provides a workable framework for developing meaningful standards to increase reliability and security of driver's licenses and ID cards. This framework calls for input from state elected officials and motor vehicle administrators in the regulatory process, protects state eligibility criteria, and retains the flexibility necessary to incorporate best practices from around the states. We have begun to work with the U.S. Department of Transportation to develop the minimum standards, which must be completed in 18 months pursuant to the Intelligence Reform Act.

We commend the Members of the U.S. House of Representatives for their commitment to driver's license integrity; however, H.R. 418 would impose technological standards and verification procedures on states, many of which are beyond the current capacity of even the federal government. Moreover, the cost of implementing such standards and verification procedures for the 220 million driver's licenses issued by states represents a massive unfunded federal mandate.

Our states have made great strides since the September 11, 2001 terrorists attacks to enhance the security processes and requirements for receiving a valid driver's license and ID card. The framework in the Intelligence Reform Act of 2004 will allow us to work cooperatively with the federal government to develop and implement achievable standards to prevent document fraud and other illegal activity related to the issuance of driver's licenses and ID cards.

We urge you to allow the provisions in the Intelligence Reform Act of 2004 to work. Governors, state legislators, other state elected officials and motor vehicle administrators are committed to this process because it will allow us to develop mutually

agreed-upon standards that can truly help create a more secure America.

Sincerely,

RAYMOND C. SCHEPPACH,
Executive Director, National Governors Association.
WILLIAM T. POUND,
Executive Director, National Conference of State Legislatures.
LINDA R. LEWIS,
President and CEO, American Association of Motor Vehicle Administrators.
DAN SPRAGUE,
Executive Director, Council of State Governments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 563

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

The PRESIDING OFFICER. Is there objection to laying aside the pending amendments?

Mr. LEVIN. I thank the Chair and ask unanimous consent that be done.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 563.

The amendment is as follows:

(Purpose: To authorize the Secretary of Labor to convey the Detroit Labor Building to the State of Michigan)

At the appropriate place, insert the following:

SEC. ____. The Secretary of Labor shall convey to the State of Michigan, for no consideration, all right, title, and interest of the United States in and to the real property known as the ''Detroit Labor Building'' and located at 7310 Woodward Avenue, Detroit, Michigan, to the extent the right, title, or interest was acquired through a grant to the State of Michigan under title III of the Social Security Act (42 U.S.C. 501 et seq.) or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) or using funds distributed to the State of Michigan under section 903 of the Social Security Act (42 U.S.C. 1103).

Mr. ENZI. Mr. President, may I enquire of the Senator from Michigan what his amendment seeks to accomplish?

Mr. LEVIN. My amendment will release the 55-percent equity position of the Department of Labor in the State-owned Detroit Labor Building in anticipation of its sale.

Mr. ENZI. It is my understanding that the equity the Department of Labor has acquired is attributable to Federal grants extended to the State and used for leasehold improvements over the last 50 years. These grants were provided under the auspices of Federal jobs programs including job training and unemployment compensation. Before consenting to this amendment, I seek assurance that the portion of the sale proceeds in question be used solely for job training purposes by the State of Michigan.

Mr. LEVIN. I have been assured by the Office of the Governor of Michigan that should my amendment be accepted, the entirety of the 55 percent of the proceeds from the sale of the building that would have otherwise been remitted to the Federal Government will instead be used by the State of Michigan to provide job training grants.

Mr. ENZI. With that assurance, I do not object to this amendment. I thank the Senator from Michigan for addressing my concerns.

Mr. LEVIN. Mr. President, I understand this amendment has been cleared on both sides. I know it has been cleared by Senator ENZI.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 563) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I thank my dear friend from Mississippi for his understanding of this matter. I know it held up the Senate for a few minutes. I greatly appreciate it.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 537

Mr. COCHRAN. Mr. President, I ask for the regular order with respect to amendment No. 537.

The PRESIDING OFFICER. The amendment is now pending.

Mr. COCHRAN. I make the point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 454

Mr. COCHRAN. Mr. President, on behalf of the Senator from Colorado, Mr. SALAZAR, I call up amendment No. 454 and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. SALAZAR, proposes an amendment numbered 454.

The amendment is as follows:

(Purpose: To ensure that Afghan security forces who receive training provided with United States assistance are professionally trained and that certain minimum standards are met)

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.

AMENDMENT NO. 454, AS MODIFIED

Mr. COCHRAN. Mr. President, I send a modification to the desk to amendment No. 454, and I ask unanimous consent that the modification of the amendment be considered.

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

The amendment, as modified, is as follows:

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

REPORT ON AFGHAN SECURITY FORCES TRAINING

SEC. 112. (a) Notwithstanding any other provision of law, not later than 90 days after

the date on which the initial obligation of funds made available in this Act for training Afghan security forces, including police, border security guards and members of the Afghan National Army, is made, the Secretary of State, in conjunction with the Secretary of Defense, 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 State have proven records of experience in training law enforcement or security personnel.

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

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

(6) 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) 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.

The PRESIDING OFFICER. Is there further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 454), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 517, AS MODIFIED

Mr. COCHRAN. Mr. President, I ask unanimous consent to send a modification of amendment No. 517 to the desk and that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. CORZINE, proposes an amendment numbered 517.

The amendment is as follows:

(Purpose: To impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes)

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

DARFUR ACCOUNTABILITY

SEC. 2105. (a) It is the sense of the Senate that—

(1) the atrocities unfolding in Darfur, Sudan, have been and continue to be genocide;

(2) the United States should immediately seek passage at the United Nations Security Council of a resolution that—

(A) imposes additional sanctions or additional measures against the Government of Sudan, including sanctions that will affect the petroleum sector in Sudan, individual members of the Government of Sudan, and entities controlled or owned by officials of the Government of Sudan or the National Congress Party in Sudan, that will remain in effect until such time as the Government of Sudan fully complies with all relevant United Nations Security Council resolutions;

(B) establishes a military no-fly zone in Darfur and calls on the Government of Sudan to immediately withdraw all military aircraft from the region;

(C) urges member states to accelerate assistance to the African Union force in Darfur, sufficient to achieve the expanded mandate described in paragraph (5);

(D) calls on the Government of Sudan to cooperate with, and allow unrestricted movement in Darfur by, the African Union force, the United Nations Mission in Sudan (UNMIS), international humanitarian organizations, and United Nations monitors;

(E) extends the embargo of military equipment established by paragraphs 7 through 9 of United Nations Security Council Resolution 1556 and expanded by Security Council Resolution 1591 to include a total prohibition of sale or supply to the Government of Sudan; and

(F) expands the mandate of UNMIS to include the protection of civilians throughout Sudan, including Darfur, and increases the number of UNMIS personnel to achieve such mandate;

(3) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Sudan North-South Peace Agreement, the support of the southern regional government in Sudan, or for humanitarian purposes in Sudan, unless the President certifies and reports to Congress that the Government of Sudan has fully complied with all relevant United Nations Security Council resolutions and the conditions established by the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 118 Stat. 4018);

(4) the President should work with international organizations, including the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union to undertake action as soon as practicable to eliminate the ability of the Government of Sudan to engage in aerial bombardment of civilians in Darfur and establish mechanisms for the enforcement of a no-fly zone in Darfur;

(5) the African Union should extend its mandate in Darfur to include the protection of civilians and proactive efforts to prevent violence;

(6) the President should accelerate assistance to the African Union in Darfur and discussions with the African Union, the European Union, NATO, and other supporters of the African Union force on the needs of the African Union force, including assistance for housing, transportation, communications, equipment, technical assistance such as training and command and control assistance, and intelligence;

(7) the President should appoint a Presidential Envoy for Sudan to support peace, security and stability in Darfur and seek a comprehensive peace throughout Sudan;

(8) United States officials, at the highest levels, should raise the issue of Darfur in bilateral meetings with officials from other members of the United Nations Security Council and other relevant countries, with the aim of passing a United Nations Security Council resolution described in paragraph (2) and mobilizing maximum support for political, financial, and military efforts to stop the genocide in Darfur; and

(9) the United States should actively participate in the UN Committee and the Panel of Experts established pursuant to Security Council Resolution 1591, and work to support the Secretary-General and the United Nations High Commissioner for Human Rights in their efforts to increase the number and deployment rate of human rights monitors to Darfur.

(b)(1) At such time as the United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee the President shall—

(A) submit to the appropriate congressional committees a report listing such names;

(B) determine whether the individuals named by the UN Commission of Inquiry or designated by the UN Committee have committed the acts for which they were named or designated;

(C) except as described under paragraph (2), take such action as may be necessary to immediately freeze the funds and other assets belonging to such individuals, their family members, and any associates of such individuals to whom assets or property of such individuals were transferred on or after July 1, 2002, including requiring that any United States financial institution holding such funds and assets promptly report those funds and assets to the Office of Foreign Assets Control; and

(D) except as described under paragraph (2), deny visas and entry to such individuals, their family members, and anyone the President determines has been, is, or may be planning, carrying out, responsible for, or otherwise involved in crimes against humanity, war crimes, or genocide in Darfur, Sudan.

(2) The President may elect not to take action described in paragraphs (1)(C) and (1)(D) if the President submits to the appropriate congressional committees, a report—

(A) naming the individual named by the UN Commission of Inquiry or designated by the UN Committee with respect to whom the President has made such election, on behalf of the individual or the individual's family member or associate; and

(B) describing the reasons for such election, and including the determination described in paragraph (1)(B).

(3) Not later than 30 days after United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee, the President shall submit to the appropriate congressional committees notification of the sanctions imposed under paragraphs (1)(C) and (1)(D) and the individuals affected, or the report described in paragraph (2).

(4) Not later than 30 days prior to waiving the sanctions provisions of any other Act with regard to Sudan, the President shall submit to the appropriate congressional committees a report describing the waiver and the reasons for such waiver.

(c)(1) The Secretary of State, in conjunction with the Secretary of Defense, shall report to the appropriate congressional committees on efforts to deploy an African Union force in Darfur, the capacity of such force to stabilize Darfur and protect civilians, the needs of such force to achieve such mission including housing, transportation, communications, equipment, technical assistance, including training and command and control, and intelligence, and the status of United States and other assistance to the African Union force.

(2)(A) The report described in paragraph (1) shall be submitted every 90 days during the 1-year period beginning on the date of the enactment of this Act, or until such time as the President certifies that the situation in Darfur is stable and that civilians are no longer in danger and that the African Union is no longer needed to prevent a resumption of violence and attacks against civilians.

(B) After such 1-year period, and if the President has not made the certification described in subparagraph (A), the report described in paragraph (1) shall be included in the report required under section 8(b) of the Sudan Peace Act (50 U.S.C. 1701 note), as amended by section 5(b) of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 118 Stat. 4018).

(d) In this section:

(1) The term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) The term ''Government of Sudan'' means the National Congress Party-led government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this title.

(3) The term ''member states'' means the member states of the United Nations.

(4) The term ''Sudan North-South Peace Agreement'' means the comprehensive peace agreement signed by the Government of Sudan and the Sudan People's Liberation Army/Movement on January 9, 2005.

(5) The term ''those named by the UN Commission of Inquiry'' means those individuals whose names appear in the sealed file delivered to the Secretary-General of the United Nations by the International Commission of Inquiry on Darfur to the United Nations Security Council.

(6) The term ''UN Committee'' means the Committee of the Security Council established in United Nations Security Council Resolution 1591 (29 March 2005); paragraph 3.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

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

DARFUR ACCOUNTABILITY

SEC. 2105. (a) It is the sense of the Senate that—

(1) the atrocities unfolding in Darfur, Sudan, have been and continue to be genocide;

(2) the United States should immediately seek passage at the United Nations Security Council of a resolution that—

(A) imposes additional sanctions or additional measures against the Government of Sudan, including sanctions that will affect the petroleum sector in Sudan, individual members of the Government of Sudan, and entities controlled or owned by officials of the Government of Sudan or the National Congress Party in Sudan, that will remain in effect until such time as the Government of Sudan fully complies with all relevant United Nations Security Council resolutions;

(B) establishes a military no-fly zone in Darfur and calls on the Government of Sudan to immediately withdraw all military aircraft from the region;

(C) urges member states to accelerate assistance to the African Union force in Darfur, sufficient to achieve the expanded mandate described in paragraph (5);

(D) calls on the Government of Sudan to cooperate with, and allow unrestricted movement in Darfur by, the African Union force, the United Nations Mission in Sudan (UNMIS), international humanitarian organizations, and United Nations monitors;

(E) extends the embargo of military equipment established by paragraphs 7 through 9 of United Nations Security Council Resolution 1556 and expanded by Security Council Resolution 1591 to include a total prohibition of sale or supply to the Government of Sudan; and

(F) expands the mandate of UNMIS to include the protection of civilians throughout Sudan, including Darfur, and increases the number of UNMIS personnel to achieve such mandate;

(3) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Sudan North-South Peace Agreement, the support of the southern regional government in Sudan, or for humanitarian purposes in Sudan, unless the President certifies and reports to Congress that the Government of Sudan has fully complied with all relevant United Nations Security Council resolutions and the conditions established by the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 118 Stat. 4018);

(4) the President should work with international organizations, including the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union to undertake action as soon as practicable to eliminate the ability of the Government of Sudan to engage in aerial bombardment of civilians in Darfur and establish mechanisms for the enforcement of a no-fly zone in Darfur;

(5) the African Union should extend its mandate in Darfur to include the protection of civilians and proactive efforts to prevent violence;

(6) the President should accelerate assistance to the African Union in Darfur and discussions with the African Union, the European Union, NATO, and other supporters of the African Union force on the needs of the African Union force, including assistance for housing, transportation, communications, equipment, technical assistance such as training and command and control assistance, and intelligence;

(7) the President should appoint a Presidential Envoy for Sudan to support peace, security and stability in Darfur and seek a comprehensive peace throughout Sudan;

(8) United States officials, at the highest levels, should raise the issue of Darfur in bilateral meetings with officials from other members of the United Nations Security Council and other relevant countries, with the aim of passing a United Nations Security Council resolution described in paragraph (2) and mobilizing maximum support for political, financial, and military efforts to stop the genocide in Darfur; and

(9) the United States should actively participate in the UN Committee and the Panel of Experts established pursuant to Security Council Resolution 1591, and work to support the Secretary-General and the United Nations High Commissioner for Human Rights in their efforts to increase the number and deployment rate of human rights monitors to Darfur.

(b)(1) At such time as the United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee the President shall—

(A) submit to the appropriate congressional committees a report listing such names;

(B) determine whether the individuals named by the UN Commission of Inquiry or designated by the UN Committee have committed the acts for which they were named or designated;

(C) except as described under paragraph (2), take such action as may be necessary to immediately freeze the funds and other assets belonging to those named by the UN Commission of Inquiry and those designated by the UN Commission, their family members, and any assets or property that such individuals transferred on or after July 1, 2002, including requiring that any United States financial institution holding such funds and assets promptly report those funds and assets to the Office of Foreign Assets Control; and

(D) except as described under paragraph (2), deny visas and entry to those named by the UN Commission of Inquiry and those designated by the UN Commission, their family members, and anyone the President determines has been, is, or may be planning, carrying out, responsible for, or otherwise involved in crimes against humanity, war crimes, or genocide in Darfur, Sudan.

(2) The President may elect not to take action described in paragraphs (1)(C) and (1)(D) if the President submits to the appropriate congressional committees a report—

(A) naming the individual or individuals named by the UN Commission of Inquiry or designated by the UN Committee with respect to whom the President has made such election, on behalf of the individual or the individual's family member or associate; and

(B) describing the reasons for such election, and including the determination described in paragraph (1)(B).

(3) Not later than 30 days after United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee, the President shall submit to the appropriate congressional committees notification of the sanctions imposed under paragraphs (1)(C) and (1)(D) and the individuals affected, or the report described in paragraph (2).

(4) Not later than 30 days prior to waiving the sanctions provisions of any other Act with regard to Sudan, the President shall submit to the appropriate congressional committees a report describing the waiver and the reasons for such waiver.

(c)(1) The Secretary of State, in conjunction with the Secretary of Defense, shall report to the appropriate congressional committees on efforts to deploy an African Union force in Darfur, the capacity of such force to stabilize Darfur and protect civilians, the needs of such force to achieve such mission including housing, transportation, communications, equipment, technical assistance, including training and command and control, and intelligence, and the status of United States and other assistance to the African Union force.

(2)(A) The report described in paragraph (1) shall be submitted every 90 days during the 1-year period beginning on the date of the enactment of this Act, or until such time as the President certifies that the situation in Darfur is stable and that civilians are no longer in danger and that the African Union is no longer needed to prevent a resumption of violence and attacks against civilians.

(B) After such 1-year period, and if the President has not made the certification described in subparagraph (A), the report described in paragraph (1) shall be included in the report required under section 8(b) of the Sudan Peace Act (50 U.S.C. 1701 note), as amended by section 5(b) of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 118 Stat. 4018).

(d) In this section:

(1) The term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) The term ''Government of Sudan'' means the National Congress Party-led government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this title.

(3) The term ''member states'' means the member states of the United Nations.

(4) The term ''Sudan North-South Peace Agreement'' means the comprehensive peace agreement signed by the Government of Sudan and the Sudan People's Liberation Army/Movement on January 9, 2005.

(5) The term ''those named by the UN Commission of Inquiry'' means those individuals whose names appear in the sealed file delivered to the Secretary-General of the United Nations by the International Commission of Inquiry on Darfur to the United Nations Security Council.

(6) The term ''UN Committee'' means the Committee of the Security Council established in United Nations Security Council Resolution 1591 (29 March 2005); paragraph 3.

The PRESIDING OFFICER. Is there further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 517), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the following list of cosponsors to the Corzine amendment be printed in the RECORD.

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

CO-SPONSORS OF THE CORZINE DARFUR ACCOUNTABILITY AMENDMENT

Brownback, DeWine, Bill Nelson, Mikulski, Kerry, Johnson, Bingaman, Schumer, Coleman, Leahy, Wyden, Feinstein, Lautenberg, Murray, Jeffords, Obama, Ben Nelson, Boxer, Specter, Kohl, Landrieu, Feingold, Bayh, Levin, Durbin, Lieberman, Clinton, Salazar, and Talent.

AMENDMENT NO. 488

Mr. COCHRAN. Mr. President, on behalf of Senator MCCONNELL, I call up amendment No. 488.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. MCCONNELL, proposes an amendment numbered 488.

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

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

The amendment is as follows:

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

CANDIDATE COUNTRIES

SEC. . Section 616(b)(1) of the Millennium Challenge Act of 2003 (Public 108–199) is amended—

(1) by striking ''subparagraphs (A) and (B) of section 606(a)(1)''; and,

(2) inserting in lieu thereof ''subsection (a) or (b) of section 606''.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 488) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I am pleased, on behalf of the leader, to present the following agreement that has been cleared.

I ask unanimous consent that the only remaining amendments to the bill be the Ensign amendment No. 487 and the Bayh amendment No. 520; provided further, that all time be considered expired under rule XXII, with the exception of 15 minutes prior to the votes; provided further, that on Thursday, at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate resume consideration of the bill and that there be 15 minutes for debate equally divided between the chairman and Senator BAYH or his designee prior to votes in relation to the remaining amendments, and that following the disposition of the amendments, the bill be read a third time and the Senate proceed to vote on passage, with no intervening action or debate; finally, I ask unanimous consent that following passage of the bill, the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint the Appropriations Committee as conferees on the part of the Senate.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I ask unanimous consent that I be allowed to speak up to 25 minutes as in morning business.

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

CHINA'S INCREASING GLOBAL INFLUENCE

Mr. INHOFE. Mr. President, today I will deliver my third speech in 2 weeks on the issue of China's increasing global influence. In these past speeches I addressed alarming trends such as China's proliferation problem, the distressing potential that the EU may drop their Arms embargo, and other events that have obvious impact on our national security.

In 2000, Congress established the bipartisan U.S.-China Economic and Security Review Commission to collect and provide Congress with authoritative information on how our relationship with China affects our economy and industrial base, the impact of China's military and weapons proliferation on our security, and the status of our national interests in Asia. I fear that the Commission's findings have largely been ignored. I will continue to draw America's attention to the issue until we address it.

As China becomes increasingly interdependent with its Asian neighbors, it is presenting its economic rise as a win-win situation for its trade and investment partners. According to political economist Francis Fukuyama:

> Over the long run, [China] wants to organize East Asia in a way that puts them in the center of regional politics.

The implications of this are disturbing. As the 2004 Commission report points out:

> . . . the United States' influence and vital long-term interests in Asia are being challenged by China's robust regional economic engagement and diplomacy, and that greater attention must be paid to U.S. relations in the region.

The Commission recommends that the U.S. increase visibility in Asia through initiatives that demonstrate our commitment to regional security. One avenue for this is the Asia-Pacific Economic Cooperation forum—APEC.

A careful look will show that China's regional outreach is at best inconsistent. It certainly has not offered win-win benefits to Taiwan or Hong Kong. As the tense situation in Taiwan continues to simmer, China's ongoing intimidation of this country seems to undermine the rosy picture they are trying to paint. A few weeks ago the Chinese Communist Party formalized a new stance on Taiwan. This is a total diversion from their old policy. The