UNANIMOUS CONSENT REQUEST—COMMITTEE MEETINGS

Mr. COCHRAN. Mr. President, before the Chair announces the recess for the policy luncheons, I have eight unanimous consent requests for committees to meet during today's session of the Senate. They have the approval of the majority and minority leaders. I ask unanimous consent that these requests be agreed to and the requests be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF ACT, 2005—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I believe, by unanimous consent, I am to be recognized at 2:15 for 15 minutes.

I allocate 2½ minutes of that time to the Senator from Wisconsin, Mr. KOHL.

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

The Senator from Wisconsin.

Mr. KOHL. Mr. President, although I will vote for this conference report, I feel obliged to alert my colleagues to a serious flaw. This bill does not provide enough international food aid. And if emerging reports are correct, I fear we are about to enter a spring and summer of agony in some of the poorest parts of the world.

This situation troubles me a great deal. Here we are, the strongest nation on Earth, and we are rightfully appropriating funds to maintain that strength. But with enormous strength comes a moral obligation to respond appropriately to pain and suffering. This bill fails to respond appropriately.

When the supplemental was first considered in this body, Senator DEWINE and I and others offered an amendment to provide a total of $470 million for PL–480 food aid. That may sound like a lot to some, but it totaled merely sixtenths of 1 percent of the total spending in the bill.

Mr. President, $346 million of our amendment was intended to meet the U.S. share of world-wide food emergency needs as already identified by the U.S. Government. Another $12 million was slated to restore Food for Peace resources diverted to address the tsunami. Finally, $112 million was intended to restore food aid development projects that the United States has already pledged to other countries this year.

It troubles me, and it should trouble everyone here, that we may not be able to deliver on those pledges. What a disturbing message that sends to the rest of the world. It says that while we may talk a good game on food aid, you cannot be too sure just where we stand when the going gets tough.

The numbers in our amendment were not pulled out of thin air. They were the result of close analysis of the world situation. In light of new reports from Ethiopia, I worry that even the amounts included in our original amendment may have been, in fact, too conservative.

Sadly, the conference reduced the food aid total to $240 million, a level that is well below a split with the level proposed by the administration and adopted by the House.

I ask unanimous consent that an alert I received from several faith-based organizations about the situation in Ethiopia be printed into the RECORD.

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

FLASH ALERT FROM JRP MEMBERS

ADDIS ABABA, ETHIOPIA—APRIL 2005

The three Churches and two Church-related agencies (Ethiopian Orthodox Church, Ethiopian Catholic Church, Ethiopian Evangelical Church Mekane Yesus, Catholic Relief Services and Lutheran World Federation) who make up the ecumenical Joint Relief Partnership feel compelled to bring to the public's attention a situation that if not immediately addressed in a forceful manner will bring about widespread disaster resulting in untold suffering and death for a number of people—a number that is rapidly approaching the 8–10 million mark of Ethiopian people at risk in 2005.

This humanitarian situation has thus far received little international attention for a variety of reasons, which in addition to the reluctance of the Ethiopian Government to advertise it are the following: Severe drought conditions. The late start-up of the Ethiopian government's national Productive Safety Net Program (PSNP) which is meant to provide multi-year support to over 5 million chronically food insecure people. The lack of adequate resources to provide food and non-food assistance to 3.1 million acute food insecure people.

Drought Conditions: The current reality is that the early belg rains (February/March) have failed in many areas, including East and West Hararghe and Arsi zones of Oromiya, parts of Southern Nations Nationalities and Peoples (SNNP) and parts of Tigray. The situation is severe, with many pocket areas showing high levels of global acute and severe acute malnutrition in children under 5. As an example, reports from the Disaster Prevention and Preparedness Commission (DPPC) indicate that large numbers of severely malnourished children are entering one hospital in East Hararghe from three woredas seriously affected by malnutrition.

There are rising and alarming levels of distress migration in certain areas, water is particularly scarce in some areas and cereal prices are high.

Delays in Productive Safety Net Program (PSNP): This is a program designed to overcome people's dependence on food assistance. While this is an important step, continued robust response to emergency conditions is critical to ensure the success of more developmentally oriented programs. Unfortunately, this program, which was meant to begin in January 2005, didn't start until late March in most areas of the country and, in some areas, still has not begun. Without going into details of why this foul-up occurred, the fact is that people targeted under the PSNP have, in most cases, not yet received the planned assistance and there are now deteriorating health conditions, especially in women and children. Many of the chronically food insecure now face acute conditions, themselves.

Poor Resourcing of 2005 Appeal: Current figures indicate that 66% of food needs are pledged and only 10% of non-food needs. It must be noted, however, that this includes an un-guaranteed WFP pledge. With the number of people requiring assistance continually increasing, the level of resources required is certain to increase significantly. While 66% sounds promising, it should be noted that, using current assessments going on, this figure may not adequately represent the real need.

Among the reasons for the low level of resources are: Donor attention being focused on other emergencies (Darfur and tsunami), greater emphasis being placed within the country on PSNP rather than ongoing emergency needs, pressure to demonstrate that the country is moving away from annual Emergency Appeals, misleading recent WFP/FAO crop assessment suggesting a 25% increase in yield over last year, and traditional food donors having their own constraints.

Unless commitments o food and non-food items are made immediately, the JRP will not be able to pre-position food in the most severely affected areas prior to the rainy season which starts in June because of poor road conditions at that time. This will lead to further setbacks and great loss of life.

It is with the above in mind, that the JRP is appealing to its traditional Partners to bring this situation to the world's attention and to act as promptly as possible.

With every best wish, we remain, the JRP Members:

ETHIOPIAN ORTHODOX CHURCH,
ETHIOPIAN CATHOLIC CHURCH,
ETHIOPIAN EVANGELICAL CHURCH MEKANE YESUS,
CATHOLIC RELIEF SERVICES,
LUTHERAN WORLD FEDERATION.

Mr. KOHL. This situation is not going to go away. I have grave fears that images coming out of places such as Ethiopia in the coming months may reveal a tragedy unfolding before our very eyes. And what is most troubling is that this may be a tragedy that we could have helped avoid.

I will soon be sending a letter to the President encouraging him to consider other emergency authorities to address this dire situation. Specifically, we will ask him to utilize the Bill Emerson Humanitarian Trust to address this pain and suffering. I urge all my colleagues to join us in sending this message to the President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I commend my colleague from Wisconsin. I

agree with all he has described. I think this is a really important issue and increased food aid is critically important. So I appreciate him being here.

I will speak for a moment about this $82 billion supplemental bill. Most of it is to restore accounts in the U.S. Army and other military installations or military organizations because that money was not in the budget. We had asked last year that it be put in the appropriations process so that it could be considered. We know that we are going to spend money in Iraq and Afghanistan, but the administration, year after year, does not put any money in for these accounts and then comes back with an emergency request later.

It is a fiction that is being created. We know this is costing money every single month. I guess the reason to do it on an emergency basis is so that nobody has to pay for it. This is $82 billion not paid for, just emergency, stack it on top of the debt and say to the troops: Go to Iraq, serve your country, do your duty and, by the way, when you come back we will have the debt waiting for you, so you have served in Iraq and you can also come back and pay for the cost of that. That does not make any sense to me.

We had a small provision on the issue of government spending when this bill was before the Senate, and I want to talk about it for a moment. It dealt with the appointment of an independent counsel in 1995 that was to investigate the allegation that a Cabinet official lied about payments he had made to his mistress. So an independent counsel was formed 10 years ago. That independent counsel was to investigate Mr. Cisneros, a man who I may have met in 1993 or 1994 and have not seen since. In any event, an independent counsel was appointed to investigate whether he lied about payments he had made to a mistress. Ten years ago, that independent counsel started working and spending money. In 1999, Mr. Cisneros, the subject of the investigation, pleaded guilty to a misdemeanor. In 2001, 2 years later, the President pardoned him. So 10 years ago the independent counsel was formed, 6 years ago the subject of the investigation pleaded guilty, and 4 years ago the subject of the investigation was pardoned by the President.

This independent counsel is still in business and still spending money. In the last 6 months, the independent counsel has spent nearly $1.3 million. I offered an amendment, that the Senate passed, which says, tell them to finish by June and shut down. In fact, 2 years ago, the three-judge panel which supervises this independent counsel told him to wrap it up, and get it done. This independent counsel has now spent $21 million over 10 years, and so we offered an amendment that said, shut it down.

The Senate accepted it. It went to conference and it was pulled out. So the independent counsel still spends money.

The Wall Street Journal wrote an editorial saying this was some nefarious amendment designed to try and protect some information that exists deep in the bowels about some scandal with the Internal Revenue Service—typical political sludge coming from the editorial page of the Wall Street Journal. Then we have the same sludge offered by Mr. Novak in his column, I believe it was last Thursday, suggesting there is something else going on here.

Well, let me just say this: If we have enough money to have independent counsels continuing to be paid 6 years after the subject of their investigation pled guilty, and 4 years after they were pardoned, it is a high-water mark for bad judgment. It is unbelievable. All it describes to me, with respect to Mr. Novak and the folks who believe we should keep spending this money, is that even waste has a constituency, in some cases a very aggressive constituency.

We really need to save the taxpayers' money, and this is an unbelievable waste of the taxpayers' money.

Let me ask how much time I have remaining.

The PRESIDING OFFICER. Eleven minutes.

JUDICIAL NOMINATIONS

Mr. DORGAN. Robert Fulghum wrote a book entitled simply, ''All I Really Need to Know I Learned in Kindergarten.'' Many have read that book. Some of it is, of course, wash your hands, share, be nice to others. One, of course, is to tell the truth. That simple kindergarten lesson is lost in some cases and particularly in the media wars that go on over significant issues.

I brought to the floor today some advertisements that are being run across the country in support of those who in this Senate Chamber are prepared to exercise what is called a self-described ''nuclear option'' by the majority. What is their nuclear option? Well, they are in kind of a snit. They do not get all of the judges approved—just over 95 percent of the judges sent to us by the President. Now, because not every single judge has been approved by the Senate, the majority party is out of sorts, cranky, upset, and sufficiently so that they and the groups from outside this Chamber have decided what they ought to do is violate the rules of the Senate in order to change the rules of the Senate.

Let me just point out what is happening as they lead up to this so-called nuclear option where they violate the rules of the Senate. They are creating their own fiction. The President, by the Constitution, has the right to nominate Federal judges who will sit for a lifetime on the Federal bench. We have a separate responsibility to advise and consent. The President sends a name down, and we say yes or no.

This President, George W. Bush, has sent 218 names of people he wants to serve for a lifetime on the Federal bench. We have approved 208 of them. Because they have not gotten approval for all of them, they have decided they want to violate the rules of the Senate in order to change the rules of the Senate.

Let me give an example of one of the 10, Janice Rogers Brown. Here is what she says, and I am quoting her directly:

> Senior citizens blithely cannibalize their grandchildren because they have a right to get as much free stuff as the political system will permit them to extract.

One does not have to be a rocket scientist to understand what this means. This is somebody whose philosophy believes that there is something inherently wrong with Social Security and Medicare. It is the old folks living off the rest of the country.

I do not know, maybe it is a person who does not know senior citizens, has not visited a nursing home, does not understand what it is like to work without very much money, without resources, and wonder what their retirement is going to be like.

Do I want this person sitting on the Federal bench? No. Am I pleased that I participated in saying, no, this person should not sit on the Federal bench? One can bet their life I am.

There are groups that are advertising in our States, and they are saying this is an attack on people of faith if we do not support these judges, or it is an attack on a minority.

Here is a religious organization that is running ads in States:

> . . . Never before has the political minority hijacked democracy in this way. . . .

This religious organization says, in paid political advertising:

> . . . Senate Democrats have abused the rules . . .

Another religious organization states:

> . . . Never before in history have judges with majority support been denied a vote by the misuse of the filibuster rule. . . .

Well, there are Ten Commandments and they can be found in the 20th chapter of Exodus. I suggest to those who throw around this issue of faith, those organizations that call themselves religious organizations and want to buy political ads and then not tell the truth in the ads, that they refer to the 20th chapter of Exodus and the ninth commandment, thou shalt not bear false witness. There are Ten Commandments, not nine. Do not skip the ninth when getting involved in this discussion.

The least that is owed to the American people is the truth, and it is simply not true that the minority in the Senate has abused the rules, or has hijacked democracy. That is simply not true.

The facts are that we have supported 208 of 218 nominees sent to us by this President. The facts are that the 60-vote requirement to get cloture in this Chamber is a requirement that has existed for a long time, and it is a requirement that is healthy for this Chamber. It is protective of the minority, whether it be Republican or Democrat. It is what requires compromise. Compromise is a good thing.

There are some in this Chamber who think that no one should ever compromise. If one party runs the White House, the Senate and the House, they ought to have it their way all the time, and if they do not get it their way, they have a right to be angry and to change the rules of the Senate even if they violate the rules to do it.

There is a way to change the rules of the Senate. It takes 67 votes. I hope the 67 votes is not in dispute.

The majority has concocted a scheme by which with 51 votes they will change or attempt to change the rules of the Senate with something they mislabel as the nuclear option.

This is something that disserves the interests of the Senate and the American people. We have very serious problems with health care costs. We have problems with the cost of prescription drugs. We have jobs moving overseas in unlimited quantity. We have trade deficits, the largest in the history of this country. We have serious energy problems, and guess what, we have a majority that has their nose bent out of shape because there are 10 judges out of 218 who somehow did not make it, and that is an affront to a majority that insists that they have it their way all the time. I didn't take Latin because I was in a high school senior class of nine, but I think the term ''totus porcus'' might just best describe what the majority party believes it is due on these issues. They want it all—the whole hog—right now. If they do not get it, they are prepared to go to the ultimate length that they describe as the nuclear option.

My hope is that in the coming days, heads will clear, and they will rethink this approach. Both parties will be in the minority at some point. Both parties have been and will be in the future at some point. I believe any majority party, whether it be a Democratic Party or a Republican Party, that decides to break the rules to change the rules will rue the day that happens.

I came here because I want to work in a constructive way on public policy. I hope we can continue to do that. But I read the Constitution again and again and understand what it says. It says this Government of ours works when we work together. The 60-vote majority in the Senate I know is nettlesome. I know it gets under people's skin. But it is what has always distinguished this Senate from other bodies. It is what requires compromise. It says to a President—any President, Republican or Democratic President—when you send a name down here for a lifetime appointment to the bench, it ought to be a name that reflects some semblance of compromise; and we have approved 208 of them. One of them I regret we approved. I voted against that one, by the way, a candidate for a lifetime appointment on the court who has written that he believes women are subservient to men. I do not think that person belongs on the bench, but the person made it through here. The fact is, 208 of them are now serving for a lifetime on the Federal bench, which I think is extraordinary cooperation. I believe we have the lowest vacancy rate on the Federal bench that we have had for 15 years or more.

It is profoundly disappointing to see what is going on around the country with a massive amount of money going to the television and radio stations, some by religious organizations, neck deep in politics, saying you know what the minority party is doing in the Senate is hijacking democracy and engaging in mischief, abusing the rules and so on and so forth. I again say to them that is, in my judgment, bearing false witness. They ought to know it.

Let's have a real debate—a thoughtful debate, not a thoughtless debate—about how we proceed to address the major issues affecting America. Yes, the major issues: health care, trade, jobs, energy—the sort of things that determine what kind of life our kids and grandkids are going to have, what kind of opportunity they are going to have.

When they sit around the supper table at night as a family, what are the things people talk about? They talk about, Do I have a good job? Does it pay well? Does it have benefits? Can I care for my family with this income? Do Grandpa and Grandma have access to decent health care? Do we live in a safe neighborhood? Do we breathe air that is quality air and drink healthy water that is not going to injure our health? These are the kinds of things that are important to people. Do we send our kids to schools we are proud of? Yet, are we debating that on the floor of the Senate? No. No, regrettably not. That is not the central set of issues we are debating.

We are now debating this so-called nuclear option. Why? Because out of 218 names sent to us by the President asking for a lifetime appointment to the Federal courts, we have approved only 208. We have approved only over 95 percent, and that is a problem for the majority.

A majority will not long remain a majority if it does not understand the requirement that all of us have to work together: to compromise, to tell the truth, and to do what is best for this country.

Mr. President, let me ask how much time I have remaining.

The PRESIDING OFFICER. Three seconds.

Mr. DORGAN. Mr. President, let me go much longer. I am sorry, for 3 seconds let me thank my colleagues.

This is the time to be controlled on our side by consent, if I might read it into the record? My guess is it will go back and forth: Senator BYRD, 20 minutes; Senator REID, 15 minutes; Senator SALAZAR, 15 minutes; Senator CORZINE, 10 minutes; Senator OBAMA, 10 minutes, Senator LIEBERMAN, 10 minutes; Senator LEAHY, 15 minutes; Senator DURBIN, 1 hour, 10 minutes of that to go to Senator MURRAY; and Senator FEINGOLD, 10 minutes.

Let me ask by consent to understand that is the progress on our side, understanding it would be interspersed with Republican speakers.

Mr. COCHRAN. Reserving the right to object, let me ask the Senator, if I may, does the total of that amount of time exceed the amount under the order that your side of the aisle has been granted, or is it less than that?

Mr. DORGAN. Mr. President, I am told this is within the time that has been granted.

Mr. COCHRAN. I have no objection.

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

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am here to talk about the supplemental appropriations bill. While the Senator from North Dakota is here—he is one of the best speakers in the Senate. He can take a story, tell it, and be clear about what he is saying. He has spoken eloquently about the need for a compromise. I will suggest one to him. I suggested it 2 years ago when I came to the Senate and heard the debate about Judge Estrada. I said at that time that, even if a Democratic President were elected, that I would never vote to filibuster his nomination. In other words, I would always vote to give a President of the United States a fair up-or-down vote on the floor of the Senate on his or her nominee.

I have repeated my pledge to do that on this floor several different times, and, I would say to my friend from North Dakota, if he would get 8 or 10 Democrats to make the same pledge, there would not be any filibuster. There would be no need for a rules change. We could talk about gas prices, we could talk about schools, and we could talk about the war in Iraq. So that spirit of compromise is there.

I was not here during whatever went on before, and, whatever it was, I wish it had not gone on. What I can remember, going back to 1967, which is when I came to this body as a legislative aide even before the President pro tempore was a Senator, is that all during that time this tactic was not used to deny a President an up-or-down vote on his judicial nominees. The only possible argument during that time was the case of Abe Fortas in 1968, and that was a little different.

But put all that to the side, the ''who shot John'' or ''who didn't shoot John.'' If several on that side and several on this side would simply say, as a way of avoiding this train wreck, that we would pledge right now, during our time here, always to vote to give a President an up-or-down vote on his or her judicial nominees, then there would be no need for a rules change, and we could go on to our other business.

Mr. DORGAN. Will the Senator yield?

Mr. ALEXANDER. I will be happy to.

Mr. DORGAN. Let me just observe, because the Senator mentioned me, my

point of supporting the 60-vote threshold is that is what requires compromise. The very presence of the filibuster is what requires compromise. Otherwise you do not have any incentive to compromise, be it the executive branch relative to the legislative branch. That was not my point. It wasn't that we should find a way to allow the nuclear option to exist without changing the rules of the Senate.

Mr. ALEXANDER. Mr. President, I appreciate my friend's point. May I make my remarks now?

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALEXANDER. Mr. President, the supplemental appropriations bill is going to come up. We are going to vote on it. I commend the chairman of the committee for accomplishing what is a difficult job—getting a body that operates by unanimous consent to agree on something and moving it through.

The purpose of the bill is to support the men and women who are fighting in Iraq and Afghanistan. I was there about a month ago. There are so many Tennesseans in Kuwait and Afghanistan and Iraq that it seemed like a Tennessee homecoming. There are literally thousands there—the postmasters of Winfield and Rob Camp. The President of the Rotary Club in Lexington, a physician, just came home. The editor of the newspaper in Dyersburg, two deputy sheriffs from my home county, the superintendent of schools from Athens—these are people in the Reserves or in the National Guard with mortgages and families and jobs, with money and insurance issues at home. They are fighting for us. Some are dying, and they are risking their lives every day. Of course I want to vote to spend every penny we need to spend to support them and to keep them safe.

Once we set forward on a mission, on a military mission, we should have the stomach to see it all the way through to the end in a success strategy, not an exit strategy, and to support the American men and women whom we ask to go.

That does not stop me from objecting and expressing my disappointment to two provisions in the bill. One is the so-called REAL ID Act. Actually, unlike a lot of legislation we pass here, this is well named. This really is a national identification card for the United States of America for the first time in our history. We have never done this before, and we should not be doing it without a full debate. This REAL ID provision turns 190 million driver's licenses, which are now ineffective ID cards, into more effective national identification cards. To add insult to injury, we have also slapped State governments with the bill for them.

I strongly object to this. When I was Governor of Tennessee, I vetoed our State ID card twice because I thought it was an infringement on civil liberties. I thought that driver's licenses are for driving. If we need an ID card, we should have an ID card. The legislature overruled me. I actually had to get one of those cards myself in order to get into the White House, so I lost that battle. So I am very reluctant for this country to have a national ID card. But I reluctantly concluded that, after 9/11, we have to have one and that we ought to be thinking about what would be the best kind of ID card.

I believe the right way to consider that is when we are dealing with comprehensive legislation on immigration, which I hope we do this year, and tackle that problem and the best way to do it. Is the best way to do it to turn the driver's licenses examiners in all the States of the country issuing 190 million driver's licenses into CIA agents? I don't know what it is like in Ohio or other States, but in Tennessee the driver's licenses examiners by and large are there for the purpose of figuring out whether you can parallel park and to take your picture. They are not trained to tell whether you are an al-Qaida terrorist. They are not trained in order to review four different documents and then look at 10,000, maybe 20,000 different databases around the country.

I wonder whether it is even the right approach, in terms of having a national ID card, to rely on driver's licenses. Maybe we should be relying on passports. That has been an efficient system in this country. Or maybe even better, and I suspect this would be better, we should turn the Social Security card—which is directly related to work, which is the subject of the discussion and most of the concern about immigration—into a more definite kind of identification.

But no; instead, without one single hearing in the Senate about a national ID card—which we might not, under our Constitution, even be able to require to be presented to a law enforcement officer—we just pass one, and then we send the bill to the States.

Here we are, a Republican Congress who got elected in 1994 promising to end unfunded mandates—and the Senator in the chair was one of the leaders in doing that—and what do we do, we come up with this big idea, pass it, hold a press conference, and send the bill to the Governors. We do that time after time after time, and we should not be doing that. That is not the way our system works.

It is possible that some Governor may look at this and say: Wait a minute, who are these people in Washington telling us what to do with our driver's licenses and making us pay for them, too? We will just use our own licenses for certifying drivers, and Congress can create its own ID card for people who want to fly and do other Federal things. And if Congress doesn't do that, then we will give out the home telephone numbers of all the Congressmen and let the people—of California, say—call everybody up here and say, ''why did you keep me off the airplane when I needed to get somewhere?''

That is what we have done. We have just assumed that every single State will want to ante up, turn its driver's licenses examiners into CIA agents, and pay hundreds of millions of dollars to do an almost impossible task over the next 3 years.

We did that without any recognition in this legislation that we are not the State government, we are the Federal Government, and, if we want a national ID card, we should be creating a Federal ID card. If we want the States to create one, we should talk to them about it, and then we should pay for it.

So in the end, the States will pay the costs. In the end, the States will listen to the complaints from citizens who are going to be standing in long lines while they search for four kinds of identification; the driver's license examiner tries to connect with thousands of databases, which they have no capacity to do today. The States will take the blame when somebody uses a driver's license inappropriately.

The REAL ID Act has been structured in such a way that it is not technically an unfunded mandate, but anybody listening to this debate knows it violates the spirit of our promises in 1994 and 1995 not to do this anymore.

So I intend to offer an amendment at the appropriate time that will have two main points, but the overall point is to have the Federal Government pay for the cost of this new requirement that the States have no choice but to accept. It will allow States to submit documentation to the Department of Homeland Security of what the costs are, and it will establish a process to pay the annual increase in those costs.

I wish we had done this in a different way. I think we should have honestly faced the fact that we now need some sort of national identification card. I say that reluctantly because, as I said, I vetoed even a State card. But times have changed. But to do this without a hearing and without our tradition of respect for civil liberties and our respect for federalism, I think is wrong.

Mr. President, if I may take 2 more minutes, I would like to express my disappointment with one other provision. This conference report says we do not trust President Bush in dealing with the Palestinian Territory. Here we are, a Republican Congress, at least by a majority, with a Republican President who is leading a lot of the world to freedom, who is just returning from a triumphant visit to Georgia—a great beacon—who has taken the courageous step of trying to help solve the Middle East problems, and we are saying: Mr. President, we are going to appropriate money to help with the emerging democracy in the Palestinian Territory, but we do not trust you to spend the money.

That is what this provision does. The Senate did not vote that way. The Senate voted another way. The Senate voted to give the President the right to waive the authority, giving the President the right to decide, in effect, who got the money.

The reason I think the provision makes so little sense is because we are going to turn around and say in a few weeks, as the Israelis pull out of the Gaza Strip, Who is responsible for security there? We are going to expect the Palestinian Authority to be responsible for security there. Who is responsible for feeding some of the poorest people in the world? We are going to expect the Palestinian Authority to be responsible for that.

If we are going to hold the Palestinian Authority responsible, the President might want to give them the money. Arafat is dead. There is a new finance minister there who has impressed all of us on a bipartisan basis.

He was born in Palestine, lived here, and got his degree at the University of Texas. He is doing things in a way that is open. He has earned the confidence of people all over the Middle East. He is taking control of the money. And if he stopped doing that, the President could stop giving him the money.

But why in the world would the Congress show such a lack of respect to the President of the United States, in the middle of a peace process, by saying: ''No, Mr. President, we do not trust you to make a decision about what to do with the money that we appropriate for the Palestinian Authority or to help the Palestinian Territory emerge as a democracy''?

So I am very disappointed by that as well. And there is other money that has been authorized this year that does give the President that authority. I hope in future conferences and in future debates and discussions we recognize that Arafat is dead, there is hopefully a democracy emerging, and there is a finance minister there who is making public accounting of all the money. He is direct depositing money for the troops. He is publicly advertising it through bids. He has impressed his neighbors, and he has impressed all of us who have visited with him on a bipartisan basis. I hope we keep that in mind as we consider this issue.

Thank you, Mr. President, for the time.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twenty minutes.

Mr. BYRD. Twenty minutes. Mr. President, I yield myself such time as I may consume within that 20-minute limitation.

I again thank Chairman THAD COCHRAN for his patience in the processing of this supplemental appropriations bill when it came before the Senate. He was especially patient during the Senate consideration in seeing that all who wanted to offer amendments were afforded the opportunity to be heard.

The members of the Appropriations Committee have had a longstanding sense of cooperation, comity, and civility. There is always give and take, live and let live, on both sides of the aisle. And that was the same with regard to the Senate processing of this supplemental. Everybody did not get everything he or she wanted in this supplemental, but Members were treated fairly in a bipartisan manner.

However, when it came to processing the supplemental in conference, several members were severely disappointed that the conference was recessed subject to the call of the Chair. As a result, several Senators were precluded from offering their motions and their amendments.

A number of Members on this side of the aisle have expressed disappointment that the conference did not have any open debate on the immigration provisions, including the REAL ID legislation, that found their way into the bill, and that neither the majority nor the minority of the Senate Appropriations Committee participated in the formulation of the REAL ID immigration provisions.

These REAL ID provisions were formulated behind closed doors by the House and Senate Republican leadership. After the conference had recessed subject to the call of the Chair, a 55-page modified version of the REAL ID authorizing legislation was laid into the conference report.

It was simply grafted onto the emergency supplemental appropriations bill that provides funding for our military operations and our troops, without debate or participation by the conferees. I do not fault the chairman of the Appropriations Committee. This was not his doing. This was done by the House and Senate Republican leadership.

The bill totals approximately $82 billion, which comes in at about $1 million below the request. Virtually the entire bill is designated as an emergency, thus increasing the deficit.

Department of Defense totals $75.9 billion, $0.9 billion above the request.

International assistance totals $4.1 billion, which is $1.5 billion below the request, but it grew in conference to levels $866 million more than the House and $42 million more than the Senate.

Border security funding totals $450 million of new emergency spending. This compares to my conference motion to include $665 million for border security. In order to increase the size of the border security effort, staff identified $100 million of low priority homeland security funds to use as offsets, bringing the total package to $550 million.

Despite having taken credit for improving security on our borders when he signed the Intelligence Reform Act in December, the President requested no actual funding for border security. My initiative, with the support of Homeland Security Subcommittee Chairman JUDD GREGG and Senator LARRY CRAIG, will result in 500 more Border Patrol agents, 218 new immigration investigators and detention officers, 1,950 more detention beds, 170 support personnel, and funds for training and housing the new personnel.

Many of the President's requests for expanded flexibilities were substantially reduced in the Senate bill and sustained in conference.

The President's request for $5 billion transfer authority for Defense Department funds contained in the supplemental bill was reduced to $3 billion.

In combination, under the conference report, the Secretary of Defense has transfer authority in fiscal year 2005 of $10.7 billion, down from a total of $14.7 billion requested.

The President's request for authority to spend contributions to the Defense Cooperation Account in fiscal year 2005, without subsequent approval by the Congress, was rejected as it should have been.

The President's request for a $200 million slush fund, entitled the Global War on Terrorism, GWOT, Fund, under the control of Secretary of State Condoleezza Rice, was rejected as it should have been.

The President's request for a $200 million ''Solidarity Fund'' for the Secretary of State, under Peacekeeping Operations, to reimburse coalition partners—such as, Poland, Ukraine, Lithuania, Hungary, and Bulgaria—for defense costs, was approved at a level of $230 million, of which $30 million can be used for GWOT-type activities. However, the act requires consultation and notification of the Congress prior to using the money.

The conference report includes language that I authored prohibiting executive branch agencies from creating prepackaged news stories unless the agency clearly identifies that the story was created and funded by an executive agency. It troubles me greatly that there has been a proliferation of executive branch agencies creating so-called news stories and then distributing them without identifying the story as having been produced with the taxpayer's money. We trust the media to provide us with independent sources of information, not biased news stories produced by executive branch agencies, at whose expense, taxpayer expense.

On February 17, 2005, the Government Accountability Office issued a legal opinion to the executive agencies stating that such prepackaged news stories violated the law. Regrettably, on March 11, 2005, the Office of Management and Budget issued a memorandum to agency heads specifically contradicting the opinion of the Government Accountability Office.

This conference report ''confirms the opinion of the Government Accountability Office dated February 17, 2005.'' I am pleased that the conferees and now the Congress have agreed to this clear message that taxpayer dollars should not be used to create prepackaged news stories unless the story includes a clear message that the story was created by a Federal agency and paid for by taxpayer dollars.

I was also pleased that the conferees agreed to my sense of the Senate language on budgeting for the war in Iraq.

The conference report says that the President should submit a budget amendment for fiscal year 2006 by September 1, 2005, and should include funds in his fiscal year 2007 budget for the war when it is transmitted in February.

Congress has now appropriated over $210 billion. That is $210 for every minute since Jesus Christ was born. Think of that. Congress has now appropriated over $210 billion in four different emergency supplementals for the war in Iraq. That is a lot of money, and it is your money, $210 billion. It is your money, Mr. and Mrs. Taxpayer, your money. Two hundred ten billion dollars for the war in Iraq, and there is no end in sight.

We should not continue to fund the war through ad hoc emergency supplemental bills that are funneled through the Congress quickly when our troops are running out of funding.

The conference report also includes my proposed 3-month extension of the Abandoned Mines Land Program. Last fall, I offered, and the Congress approved, a 9-month extension of the program in order to give the authorizing committees time to act. Unfortunately, since last fall, the authorizers have held no hearings and considered no bills on the matter. So once again I urge the authorizing committees to approve this legislation that is important to West Virginia and important to all other coal-producing States.

Finally, I thank the staff on both sides of the aisle. On the majority side, I thank Keith Kennedy, Clayton Heil, Les Spivey, Sid Ashworth, Paul Grove, Rebecca Davies, and all of the others. On my own side, the minority side, I thank that man from Notre Dame, our minority staff director, Terry Sauvain. I thank his very able deputy, Charles ''Chuck'' Kieffer. These are two the likes of which you will never see again. I also thank Charlie Houy, Tim Rieser, B.G. Wright, Chad Schulken, and all of the others on the minority side who worked the long hours—I mean long hours—to assist Senators in the production of the final conference report.

Mr. President, there were some problems in conference, most notably the recessing at the call of the Chair and not returning, which left some of our members unable to offer motions. During the recess, 55 pages of modified REAL ID immigration legislation were inserted into the conference report, sight unseen, by the conferees. Now, can you imagine that? That would not have happened when I was chairman of the Appropriations Committee. That would not have happened when I was majority leader of the Senate. I will tell you, I don't blame our chairman or any committee members for this situation, but I do acknowledge that there were problems.

Nevertheless, the conference report provides the necessary funds for our troops in the field in Iraq, Afghanistan, and elsewhere. I will always support money for our troops, may God bless them. I support them. We must support our troops, our men and women. They didn't ask to go there. They are doing their duty. They are answering the call. I do not support the policies that sent them there. I did not support it in the beginning. I did not vote to authorize this President or any other President to use the military of this country as he might see fit. I did not cast my vote there. I never, at any time, believed that Saddam Hussein, for whom I did not carry any brief—or the country of Iraq posed a national security threat to our country. I said so then, I say it now, and I believe that. So I did not vote for the policies that sent them there and keep them there. There is no end in sight. It bleeds our country of money and blood. No, I don't support that policy, and I didn't support it when the President sent our men and women there. But I do support the troops. I support them and will always support the troops of our country—may God bless them.

Nevertheless, the conference report, as I say, does provide the necessary funds for our troops in the field in Iraq, Afghanistan, and elsewhere. I supported the war in Afghanistan because there was al-Qaida. Al-Qaida attacked us. Al-Qaida invaded our country when it toppled the Twin Towers, and struck the Pentagon, and drove a plane into the ground in Pennsylvania. I supported that war. But there are two wars, the one in Afghanistan and the second war in Iraq—a country which did not invade our country, a country which did not strike our country, and a country which posed no security threat to our country.

But that is neither here nor there when it comes to our troops. That is something else. We will support our troops. I thank the Chairman for his excellent work, for his cooperation and fine leadership in our Committee, and for his support of the troops likewise. I urge the adoption of the conference report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, as Senators know, there is time for debate of the conference report, for Senators to come over and speak, if they so choose, about the provisions of this bill and the effort we have made to meet the challenge the President has laid before us, and that is to produce a bill that provides funding for support for our troops and other officials from the State Department and other agencies who are engaged in operations in Iraq and Afghanistan and in the global war on terror. The majority of the money provided in this legislation is for those purposes.

I am pleased the committee was able to restrain the temptation that always exists to add money that was over and above the request made by the President. The fact of the matter is that this committee showed discipline and commitment to fiscal restraint. We brought a bill back in the initial stages of this process that was below the request made by the President and that was below the request provided in the House-passed bill.

Our Senate Appropriations Committee reported legislation providing funding that was lower than either one of those documents. In conference with the House, we did resolve differences. There was give and take. Both sides had their opportunity to speak. We met on two separate occasions with our Senate conferees, joining representatives from the House in a wide range of discussion. Nobody was cut off when they wanted to discuss the issues or offer alternatives to provisions of the House-passed bill. The REAL ID provision that has come up, which some have complained about, was not a product of the Senate's action. It was put into the bill on the House side, but it was in conference. Because that legislation contained immigration issues and the identification issue, there were those in the Senate who offered germane amendments on the broad, general subject of immigration policy, guest worker provisions, quotas, workers who could come from foreign countries into the United States. The Senate will remember that we have debated several amendments on those subjects. We approved some and we rejected some.

In conference with the House, a majority of the conferees of the Senate worked with a majority of the conferees in the House to get a compromise conference report. That has been brought back to the House now and passed by a substantially overwhelming margin, 368 to 40-something, as I recall.

The Senate is prepared to wind up debate in a matter of an hour or two, under the order that has been entered. I hope the Senate will give support to this conference report and overwhelmingly approve it. It reflects strict discipline in the appropriations process, but at the same time it provides the funds needed for those who are engaged in the important operations in Iraq and Afghanistan to safeguard the security of our country and to promote democracy and help ensure a safer world. I am hopeful the Senate will approve the conference report.

I am prepared to yield the floor. Seeing no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, I was curious when I put in the suggestion that a quorum be present as to how time would be charged under the time that is being used now under the quorum call.

The PRESIDING OFFICER. The quorum call is charged to the Senator who suggests the absence of a quorum.

Mr. COCHRAN. Mr. President, since there are no Senators on either side present, I ask unanimous consent that the time be charged equally between both sides.

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

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

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

Mr. LEAHY. Mr. President, I believe under the order the Senator from Vermont has some time reserved.

The PRESIDING OFFICER. Yes, 15 minutes.

Mr. LEAHY. I thank the Chair. I will use part of it.

I am voting for the supplemental, but I have grave misgivings about the President's policy in Iraq, the enormous strain it is putting on our Armed Forces, the horrific toll of the insurgency on innocent Iraqis, but especially the lack of a credible exit strategy.

We tried to get legislative language considered that would link the training and equipping of Iraqi security forces to the phased withdrawal of our troops. That made sense. As we train them and they are able to take over responsibility for security, we should withdraw our troops. The White House would not even consider this. I suspect had the White House asked our troops in the field or the American people, they would say that is what they want. It is also what most Iraqis want.

I am voting for the supplemental because I am concerned about our troops, many who were sent to fight and some of whom have died—as we understand from the press, even though we could not get this from the administration—without the proper armor. I opposed their deployment to Iraq, and I want to see them return home as quickly as possible, but in the meantime, I want them to have the best protection and equipment. They were sent into harm's way by the order of the Commander in Chief, and they should be protected as well as they can be.

There are other reasons I am voting for the supplemental, but I want to mention one in particular. There is a provision which I sponsored and Senators BOXER and FEINSTEIN of California cosponsored which designates the program to assist innocent Iraqi victims of the military operations as the Marla Ruzicka Iraqi War Victims Fund.

This program, and one like it in Afghanistan, was inspired by Marla Ruzicka of Lakeport, CA. She died on April 16, 2005, at the age of only 28, from a car bomb in Baghdad. Marla's colleague and friend, Faiz Ali Salem, also died in that attack, both were on a mission of mercy.

I first met Marla 3 years ago. She worked closely with me and my staff, especially Tim Rieser of my Appropriations Committee staff, from the day after she arrived in Washington in 2002 until the day she died. In fact, Tim received e-mails and photographs of her holding a child she had helped that came in just hours before she was killed.

She was an extraordinarily courageous, determined young woman. She brought hope and cheer to everyone she met, from our military to people who were suffering from the ravages of the war. But she did it especially for the families of Afghan and Iraqi civilians who were killed or wounded as a result of the military operations. She felt passionately that part of being an American is to acknowledge those who have suffered and help their families piece their lives back together.

Who would not agree with that? By showing them a compassionate face of America, she not only gave them hope, she helped overcome some of the anger and resentment many felt toward our great country.

Over 90 percent of the casualties of World War I were soldiers. That changed in World War II. And since then, it is overwhelmingly civilians who suffer the casualties.

Rosters are kept of the fallen soldiers, as they should be, but no official record is kept or made public of the civilians who died. That is wrong. It denies those victims the dignity of being counted, the respect of being honored, and it also prevents their families from receiving the help they need.

In her young life, Marla forced us to face the consequences of our actions in ways that few others have. Even more importantly, she made us do something about it. She brought both parties in this Chamber together to help. What she did in Afghanistan and Iraq by the time she was 28, the end of her short life, was an achievement of a lifetime, far more than most people do in a much longer life.

This Saturday, from 2 to 4 in the afternoon, I am going to host a gathering in the Senate caucus room in the Russell Building so that anyone who is interested can learn more about Marla's work and the U.S. Government programs she inspired. I hope we can discuss ways for all of us to continue the campaign on behalf of innocent victims of conflict.

I thank my colleagues on both sides of the aisle for supporting naming this program after her. I want the work she started to continue. I doubt that we will see another person quite so remarkable as Marla, but I have to think there are a lot of other Americans who would want help if we give them the support they need.

I see the distinguished Senator from Connecticut in the Chamber. I reserve the remainder of my time and yield the floor to him.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the supplemental appropriations bill. I do so because it supports the men and women of the American military, in my opinion the greatest fighting force in the history of the world. I say that, really having thought about it. It supports them in their efforts to advance the cause of freedom and to protect the security of every American by what they are doing to fight terrorism and terrorists in Iraq and Afghanistan.

I do want to note, however, my strong objections to House provisions known as the REAL ID Act that have been included in the conference report. The REAL ID Act will repeal ID security provisions enacted with overwhelming bipartisan support last year at the urging of the 9/11 Commission and place them with rigid and unworkable Federal mandates on State government for the issuance of driver's licenses, long exclusively a matter of State law.

The conference report from the House also includes punitive immigration provisions we rejected last year and that have no place on an emergency spending bill. In my opinion, our Nation is safer if we continue to implement the protections we passed last December rather than allow an ideological debate over immigration policy to derail those initiatives so vital to the war against terrorism.

Notwithstanding my strong objections to the REAL ID components of the conference report, I strongly support the report and I do so based particularly on a visit I was able to make last week to Iraq, the third I have been privileged to make in the last 10 months. I am back feeling we are at a tipping point and it is moving in the right direction in Iraq. It requires the sustained, strong, and visible American support that is expressed in this supplemental appropriations.

There is no doubt that the recent spate of suicide bombings has riveted the media's attention and as a result the attention of the American people, but I assure my colleagues those suicide bombings and those suicide bombers are a small, though devastating, part of life in Iraq today. They have got to be understood in context.

I come back from Iraq seeing it this way: There are more than 25 million people in Iraq. Eight million of them came out in the face of terrorist threats to vote for self-governance on January 30 of this year. They have stood up a government which is impressive and inclusive. Their military is gaining strength and self-sufficiency every day. There are 25 million on one side wanting to live a better, freer life. On the other side are the insurgents, the terrorists, the enemy, variously estimated at 10,000 to 12,000, some would say less.

For as long as I can remember as a member of the Senate Armed Services Committee in briefings we have received and on previous trips to Iraq when I have asked who are these insurgents, every other time I have been told most of them are former regime elements, leftovers from Saddam Hussein who want to go back into power and stop this new government, particularly a government which represents the majority of people in Iraq, Shi'a Muslims, to take power.

Then I was always told a minority is terrorists who are people associated with Zarqawi and al-Qaida. This time it began to turn around and that is a very significant development.

I was informed that the number of former regime elements, the number of Iraqi Sunni Muslims involved in the insurgency, is dropping. In fact, some of them have begun to reach out to come over to the other side because they see the future tipping in another direction. However, there is an increase in the movement into Iraq of foreign terrorists. Sometimes they are people recruited over the Internet, recruited at religious sites, coming into Iraq usually from Syria for as short as a day before they are strapped with bombs, sent in a vehicle aimed at a crowd of Iraqis in a marketplace, sent to be in a line of Iraqis ready to enlist in the Iraqi military or in the police force, who then blow themselves up.

What I am saying is there is a historic transformation going on in Iraq that already has and, if it can continue to go with our support, will resonate throughout the Arab world. I know that as the American people every night see only the suicide bombings, they begin to lose hope about what is happening in Iraq. I appeal to the American people to understand that those bombings, as devastating as they are, are the result of the fanatical work of a minority of people, the same people who attacked us on September 11, 2001—same attitude, same mindset, same hatred. If we diminish our support for our presence in Iraq today for the Iraqis who want so desperately to find a better life and govern themselves, we will have lost a moment of historic opportunity and we will ultimately pay the price for it ourselves.

I had the opportunity to meet with the new leadership of Iraq, the new President of Iraq, Jalal Talabani, a Kurdish leader for decades, who many of us have met and come to know, a good man, a strong man. I sat with him and realized this is the duly elected successor to the brutal, murdering dictator Saddam Hussein. It is a miracle, something that neither he nor I, nor most of us, and particularly the Iraqi people, could have imagined just a few years ago. President Talabani deserves our support.

I met with the new Prime Minister, Ibrahim al-Jaafari. I never met him before. He is a good man. I found him to be thoughtful, strong, clear, very religious, very inclusive. Neither the Shi'a nor the Kurds who suffered terribly under Saddam—and one might understand the human instinct for revenge—have yielded to it. They have reached out to the Sunnis. We have not seen it in the papers and on the TV, but they are reaching out to bring them into the Government to try to create a leadership by consensus that will assure a better future for the Iraqi people.

I want to say a final word about the American military. As I said at the outset, it is the finest in the world. It deserves our support. The election, the negotiations with the Sunnis, the increasing capability of the Iraqi military, all bring Iraq to a tipping point in the right direction. It is historic. The American military understands what is going on. I had the privilege, over the last 16 years, to visit many of our men and women in uniform around the world. I have never seen our military more proud of what they are doing, with morale higher, more skillful, better equipped to carry out the mission than they are carrying out. This bill helps them to do what we have asked them to do.

I want to say, finally, that we have to exploit this moment, this tipping point, and act aggressively with the Iraqi government to bring over more of the insurgents, thus isolating the foreign fighters, the terrorists, the al-Qaida/Zarqawi network people, and making it harder for them to move freely and resupply themselves.

This has really now become quite explicitly a war against the terrorist movement that struck us on September 11, 2001. That, to me, means moving aggressively to close the border with Syria to stop the flow of terrorists, and further help bring stability to Iraq. Operation Matador, now in its third day in Iraq near the Syrian border, is the kind of sustained military effort we need. Our pride, our prayers, our gratitude go out to the Marines and others in the American military who have advanced Operation Matador with such remarkable success.

Our engagement in Iraq is crucial. It is in the best bipartisan traditions of American foreign policy that run from Woodrow Wilson to George W. Bush, with a lot of good Democratic and Republican Presidents in between. This supplemental supports that policy. It advances the cause of freedom. It protects American security. It supports the American men and women who are performing so valiantly and constructively. I urge its adoption. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, today I will cast my vote in support of the conference report on the 2005 supplemental appropriations bill for Iraq, Afghanistan, and tsunami relief. I do so despite my strong objections to the administration's policy of continuing to fund our military operations in Iraq and Afghanistan through emergency supplemental bills. These needs should be addressed in the regular budget request so that they can actually be paid for, not placed on the tab of the American people so that debt can pile up. But the fact remains that our troops on the ground need timely support, and I will cast my vote to see that they get it, and the victims of the horrifying 2004 tsunami in South and Southeast Asia are provided with some meaningful relief and assistance.

I am pleased that the conferees retained my amendment to make it easier for the families of injured servicemembers to travel to the bedsides of their loved ones. I am disappointed that a sunset provision was added to this common-sense measure, and I will continue fighting to ensure that the benefits to military families provided by my amendment become permanent.

My vote in support of this conference report also comes with serious reservations because it contains the extremely troublesome immigration and driver's license provisions of the REAL ID Act, which the House passed as an amendment to this bill.

I strongly support efforts to curb illegal immigration and to prevent terrorists from entering our country to do harm. But as we work to secure our borders and protect our Nation from future terrorist attacks, we must also respect the need for refugees, foreign workers, family members, students, businesspeople, visitors, and others who wish to come to our Nation legally.

The REAL ID Act is a big step in the wrong direction. The new restrictions on immigration in the REAL ID Act are not necessary to protect national security. Rather, they will only serve to create serious and unjustified hardships for people fleeing persecution and for other non-citizens.

Not only that, but the Senate has had no opportunity to consider the REAL ID Act. It is astounding that Congress would enact these significant immigration changes without the United States Senate ever having held a hearing on them, without the Judiciary Committee ever having considered them, and without Senators ever having taken a vote specifically on those reforms or having had an opportunity to offer amendments. Obviously these issues are too important to address them in such a truncated way. Congressional leaders have no business tacking these very significant and controversial changes to immigration law onto an unrelated, must-pass appropriations bill. Clearly, this process was used because these changes could not pass the Senate on their own merit. They had to be added to legislation that contains vital funding for our troops in Iraq.

What has happened to the legislative process? I know that some in the other body, and some in the Senate as well, have very strong feelings about these immigration provisions. But strong feelings do not justify abusing the

power of the majority and the legislative process in this way. I strongly object to this tactic.

Let me explain a few of my concerns with the REAL ID Act. First, this conference report will make it even harder for those fleeing persecution to seek asylum in this country. These changes to asylum law are simply unnecessary. As any attorney who handles asylum cases can tell you, asylum cases are already extremely difficult to prove. In fact, only about 30 percent of asylum applications are granted today. Those seeking asylum in the United States already undergo the highest level of security checks of all foreign nationals who enter this country, and the provisions in this bill will result, I am sure, in the rejection of legitimate applications without making us any safer.

The asylum provisions of the REAL ID Act were improved somewhat in conference, and I greatly appreciate the work Senator BROWNBACK did to make changes to the House-passed version. But the changes do not go far enough to adequately protect asylum seekers. This bill will have real effects on real people—people who will be sent back to countries where they or their families may be harmed or even killed because of their political or religious beliefs.

There are also provisions in this bill that would further restrict judicial review in immigration proceedings. This is not the time to downgrade the judicial branch's longstanding role as a check on the abuse of executive branch power, particularly in light of some of the administration's unprecedented actions since September 11, 2001. Noncitizens have borne the burden of many of the administration's egregious civil liberties violations that have occurred since September 11. I believe that we can fight terrorism without compromising our civil liberties. Making it harder for non-citizens to seek judicial review in immigration proceedings is sending exactly the wrong message about the need to respect the Constitution and basic human rights.

The REAL ID provisions in the conference report also have potentially serious environmental implications. One section of the conference report allows the Secretary of Homeland Security to waive all laws that he deems necessary to allow expeditious construction of barriers at the border. Let me repeat that: The Secretary can waive any and all laws that he wishes in order to construct these barriers. I guess that could include labor and safety laws, but certainly it means that environmental regulations can be waived, at the sole discretion of the Secretary.

I also want to address the driver's license title of the conference report. This title of the REAL ID Act is particularly unfortunate because it repeals provisions of the Intelligence Reform and Terrorism Prevention Act, which we just passed a few months ago, and replaces them with the unworkable mandates that Congress rejected when debating the intelligence reform legislation. The intelligence reform bill required a negotiated rulemaking process to develop minimum identification standards, a process that is already under way and has included State governments, the Departments of Homeland Security and Transportation, law enforcement, industry representatives, privacy advocates, and immigration groups.

They all had a seat at the table under the intelligence reform bill. In fact, they met for 3 full days just a few weeks ago. This process would have, in all likelihood, resulted in sensible, realistic standards for driver's licenses to improve security.

Instead, the REAL ID Act mandates a long list of expensive and inflexible requirements for the states, some of which could have serious unintended consequences.

Let me give you an example that demonstrates why we should not be rushing these provisions into law. A variety of States, either by law or policy, have address confidentiality programs that permit law enforcement officers, judges, or domestic violence victims to list something other than their home address on the face of their driver's license. They are required to provide their home address to the DMV, but it is not actually printed on the license. This is an important security measure to protect public officials and victims of violence from individuals who wish to do them harm.

The REAL ID Act would override these protections by mandating that a person's home address be printed on the face of the driver's license itself. Had the Senate Judiciary Committee had an opportunity to review this bill, I feel confident we could have addressed this issue in a more nuanced way, and certainly the process now underway that this bill will short-circuit would have taken into account the legitimate public safety interest allowing some people to not list their actual addresses.

The intelligence reform bill struck the right balance by setting up a mechanism to help improve the security of State identification cards, while also ensuring that States and other interested parties would have input into the process of determining minimum identification standards. I am very disappointed that the REAL ID Act is overriding this ongoing process with costly and unrealistic requirements that leave States with little discretion.

On top of all this, the REAL ID Act prohibits the issuance of State driver's licenses to undocumented aliens. States should be the ones to decide whether, in the interests of public safety, they wish to issue driver's licenses to undocumented aliens. The reality is, there are millions of undocumented workers in the Nation. States could reasonably decide, just as Wisconsin has, that from a law enforcement and public safety perspective it is better to ensure that these individuals have been tested on their driving skills, have obtained insurance, and are readily identifiable, rather than to force them to drive illegally.

While I am extremely concerned about the effects these REAL ID provisions are going to have on noncitizens and on already cash-strapped State governments, I do want to note one bright stop in the immigration landscape of this bill. That is the provision that addresses the shortage of H–2B visas for temporary, seasonal workers. The cap for H–2B visas was reached just 3 months into the 2005 fiscal year, in January, which meant that employers in Northern States, such as Wisconsin whose tourism, landscaping, and other seasonal industries get started later in the year, have been unable to hire workers using H–2B visas.

Senator MIKULSKI and Senator GREGG worked tirelessly to ensure that this provision was enacted into law in time to help employers who need workers this year, and I do commend them for their efforts. I have been proud to cosponsor their H–2B legislation, and I am very pleased this is about to become law. Unlike the REAL ID bill, this provision had overwhelming bipartisan support in the Senate and quick congressional action was definitely needed.

Mr. President, I will vote for this legislation because our Armed Forces need the funds it provides, but I strongly object to the inclusion of the REAL ID Act in the conference report. Those who support these provisions have prevailed only because they were willing to upend the legislative process to achieve their ends. I certainly regret that, and I think many of us will come to regret that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise today to briefly discuss the conference report to the emergency supplemental appropriations bill, which we hope to adopt later today.

First, I thank my colleague from Mississippi, Senator COCHRAN, for the good work he has done. I plan to support adoption of this conference report. There are certainly a number of programs that will benefit greatly from passage of this bill. It is the right thing to do.

I must say, though, there are a few areas, which I will discuss in a moment, where I do not think we have gone quite far enough.

First, let's talk about the most important thing. Of course, that is the money that will go to support our soldiers. That is really why we are here. That is the most important provision in the bill. Let me talk about a couple of specific items that will aid our soldiers.

This bill includes Senator CRAIG's amendment, which I cosponsored, to provide an immediate payment—it ranges from $25,000 to $100,000—to those who have suffered traumatic injuries

on active duty, such as the loss of an arm or leg or the loss of their hearing or sight.

The bill also includes my second-degree amendment to Senator CRAIG's amendment making this provision retroactive to October 7, 2001. This second-degree amendment I offered will ensure the coverage of soldiers who have been injured in Iraq, injured in Afghanistan, those soldiers who many of us have seen or talked to who are currently recuperating at Walter Reed, Bethesda, or other hospitals around our Nation, as well as those who have left the hospital and are learning to live with their injuries.

This amendment would help service members, such as Army SSG Justin Shellhammer, whom I spoke to today on the phone. Justin Shellhammer is a courageous young man, someone of whom we can all be very proud. I talked to him on the phone this morning. He is excited he is going to get a leg this afternoon. He told me about how his recuperation has been coming along and what his prospects are. When you talk to someone like him, your heart goes out to him. But, frankly, you feel great admiration for him and how courageous he is.

I am also pleased this bill includes an additional $150 million for the procurement of up-armored humvees. Many of us on the Senate floor and in the House have supported, for a long period of time, increases in funding for this program. It is an important program. There is a critical need for these vehicles in Iraq and Afghanistan and here in the United States where they are used for training.

Quite simply, these vehicles have saved the lives of hundreds if not thousands of service men and women and enabled them to complete their mission.

Just a few moments ago, I talked about the fact that there are some items that should have been included in the bill that are not. I am, frankly, a little disappointed.

The conference report does not provide the death gratuity increase that we provided to all Active-Duty deaths. This bill increases the death gratuity to $100,000—and that is a very good thing—to the families of those who have died in service to our country. But the language in the bill that came out of conference provides only for deaths that occur in a combat zone or those that are ''combat-related.'' I think that is much too narrow. I think it is a shame. I think it is too bad that is what the conference did.

If we do not apply the death gratuity increase to all Active-Duty deaths—which is what we should have done—we will not be covering a number of individuals who die while carrying out their orders, who die in service to our country. Their families will not be covered. For example, we will not cover the family of a service member who gets into a fatal car accident carrying out very specific orders to deliver files from one side of his home base to another, in service to his country. His family will not get that death benefit.

We also will not cover the death of a service member who gets into a fatal accident en route to a conference he or she was ordered to attend. And it will not even cover a military police officer guarding the gates of one of our domestic bases who may fall from heat stroke. I do not think that is right. I think that was a mistake the conference made.

As I have done since the beginning of this Congress, I will continue, as I know others will, to work to expand the applicability of this critical benefit.

I must say, I was also disappointed that we were unable to pass an extended TRICARE Prime medical benefit for children of decreased service members. Under current law, the dependent child of a deceased service member receives medical benefits under TRICARE Prime for 3 years at no cost. But following that period, the dependent children may continue to receive TRICARE Prime, but they must pay for that benefit at the retiree dependent premium rate, available to children under the age of 21 or 23 if they are enrolled in school. Also, after 3 years, when a dependent child's military parent dies, and if that family elects to pay the premium and stay enrolled, even if they pay that premium, that child would move down on the food chain, so to speak, in terms of the availability of services and priority. I do not think that is right. I think we need to correct that.

What that means is that if there is a doctor's appointment opening, and your parent is alive, and your parent is continuing to serve, you get preference over a child whose parent was killed in Iraq or Afghanistan. Now, do we really think that is right? I do not think so. I do not think there is any person on this floor or in the Senate who would say that is right.

This is simply not fair. I don't think any Member of the Senate who really understands this would say that is right. My amendment, which was not included in this bill, would have changed that by putting surviving children of service members killed in service in the same position—no better but no worse—as if their parent would have lived and continued to serve in the military. It would have put them in no better position but, rather, in the same position, and they would continue to receive TRICARE Prime at no cost until they became an adult.

I wish to let my colleagues know that I plan to continue this debate and to try to get this in the Defense authorization bill. This is a matter of simple fairness. It is the right thing to do. So this discussion will continue this week and in the weeks ahead.

Let me turn to another topic that this bill addresses, and that is humanitarian assistance. I believe we did a pretty good job in this bill—again, I congratulate the chairman—as many essential priorities were funded. Because of what the chairman did and what others did, many people will be fed, many people will be helped maybe not at the level I would have liked in some cases, but we did a pretty good job.

One country that certainly needs assistance in this supplemental is Haiti. Haiti is embarking on a road to attempt to move toward democracy. They have had a very troubled past, a troubled present. Its current history is troubled. They are facing elections this year.

I thank Chairman COCHRAN and Senator BINGAMAN, Chairman MCCONNELL, and all the conferees who supported my efforts to include emergency money for Haiti. Haiti needs election assistance and security. This bill provides $20 million for election assistance this year, for police training and for public works programs. All this money is urgently needed. I will be working closely with the U.S. Agency for International Development to ensure this money flows quickly into Haiti.

Another troubled spot in this world is Darfur. Again, I congratulate the chairman for his work. Senator CORZINE offered an amendment. Senator CORZINE has been a true champion in this area. I congratulate him. He offered an amendment, of which I was the lead cosponsor, regarding Darfur. I thank him for his efforts and commitment to helping end the crisis in the region. The final conference report provides $50 million to support the African Union to stop the genocide in Darfur. Again, I thank Senator MCCONNELL and Senator LEAHY for their good work in this area as well.

The conference report also provides an additional $90 million for international disaster and family assistance to help ensure humanitarian aid flows to Darfur and other African crises. We are looking at genocide in Darfur. We are staring it down, and we cannot afford to blink. It is only right that this bill contains funding for this crisis.

Finally, I thank Senator KOHL for his efforts to help increase our U.S. food aid. I worked with Senator KOHL. I was his lead cosponsor on his amendment, which the Senate passed, to include $470 million in food aid to cover known worldwide aid shortages. Again, I thank Senator COCHRAN for his good work in this area.

The conference report, unfortunately, contains only $240 million. This money will help, but it is not at the level the Senate had provided. This is not enough to cover existing shortfalls, much less new emergencies or worsening conditions in places such as Ethiopia. Last year, 300,000 children in Ethiopia died of malnutrition. This year, the situation is worse, with drought destroying crops in large parts of the country. The people of Ethiopia will avoid the starvation that is on the horizon only if we act. That means remaining open to the possibility of

using the Bill Emerson Humanitarian Trust and other tools in our food aid arsenal. We must understand that it is not only Ethiopia where we have a crisis; we have crises all over the world with regard to food aid. We simply do not have enough food.

I am proud to be joining Senator KOHL in sending a letter to the President asking him to look at the Bill Emerson Trust as we enter the summer season that so often results in food shortages, not just in Ethiopia but around the world. I again commend Senator KOHL for his commitment to end hunger around the world.

There are good parts to the conference report we are passing today. It provides immediate and necessary help that our soldiers need to do their job. It provides our injured service men and women with care that they desperately need. It provides money for Haiti and Darfur, other African crises. However, frankly, we could have done more. Legislation, though, is never perfect. We simply need to continue to work together to address issues that are not fixed in this legislation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Mr. President, it is my understanding that under the previous order, I will be recognized for up to 1 hour.

The PRESIDING OFFICER. That is correct, of which 10 minutes will be yielded to the Senator from Washington.

Mr. DURBIN. Mr. President, I yield 10 minutes to the Senator from Washington, Mrs. MURRAY.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise to talk about the supplemental appropriations bill we are considering which funds our military activities in Iraq and Afghanistan. Overall, I support this bill. We do need to get the money out to our troops. But I am here today because I have several concerns about what it leaves out and how it was put together.

I have to say I am particularly troubled that I and other Senators were denied a promised opportunity to debate and vote on some very controversial immigration changes that have been attached to this bill.

First, let me say, I know how important the funding is to our troops overseas. In March, I traveled with the Senator from Illinois and several others on a bipartisan trip to Iraq and met with troops from the State of Washington. To a person, each of them was a dedicated professional who was putting duty above their personal well-being. They need our support, and they deserve every resource our grateful Nation can provide.

As I have said before, I am the daughter of a disabled World War II veteran. I represent hundreds of thousands of Washington State veterans and military families. I support every dollar in this aid bill to help our troops protect themselves and complete successfully the dangerous mission we have assigned them. But I am concerned that when all of these new veterans come home and need medical care, they are going to be pushed into a VA system that does not have medical staff, facilities, or the funding needed to care for them. That is exactly why I was on the Senate floor fighting to include within the supplemental the critical cost of war, and that is taking care of our Nation's veterans.

I am disappointed that Republicans in the Senate have decided that funding for veterans care is not an emergency and not a priority. By denying that there is a crisis at the VA, they are simply ignoring our responsibility to fully provide for the men and women who are risking their lives for our freedom. Our veterans, our military, and our future recruits deserve better. Taking care of our veterans is part of the cost of having a great military. It is a real disservice that we have not taken care of that funding within this bill.

I am here today because I am also very troubled by how far-reaching and unrelated immigration rules got attached to this bill without a vote and without an opportunity to debate. The REAL ID provision has ramifications for privacy, for States rights, and for immigration policy. I am disappointed that it has been rammed through as an attachment to a desperately needed bill that funds our troops. Frankly, a lot of us are kind of scratching our heads about how this REAL ID provision ended up in this conference report. I know I didn't vote for it. I know there wasn't even a discussion of it in conference, but somehow it is included in a must-pass bill.

Mr. President, I served on the conference committee, and I want to share with my colleagues exactly what happened in that conference committee so they will understand why the sudden appearance of the REAL ID provision is so surprising to many of us.

When the conference committee met, the chairman gave assurances to the minority that we would be able to vote on several provisions when the conference met again. But that conference never met again, leaving no opportunity for the minority party to vote, much less to strike these provisions.

I want to share with the Senate the specifics. In our second meeting of the conference committee, Senator DURBIN, who is now on the Senate floor, asked Chairman COCHRAN for his assurance that we would get a chance to vote on these immigration changes, and other open items as well, before the supplemental was sent to the floor.

In fact, I want to read a portion of the transcript of that meeting. This discussion took place on Thursday, April 28.

Senator DURBIN said:

I would also like to say to my colleagues, if this bill contains—as I believe it does—the REAL ID Act, I would like a vote on that so that we can be on the record on an issue that has never been brought before committee in the Senate.

My question to you is this, Mr. Chairman: There have been times when conference committees of this magnitude have recessed and never been heard from again. The next thing we find is a conference committee report on the floor on a take it or leave it basis.

Can we have your assurance that we will return for votes on amendments such as those we have debated today and those that I have mentioned?

Senator COCHRAN's response to Senator DURBIN:

Senator, I would be glad to make the assurance that if there is work to be done, if there are open items to be considered, that we can consider those in conference. I am not prepared to make a commitment as to when that will be. I don't want to lead you to believe that I am going to surreptitiously or in secret reach an agreement on the other side without consulting all the conferees on the Senate side.

I think everyone in this conference has a right to participate in this discussion and I wouldn't want to cut off anybody's right to participate.

Mr. President, I have worked closely with Senator COCHRAN for many years, and I do know him to be a man of his word. But to me, what that exchange meant, sitting there in that conference, was that we would have an opportunity to vote on the REAL ID provision, but that never happened. To me, that was wrong.

The REAL ID provision will have dramatic and far-reaching changes and puts an unfunded mandate on many States. Yet it was never brought before a Senate committee, and it was never voted on in the conference.

That is exactly why I did not sign the final conference report, which is very unusual for me. I did not sign it because I believe the process was flawed and we were denied an opportunity to debate and discuss these immigration changes before they were brought to the floor as part of a must-pass bill.

Mr. President, we are all very concerned about security, but this received very little debate. Before Congress mandates these kinds of changes, we should have a more informed debate. In fact, it begs the question, why was this added to a must-pass bill without a debate? Probably because it could not withstand a rigorous and open public debate. We should have that, and I am disappointed that the majority denied us that opportunity.

I also want to note today the irony that the Senate is about to allow a technical fix to immigration-related language that was included in the supplemental, which I agree needs to be fixed; but the Democrats in the conference committee were not provided any opportunity to fix any other immigration provision.

I want to reiterate my frustration with how the REAL ID Act was included and that we were not given the same consideration regarding that language.

Mr. President, the REAL ID provision has some unique impacts for my

home State. This section on immigration is particularly troubling to me because Washington State has proactively enacted several laws to protect the privacy of Washington State residents.

While I understand the needs for increased security, I don't think Washington State laws should be completely overridden by this provision, especially without ever having had the chance for debate and discussion on it.

We know this bill is going to pass. Our troops need the funding it includes. I am already working with communities and officials across Washington State to help find a way to implement these new requirements. I will continue, once this is passed, to push the administration to now provide the funding necessary to make these changes without piling new burdens onto our already cash-strapped State.

Mr. President, it is really unfortunate that at a time when we should be focusing on the needs of our troops and our veterans, the majority party is using the supplemental aid bill as a vehicle to legislate on subjects that have not received the debate and attention they deserve. But at the end of the day, we know we cannot afford to fail in our missions abroad. With hundreds of thousands of troops sacrificing every day in Iraq and Afghanistan, I will support this supplemental bill, and I will continue to work to fight for their care as they return home.

I thank my colleague from Illinois for yielding me time and allowing me to express my frustration on how this part of the bill was put in without anybody able to discuss it in conference committee.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip is recognized.

Mr. DURBIN. Mr. President, I thank the Senator for her statement with which I agree. This is called an emergency supplemental. It is the nature of an emergency supplemental that it funds things that were unanticipated, such as natural disasters and military operations that we didn't anticipate. That is the nature of an emergency supplemental. Yet, when you look at it, at the real nature of this bill, there is no emergency or unexpected element here. This is funding the third year of a war in Iraq.

Did we expect to be gone from Iraq by this time? I don't think anybody suggested that. Yet the administration continues to bring the funding of our troops into the Congress on an emergency basis. Why would they do that? Why would they not put it through the ordinary appropriations process? There are two good reasons. First, it isn't added to the national debt each year. The President can say, when he presents his budget, that we are close to being in balance. In fact, we are not even close. We have the largest deficit in the history of the United States of America under the Bush administration. You have to add this to it. This is a real cost to the American taxpayers, to our Government. But by putting it in separately, it is a little sleight of hand, so that you don't add the $81 billion to the actual cost.

Secondly, if this went through the ordinary appropriations process, there would be hearings and questions would be raised—questions I would like to raise after I visited Iraq with the Senator from Washington. Why, in a third year of the war, are we still trying to find armor plating for humvees and trucks to protect our troops? Why, in the third year of the war, after giving every dollar the administration asked for, don't we have protective body armor for all of our soldiers? Why, in the third year of the war, don't we have the most modern helmets and firearms that our troops need to be safe, to perform their mission and come home?

Hard questions. I might also like to ask a few questions about some of the major contractors who are being paid for this war. Millions, if not billions, of dollars are going to companies on no-bid contracts. You know the names. Halliburton leads the list. I will tell you this. It is considered entirely inappropriate in Congress to raise the question about whether Halliburton has been paid too much or improperly. You just don't ask those questions around here. Those are things which Congress has no business asking about, according to the Republican majority. Those are questions that would be asked if this appropriations bid went through the regular process.

Instead, it comes to us as an emergency. We don't have time to talk about it or to ask any questions. They say: Come on now, the troops are at risk. Let's pass the bill and get it over with.

That is what we face every year. The majority knows that even those of us who voted against the use of force resolution for the invasion of Iraq have said we are going to vote for the money for the troops. If it were my son or daughter, my brother, or someone in my family whose life is at risk in Iraq, whether I agree with the way we went into the war is irrelevant. I am going to give those soldiers, marines, and our other Armed Forces every penny they need to perform their mission and come home safely. We can debate the policy and whether we are going to make the mistake we made in Vietnam, where our policy debate turned into a debate at the expense of our troops. And so the administration and the Republican majority take advantage of it. They pushed this bill through on a take-it-or-leave-it emergency basis, and they say do not ask any hard questions. We do not want to talk about armor for humvees. We do not want to talk about Halliburton. Take it or leave it.

That is sad. Yet in their hurry to bring this bill to the floor, they load it up with things that are not related to the war in Iraq. We heard what the Senator from Washington said. There is a major change in the law in this bill about the issuance of driver's licenses in the United States of America. Why in the world is that in this bill, the emergency bill for the troops? I think she has made it clear.

Let me give a little background. If we were fair, we would not call this the emergency supplemental appropriations for the fiscal year ending September 30; we would call this the Larry Lindsey memorial bill. Why? Because Larry Lindsey happened to be the Budget Director under President Bush who made a big mistake. When we invaded Iraq, Mr. Lindsey predicted the war would cost somewhere between $100 billion and $200 billion. Mr. Lindsey was dismissed from his job as a result of suggesting the war might cost that much money.

And remember Deputy Defense Secretary Paul Wolfowitz? They asked him: How will we pay for the war in Iraq? He assured us in open testimony that Iraqi oil money would pay for the reconstruction, and at one remarkable Senate hearing, Defense Secretary Donald Rumsfeld even predicted Iraqi tourism dollars would help finance the new Iraq.

Fast forward to today. With the Senate's passage this week of this bill, American taxpayers would have committed nearly $300 billion for the wars in Iraq and Afghanistan. We are still waiting for that tourism money, we are still waiting for that Iraqi oil money, and Mr. Lindsey is now in civilian life for suggesting the war might cost a third of what it has actually cost.

That is the reality, and there is no end in sight. We are not going to delay passage of this bill; there is too much at stake. Mr. President, 150,000 American soldiers rely on our prompt action on this bill, and it will pass here today, as it should.

Let me speak about some elements of this bill I think should be part of the record. Democrats are going to support this bill not only because it helps the troops, because it does fund some true emergencies. There is $900 million in emergency relief for the victims of the South Asia tsunami, one of the greatest natural disasters in modern memory, and $400 million for humanitarian assistance in the Darfur region of Sudan. If this genocide in Darfur is not an emergency, what is? Unfortunately, what is missing from Darfur accountability passed by the Senate is seeking justice and security for the victims of this campaign of murder, rape, and destruction.

I am also going to vote for this bill because it does include a provision which I added on the Senate floor reaffirming America's commitment to not engage in torture or other forms of cruel, inhuman, or degrading treatment of prisoners of war or other detainees. I believe reaffirming this longstanding American commitment to this fundamental standard of international law and decency will help restore our credibility and our moral

standing in a world which questions what happened at Abu Ghraib and Guantanamo. As many military experts have told us, it will also reduce the chance that American military personnel, when captured, would be tortured.

The bill contains $5.7 billion to train Iraqi troops. Six or 7 weeks ago when I was in Baghdad, they showed us a handful, a dozen of these troops who were in an exercise. I am not a military expert. I do not know if they were real soldiers. I do not know if they were really trained, but thank goodness there is some effort underway to try to replace American soldiers with Iraqi soldiers.

It also contains crucial requirements that progress and training be monitored and measured, language Senator KENNEDY, Senator LEVIN, Senator BYRD, and I worked hard to preserve. It is not enough for high-ranking administration officials to assure us that 130,000 Iraqi troops have been trained when only a small fraction are actually ready to fight, or when tens of thousands of U.S.-trained Iraqi police officers have gone AWOL. We cannot find them. Knowing how many Iraqi troops are ready to defend the nation will give us a better idea of when we can bring our troops home, and the sooner the better.

I thank the chairman and ranking member for working with us on the troop training and torture amendments, some of the reasons I will vote for this bill.

The final conference report does include other issues that trouble me when it comes to our troops. I have been trying for almost 3 years to make certain that Federal Government employees who are members of the Guard and Reserve and who are activated to serve overseas do not find themselves facing extraordinary financial hardships. In the Pentagon, we go to businesses across America and say: If you want to be a patriotic business, if you want to show your love of America, show your love for the men in the Guard and Reserve, and the women as well, and if they are activated, help their families; cover them with health insurance, if you can; make up the difference in pay, if you can. And many of them have stepped forward and said: We are going to do it. In fact, almost 1,000 different corporations and units of government—State and local—have said we are going to stand behind those Guard and Reserve families. They are making enough of a sacrifice, they are putting their lives on the line, and we will stand behind the families who stay home so that soldier, worried about his life, does not have to worry about the mortgage payment. We even have a Web site sponsored by our Federal Government saluting these great companies for standing behind our Guard and Reserve, as we should.

But let me let you in on a secret. There is one major employer in America that refuses to stand behind the Guard and Reserve. There is one major employer that employs 10 percent of the Guard and Reserve in America, 1 out of 10, that refuses to make up the difference in pay. Who could that employer be? It is the U.S. Government.

The Federal Government refuses to make up the difference in pay for these soldiers and marines in our country. How can we possibly explain that? We are praising companies and other governments that stand behind their people while we fail to do the same.

So on three different occasions, I offered an amendment on the floor, and it was adopted, which said we will stand behind the Guard and Reserve. We will make up the difference in pay, just as other companies do. Take a look at the companies that have done their patriotic duty. They are big names: Sears and Roebuck, out of my State of Illinois, IBM, General Motors, United Parcel Service, Ford, 24 State governments. But not the U.S. Federal Government. And, Mr. President, do you know what the problem is? Every time we pass it on the floor, so many Members race up here to vote for it, saying: Oh, we are all for the men and women in uniform; God bless them; give me a flag to wave; we are all with them. And then as soon as it gets in conference committee, they strip it. Year after year they take out this protection for Federal employees who are literally risking their lives today in the Guard and Reserve.

According to a recent survey made by the Defense Department, 51 percent of the Guard and Reserve members suffer a loss of income during long periods of active duty. Three-quarters of Guard and Reserve members surveyed cited income as one of the major reasons they were leaving the service. We know recruiting is down, retention is under pressure, and yet we refuse to make up the difference in pay for 1 of every 10 Guard and Reserve.

Today, 17,000 Federal employees are activated. To date, 36,000 have been activated and deactivated. So large numbers of men and women are affected by this amendment. And in the darkness of the conference, after the doors are closed, when the press has left, when nobody is watching, they take out this protection for Federal employees.

The lead sponsors of this provision are going to continue the effort with me. Senator BARBARA MIKULSKI of Maryland, and Senator GEORGE ALLEN, a Republican from Virginia, have joined me. Our measure is endorsed by the Reserve Officers Association, the Enlisted Association of the National Guard, and the National Guard Association of the United States.

The Congressional Budget Office and the Budget Committee staff studied our plan. They agree it would not add $1 to the budget because the cost of the affected workers' salaries is already included in the budget.

The last time the conferees met, I asked the chairman, Senator COCHRAN, for his assurance that the Republicans would not do what they have done in the past and kill this amendment without giving us a chance for an up-or-down vote in front of God and the world. I was given that assurance, but sadly it did not happen.

The conference committee recessed and disappeared and, unfortunately, we never had a chance to have an open vote on whether we would stand behind these Guard and Reserve members. That is unfortunate. I had hoped the assurance by the chairman would mean we would get that vote. It did not happen.

It appears the White House overrode anyone's intent to bring this measure up for consideration. Josh Bolton, the Director of the Office of Management and Budget, released a letter saying the White House opposed our reservist pay amendment because it would ''increase costs and have a negative impact on morale and unit cohesion.''

Think about that. The argument is that the soldiers under fire worrying from day to day whether they will be alive would compare pay stubs and have a general conversation about how much money are you getting from your employer, how much are you receiving, as if they would care. Those units go into battle together to protect their lives. I do not think they resented that one soldier in that unit had help because he happened to be an employee of Sears, another soldier because he happened to be an employee of one of the 23 State and local governments. They are not going to hold that against their fellow soldiers. That is going to undermine morale? They have to say: You are lucky; I happen to work for the Federal Government, and I get no help. I come here and risk my life, and this amendment is defeated in the darkness of a conference committee every single year.

That argument is just nonsense.

What message are we sending to conscientious employers? Unfortunately, the wrong message: Do as we say, not as we do. Listen to the Federal Government, listen to the Members of Congress with all their patriotic speeches, and then watch as we deep-six this provision year after year. It is an unfortunate message to some of the best men and women in America who risk their lives for our freedom.

We also wanted to push for more veterans health services. Senator MURRAY of Washington offered a $2 billion amendment, and she said if the war is an emergency, treatment of the veterans of the war should be an emergency. We know that is true. We know these veterans come home with real needs.

I had hearings across my State on posttraumatic stress disorder. I have been around this business for a long time. I have never, ever witnessed what I did then. We had men and women coming in who had served in Iraq and returned, young men and women who risked their lives wearing the uniform of America. They are home now, but

the war is still on their mind. For many of them, it is a destructive memory, things they saw and things they did which they cannot get out of their minds. They come back and finally realize they need a helping hand. They are estranged from their families. Their spouses are saying: That is not the same soldier who I sent over there. What happened to him?

They find themselves despondent, angry, unable to cope with ordinary life, turning on members of their family in anger, and they need help. Sadly, too many of them need help they cannot find at the veterans hospitals. So if we promise these men and women when they serve our country that we will stand behind them, should not the Veterans' Administration, the hospitals and clinics, be ready to stand behind them, when they come home, for their injuries, for this posttraumatic stress disorder? Is it too much to ask that we have family therapists who will work with spouses and children who have seen a different father or a different mother come home? I believe it is only reasonable.

Senator MURRAY led the way. She asked for $2 billion to be put in as an emergency for veterans hospitals and clinics. It was turned down on the Senate floor.

I am glad that the death gratuity is increased. Twelve thousand dollars for your life in service of your country? I am glad we have raised that to $100,000 tax free for spouses and children of those who die in service. It also increases from $250,000 to $400,000 the life insurance benefits that are available. There is one catch. In the Senate, we voted to increase these benefits for the families of all Active-Duty service members, but behind the closed doors of this conference committee which met in private and in secret, the Republicans changed the rules. They decided on their own, without a vote, without a discussion, to restrict the new death benefits and the new life insurance benefits only to families of service members who die in a combat zone. That simple geographical distinction, ''in a combat zone,'' could disqualify about half of all families who have lost a loved one serving on active duty since the start of the war in Afghanistan. These families will not be eligible for the new benefits because the husbands and fathers, wives and mothers died outside of what is technically classified a combat zone. That is arbitrary, that is wrong, it is unfair. Whether a soldier dies in Iraq or training to go to Iraq, his sacrifice is equally great, the loss to his family equally devastating, and our Government owes an equal debt to his wife and children.

We have had testimony from those uniformed officials who appear before the Armed Services Committee and we ask them about this. Admiral John Nathman, Vice Chief of Naval Operations for the Navy, said: ''They can't make that distinction. I don't think we should, either,'' in terms of who is dying in a combat zone and who is not.

General T. Michael Moseley, Air Force Vice Chief, said:

> I believe a death is a death, and I believe this should be treated that way. . . .

Sadly, these people were not listened to and, unfortunately, this bill does not provide the protection which our soldiers truly need and deserve.

Senator DEWINE and I, on a bipartisan basis, are lead sponsors of a bill to change that benefit and to make it fair. I certainly hope we can.

This bill also shortchanges our first front-line troops at home, the first responders. All across America, police, fire departments, and EMT squads are stretched thin. Many lack equipment. Many of them are not getting the HAZMAT and other specialized training they need. This bill does not contain one dollar, not one dime for first responders.

We have so few Border Patrol agents that vigilante groups such as the armed Minutemen have decided to take it upon themselves to patrol the borders of the United States. Yet this bill contains funds to hire only 500 new Border Patrol agents—not enough to do the job. New York City has 40,000 police officers. We have 10,000 border agents to secure the entire U.S.-Canadian and U.S.-Mexican borders, even with the new agents in this bill. The Republicans have argued we can afford to give a $35,000 tax break to a person who is earning over $1 million a year, but we cannot afford to hire 500 Border Patrol agents. Their priorities speak for themselves. Homeland security is not a job for armed volunteers; it is a job for professionals, and it ought to be a priority for this Congress.

Now let me speak for a moment to this REAL ID bill. This is a serious problem. If one is going to use a driver's license to prove their identity, wherever it may be—stopped by a highway patrolman or getting on an airplane—we need to make sure that driver's license is authentic.

We have 50 States with different standards for establishing one's identity. It is a serious problem, serious enough that when the 9/11 Commission report came out and we put together a bipartisan bill to respond to it, we included a provision in that bill that required the Federal Government and State governments to work together to come up with realistic, operable standards to prove identity for those who were applying for driver's licenses. We passed that bill overwhelmingly on a bipartisan basis. I was happy to be one of the cosponsors of that legislation and glad that the President signed it. Then Members of the House said: We do not agree with that cooperative process. We want to establish the standards on our own. We want to write them into law. And they created something called the REAL ID Act.

We did not have public hearings on the REAL ID Act. We did not invite in the Governors. We did not invite the State motor vehicle agencies. We did not have a conversation about an honest and realistic way to approach it. We were given this on a take-it-or-leave-it basis.

The American people deserve to know what they can look forward to under this REAL ID Act, which is part of this emergency supplemental. Some say that it is just simply going to keep illegal immigrants from obtaining driver's licenses. If that were the case, it would be a much different and much smaller bill.

Under this law, to get a driver's license in any State in America, one will need to present several pieces of identification. One has to provide a photo ID document or a non-photo document containing both the individual's full legal name and date of birth; and documentation of the individual's date of birth, Social Security number or the individual's non-eligibility for a Social Security number, and the name and address of the individual's principal residence.

Now there is a catch to this. One has to come into that driver's license station with that proof. What is it going to be? Well, they at least need a birth certificate, that is for sure, or something like it. They are also going to need some proof of their Social Security number. They are also going to need some proof of their residence. Now when they bring those documents in for their driver's license, the State employee whom they face, who is issuing the driver's license, cannot just accept them at face value; they have to take the documents and verify them with the agency that issued them. Until they verify them, a person cannot receive a driver's license.

Imagine if one is a naturalized American citizen who was born in the former Yugoslavia. You present your birth certificate to the clerk at the Department of Motor Vehicles. There are two big problems.

How is that clerk in Springfield, IL, at secretary of state Jesse White's motor vehicle facility, going to verify the authenticity of documents issued by a government that no longer exists? Good question. I do not know the answer.

There is another problem. The REAL ID Act says that the State cannot accept any foreign document other than an official passport. So, even if the clerk could verify the birth certificate, he cannot accept it.

Imagine you are the person behind the counter.

What are you going to do? With whom do you check? Whom do you call? And what do you do about the people standing in line waiting for their turn to put more documents on the desk?

If you think a trip to the Department of Motor Vehicles is a bad experience today, wait until the REAL ID takes effect. This is not necessarily going to make America any safer. It will make States poorer. The estimates are it will cost States about $500 million to $700 million, another unfunded mandate,

and in return for this massive cost and inconvenience we will get, at best, marginal increases in security.

The States have 3 years to put this in place and, incidentally, if we find States that don't have it in place in 3 years, an interesting thing happens. No one's driver's license from a State that hasn't been certified to be in compliance can be used for Federal identification. And if it turns out the State of Illinois, at the end of 3 years, still does not have this together, what is going to happen? It means myself, as a resident from Illinois, presenting a driver's license at the airport, will be turned away. Illinois licenses are not accepted. That is what this bill says—without 1 minute of hearing in the Senate, without 1 minute of debate on the floor of the Senate.

This is an unworkable and unfunded mandate.

In a conference committee, I said to the chairman: I think we need a vote on this. I think members ought to be asked to stand up and explain why they are going to support this without any hearing, without any deliberation. I want to debate it, and I would like to have an official vote so we know where the Members of the Senate and the House stand on this proposal.

I believed that I had an assurance that I would receive it, but I didn't. Ultimately, the committee recessed. No votes were taken. It comes to us now as part of this funding for the troops on a take-it-or-leave-it basis. That is not a good way to legislate.

Let me also say I think this REAL ID is going to create hardships that are totally unnecessary. We can ascertain the identity, and we should, of the people applying for driver's licenses. But the way this was written is sadly not going to achieve that in the most efficient way. The REAL ID Act is another provision on which I wanted a vote, wanted a discussion, and wanted an open debate. Unfortunately, it did not occur.

Many Democrats, despite this provision, will still support this bill because we have said from the start we are going to stand behind our troops. I think the administration, the Republican leadership in Congress, is testing us. How many things can they load into this bill to force us to vote for something we are troubled with, and that is what it is all about. We all know this is not the way to pay for a war and it is not the way for Congress to operate. The late Larry Lindsey—I say ''late'' because he is no longer in public service—was fired for saying the war might cost $200 billion. Now we are up to $300 billion and counting. Sadly, too many of the important decisions on funding this war are still being made by one party behind closed doors.

We will pass this bill, Democrats will support it, but this has to be the end of it. We need to fix this broken process. The American people deserve better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator from Illinois not only for the time but also for his eloquent statement about this legislation, and particularly the REAL ID bill.

The emergency supplemental bill we are considering today provides needed funding for our men and women in uniform who are engaged in combat operations in Afghanistan and in Iraq, as well as emergency assistance to the victims of the tsunami. This aid and assistance cannot wait because it is a demonstration of our Nation's good will towards those who have been devastated by natural disaster, and also our commitment to our soldiers in combat. These noble goals are unfortunately tainted, however, by the decision of the Republican leadership to include a controversial piece of legislation known as the REAL ID Act.

Senator DURBIN has gone into great detail to show how unwieldy it is and perhaps how unnecessary it is. There are other ways to more effectively and efficiently verify the identity of individuals.

Also, this kind of back-door legislating is symptomatic of the majority's near total disregard for the precedents and procedures of the Senate that have served our Nation so well and for so long. I hope the American people realize this maneuver is yet another example of the majority's desire to pass the most controversial legislation by sliding it into a bill which cannot be amended and is subject only to an up-or-down vote.

With no Senate debate, and very little review, the REAL ID Act makes significant and harmful changes to our Nation's immigration system, as well as our system of licensure of automobiles and drivers throughout the United States.

Like many, I believe immigration is an issue we cannot and should not ignore. However, the REAL ID Act is not the comprehensive immigration reform that we have gone far too long without. Instead, it vastly alters our Nation's established asylum procedures, placing the burden of proof on the applicants by requiring them to document their torture or persecution. Potential asylum seekers are already thoroughly investigated, and those suspected of engaging in terrorist activities are already prohibited from being granted asylum under our current system. Yet the REAL ID Act will make it increasingly difficult for those escaping political persecution and torture to seek refuge.

In addition, the REAL ID Act would suspend habeas corpus review of orders of removal for aliens in the United States. Essentially, this change eliminates the right of aliens facing deportation to ask the court to review their deportation, a right which the Supreme Court has already upheld. This provision will deny innocently detained aliens the opportunity to plead their case before a judge. This goes against the core principle upon which our Nation was founded.

It is unfortunate these unsound provisions will be enacted as part of this bill. It is my hope that in the very near future we will be able to have a national discussion on immigration in a comprehensive, thoughtful, and deliberate way that will provide real solutions to real problems. It is not possible to solve our immigration problems by simply removing those who seek legitimate help from our Nation, or by raising the bar for those who are immigrating here legally. As a nation of immigrants and a global leader on human rights, the inclusion of the REAL ID Act in this bill and in this manner is unacceptable, and I will work with like-minded colleagues to reverse this law.

I yield the remainder of my time to the Senator from Illinois.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum and ask unanimous consent the time under the quorum be charged equally to both sides.

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. 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.

The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I rise today to speak about the fiscal year 2005 emergency supplemental appropriations bill. Every day in Iraq and Afghanistan, the men and women of the U.S. Armed Forces risk their lives to defend ours. They are completing a mission they did not ask for and, in Iraq, a mission that is longer and more dangerous than they were ever told. Yet amid roadside explosions, insurgent attacks, and the loss of some of their closest friends, they wake up each day and do their jobs. They wake up each day and do whatever it takes to leave a democratic Iraq for a free Iraqi people.

This bill is a way for us to support these efforts. With its passage, I sincerely hope our troops will receive all the support and all the equipment they need to do their job. With its passage, I hope we do not hear any more stories about troops driving convoys with unarmored humvees, or about troops going into battle with armor their parents had to send them from home for their birthday. And I sincerely hope this money will be used to train more Iraqis to secure their own country so we can bring home our young people safe and secure.

I particularly thank the chairman and ranking member of the Appropriations Committee for working with me on several other emergency spending needs.

I say to Senator COCHRAN, I appreciate that this bill provides $25 million for the prevention of the avian flu. As

some of you may have read, the number of cases in Southeast Asia is increasing, and there is serious concern that this virus could mutate and jump from continent to continent, potentially causing a pandemic that could kill millions of people. We have to work proactively to prevent such a pandemic, and I appreciate the support from the committee chairman as well as the administration on this issue.

Also included in the bill is an amendment I sponsored with my friend from South Carolina, Senator GRAHAM. This amendment will ensure that our injured service members who remain under medical care but are no longer hospitalized will not have to pay for their meals while receiving therapy. I thank the graciousness of Senator COCHRAN for adopting that amendment on the floor without debate.

I also joined with Senator DURBIN to address the security needs of our judiciary. As some of my colleagues know, a Federal judge in Illinois recently suffered a tragic loss, the murder of her mother and her husband. This bill provides necessary funding for the U.S. Marshal Service to step up its security for our Federal judges.

I commend all those who have been involved, including the chairman, for crafting a number of important measures in this bill. I wish that I could, without any further statement, simply say how proud I am of our troops and move on with the supplemental. Unfortunately, this bill also includes some immigration provisions, known as REAL ID, that cause me enormous concern. Although I will certainly vote for the conference report because of the good measures I have already discussed, it is important to state for the record my serious reservations about REAL ID.

Despite the fact that almost all of these immigration provisions are controversial, the Senate did not conduct a full hearing or debate on any one of them. While they may do very little to increase homeland security, they come at a heavy price for struggling State budgets and our values as a compassionate country. The driver's license provisions in REAL ID, for example, will cost an estimated $100 million over 5 years. States will have to bear the majority of these costs. At a time when budgets are tight, I don't think we should be outsourcing our homeland security to States that can't afford it.

The cost to our Nation's legacy as a refuge for asylum seekers is also heavy. Conferees were able to improve some aspects of REAL ID, including increasing the limit on the number of foreigners who can apply for asylum in the United States, but other provisions intended to eliminate fraudulent asylum applications may end up denying asylum to people who deserve to receive it.

These are costs that call for greater examination. As a sovereign country, we have the right to control and identify those who enter and exit. I have worked with my colleagues to support hundreds of millions of dollars for more Border Patrol agents to help exercise that right. But controlling immigration is a Federal responsibility—it always has been—and it should not come at the expense of State budgets or basic civil liberties. We should have more time to examine and debate the REAL ID provisions as part of comprehensive immigration reform.

These provisions, currently in the bill, are opposed by religious organizations, civil liberties groups, civil rights organizations, church groups, and hundreds of other groups. The legitimate concerns of these groups have not been properly aired in the Senate. I am aware of the fact that the REAL ID Act, despite what I say, despite my reservations, will become law. It will become law not because it is the right thing to do but because the House majority has abused its privilege to attach this unexamined bill to must-pass legislation. This is highly inappropriate, and I hope that all of the Senate will agree to highlight and correct the deficiencies of these immigration provisions in the year to come.

I yield the floor.

Ms. MIKULSKI. Mr. President, I support our troops and their families. I am behind them 100 percent. They deserve our gratitude, not just with words, but with deeds. This emergency supplemental appropriations bill helps us do just that.

The House and Senate have worked hard to respond to the President's request for additional funding to support our operations in Iraq and Afghanistan. We have provided more than $75 million in defense-related spending, including vital support to our soldiers and their families. We have also provided more than $6 billion in assistance to our friends and allies, including $681 million to aid in the recovery from last year's terrible tsunami in Indonesia.

We have provided a total of $17.4 billion to speed up the Army's purchase of trucks, additional up-armored humvees, and upgrades to Abrams tanks. There is also $1 billion for additional purchases of Army and Marine Corps trucks, tactical vehicles like humvees, night vision and other important protective equipment to keep our soldiers as safe as possible on the battlefield. We have also preserved support for the C130J aircraft, so vital to transporting troops and materiel around the world.

U.S. troops will stay in Iraq and Afghanistan long enough to ensure that those nations can defend themselves against chaos and terrorism. It is important that we provide training and equipment to prepare Iraqi and Afghan security forces to take over when American troops come home.

To do this, we have provided $7.0 billion to train security forces in Afghanistan and Iraq. There is also $1.78 billion for Afghan reconstruction and counternarcotics efforts. In addition to providing $7.7 million to support U.S. diplomatic and reconstruction efforts in Iraq, we have provided $20 million in assistance to Iraqi families who have been affected by coalition operations in Iraq.

We must do everything we can to care for soldiers when they are injured. I am very proud that we have provided an additional $211 million for the Defense Health program.

This funding also includes assistance to provide meal and telephone services for soldiers recuperating from injuries suffered in Iraq or Afghanistan. It also provides assistance for family members to travel to be with an injured service member recovering from combat injuries. To help soldiers with the enormous medical costs that can be associated with combat injuries, we have also made it possible for service members to get traumatic-injury protection as part of their military insurance package. This insurance rider can be worth as much as $100,000 to service members enrolled in the Servicemembers Group Life Insurance, SGLI, program. We have also made it available retroactively, to help out those soldiers and families already dealing with combat and combat-related injuries.

Mr. President, more than 1,700 service men and women have made the ultimate sacrifice in Iraq and Afghanistan. Part of the debt of gratitude we owe the families they leave behind is to ensure that they do not have to face a financial crisis while they are dealing with the loss of a loved one.

I am very proud that we have been able to help alleviate their burden, by increasing from $12,000 to $100,000 the fallen heroes compensation for family members of troops who make the ultimate sacrifice for our country. This benefit is applied retroactively, to include all service members who have died since the global war on terror began in October 2001. In addition, the family of a service member who has died will be allowed to remain in military housing for a year, rather than the six months currently allowed. We have also increased the life insurance benefit provided under the SGLI, from $250,000 to $400,000. This increase will also be applied retroactively to 2001.

I am disappointed that the conferees did not accept the advice of the Senate—and of the Chairman of the Joint Chiefs of Staff GEN Richard Myers—and provide the fallen heroes compensation to families of all service members who die on active duty.

Instead, Congress has expanded all aspects of the current coverage to include those who die in designated combat zones and in combat-related activities, such as training. This is a good start, but I agree with General Myers that every family who loses a loved one on active duty deserves the gratitude of this nation and should benefit from the fallen heroes fund.

We also need to make sure that families receive the full amount of this compensation. Working closely with Senator GRASSLEY, I have taken steps

to ensure that the full benefit will be tax free. Senator GRASSLEY has assured me that this important correction will be added to the next tax bill considered in the Senate.

We know that nearly 40 percent of the soldiers deployed today in Iraq and Afghanistan are citizen soldiers who come from the National Guard and Reserves. More than half of these will suffer a loss of income when they are mobilized, because their military pay is less than the pay from their civilian job. Many patriotic employers and state governments eliminate this pay gap by continuing to pay them the difference between their civilian and military pay.

I am very disappointed that this conference report does not include the Reservist Pay Security Act, which would ensure that the U.S. government also makes up for this pay gap for Federal employees who are activated in the Guard and Reserves. This legislation has passed the Senate three times, and three times it has been stripped out of the conference report. I will continue to work with my colleagues in the House and Senate to build support for this important provision to help our National Guard and Reserves.

Mr. President, Americans joined the world in mourning the loss of more than 150,000 victims of the Indian Ocean Tsunami last Christmas. Together, we prayed for the 7 million displaced survivors that God may give them the strength to persevere and overcome this, the largest natural disaster of our time.

But expressions of sympathy are not enough. As I said at the time of this terrible disaster, the United States must set the example and lead the world in the humanitarian effort of recovery and rebuilding. Congress has provided $656 million for the tsunami recovery and reconstruction fund to support on-going and long-term relief efforts, including programs aimed specifically at women and children in the affected areas. We have also provided $25 million for U.S. tsunami warning programs to help prevent future human disasters on the scale we have seen in Asia.

The people of Darfur continue to suffer the terrible effects of war in the Sudan. Congress has provided $248 million for humanitarian assistance to Darfur and $37 million for Sudan peace implementation assistance. We have also included $50 million to be made available to the African Union, for peacekeeping efforts in Darfur. Also, part of the $90 million provided for food aid and famine relief can be used to help improve conditions in Darfur.

Because it is just as important to support our communities at home as it is to support our troops in the field, I will continue to fight for responsible military budgets. For that reason, I joined the Senate's efforts to insist that the President fund our operations in Iraq and Afghanistan through the regular budget and appropriations process. After three years in Afghanistan and two years in Iraq, we should not be funding these operations as if they were surprise emergencies.

Unfortunately, because much of the funding included in this conference report has been designated as an ''emergency,'' it will not count against our budget limits and instead just gets added to our ever-growing national debt.

This emergency supplemental is a Federal investment in supporting our troops and their families.

We support out troops by getting them the best equipment and the best protection we can provide. We support them by getting them the best health care available when they are injured in service to our Nation. And we support them by ensuring that their families do not face a financial crisis at the moment when they are grieving the loss of a soldier who has sacrificed everything for our country.

I am proud to vote yes for our troops and their families. I am also proud to vote yes because this bill contains important provisions to help small and seasonal businesses in the United States.

The emergency supplemental contains language that provides real relief to small businesses that need temporary seasonal workers by the summer. This emergency supplemental contains the language I offered on the floor of the Senate to temporarily solve the H2B visa shortage. It passed this body by a overwhelming bipartisan vote of 96–4 and was adopted by both House and Senate conferees to be part of the final bill.

I know that my colleagues on both sides of the aisle supported this amendment because it is a limited fix to the H2B worker shortage that many coastal states and resort states are facing. This solution is desperately and immediately needed by small and seasonal businesses throughout the country.

My amendment helps us keep American jobs, keep American companies open, and yet retain control of our borders

I am very proud that we were able to work together, House and Senate, Democrats and Republicans, to pass this measure. This bill was a simply fix, it was temporary and it does not get in the way of comprehensive reform

The amendment and the Save our Small and Seasonal Businesses Act on which it is modeled will help small business by doing three things:

No. 1, temporarily exempting good actor workers from the H2B cap, so employers apply for and name employees who have already been in U.S.;

No. 2, protecting against fraud in the H2B program; and

No. 3, providing a fair and balanced allocation system for H2B visas.

This amendment first and foremost protects American jobs.

It provides a short-term fix to the H2B visa cap which will only be in place through fiscal year 2006. It has four simple provisions:

One, it exempts returning seasonal workers from the cap for this year and next. That means that people who have worked here before and who have gone back home are the only ones who would be eligible. The exemption works this way—an employer requests a visa and lists the name of the returning worker on his petition. The employer must provide supporting documentation to the Department of Homeland Security or the State Department that the worker is a returning worker who has come to the United States in one of the 3 prior years under the H2B program.

This exemption does not exempt any new workers because employers must show that the worker was in the US previously in order for that worker to be exempt from the cap. Employers can petition for exempted workers at any time during the fiscal year—regardless of whether the cap on H–2B visas has been met or not. The legislation explicitly states that exempted workers are outside the cap.

The employer does not automatically get the exempted worker, they still must go through the whole DOL and DHS process before they can get exempted workers. That means that employers still must prove to the Department of Labor that they cannot find American workers to fill these jobs. Only then will DOL give them the ability to continue the application process and get the workers who they need through DHS and State. Employers will go through the whole process for new or returning workers. Returning workers will be exempt from but new workers will be subject to the cap.

This provision is both forward looking and retroactive back to the beginning of the fiscal year, or October 2004. That means that DHS will have to determine how many returning workers were admitted prior to the passage of this Act and open up those spaces to new workers. That makes it fair so that summer employers have the same bite at the apple that winter employers had. DHS estimates that between 30,000 and 35,000 workers are returning workers and they will be able to use the information they have in their databases and in coordination with the Department of State to ensure that spots that were counted in the cap and used by exempted workers will now be opened up for new workers to use so that summer employers can get their fair share.

This fix also has strong antifraud provisions to make sure that everyone is playing by the rules and that no one is misusing the program. And it gives DHS added teeth to prevent fraud and enforce our Nation's immigration laws. A $150 antifraud fee ensures that Government agencies processing the H–2B visas will get added resources to detect and prevent fraud. This money is added to an antifruad fund to give the Department of Homeland Security, the Department of State and the Department of Labor some added resources to train workers so that they can identify fraud in the program.

We also add strong new sanctions to the law. These sanctions are permanent and further strengthen DHS's enforcement power by allowing sanctions against those who have a significant misrepresentation of facts on a petition. We increase fines and allow DHS to bar violating employers from the H–2B program for up to 5 years. This section also sends a strong message to employers—don't play games with U.S. jobs. Our bill reserves the highest penalties for employer actions which harm U.S. workers.

We also make the system better by creating a fair allocation of visas. Under current law summer employers lose out because winter employers get all the visas. So our bill does two things: First, as I said above, we exempt returning workers from the cap, so returning workers don't count for the cap. But we also divide the cap between summer and winter. What that means is that of the 66,000 visas and we make 33,000 available from October thru March and 33,000 available from April thru September. Winter employers get half and summer employers get half. And we make this change permanent to make sure that even if comprehensive reform cannot be reached by 2006, then at least summer and winter employers are competing for the limited number of visas on a level playing field.

Finally, we give the Department of Homeland Security the ability to implement this law now, without having to issue regulations. That means that employers get real relief now. DHS has a limited exemption from the Administrative Procedure Act to implement the exemption section, the antifraud fees and also the allocation of visas section. These exemptions are to prevent any barriers or delay to the immediate implementation of those provisions.

So that is what this strong bipartisan legislation is all about. This is the language that 94 Senators in this body supported and that the House adopted into the emergency supplemental conference report.

Now we want to make sure that DHS can start its implementation immediately so I want to make sure that they are very clear about what the congressional intent of this legislation is:

Section 402 is intended to increase the number of H–2B admissions available for fiscal years 2005 and 2006. This legislation was drafted with the understanding that the preexisting USCIS method of implementing the H–2B limitation is based upon accepting for filing the number of petitions (only some of which name the specific workers) that is projected to result in the authorized number of admissions, with allowance made for an expected number of petitions that will be denied or revoked and of workers with approved petitions who will not apply for or qualify for visas or admission, based upon State Department information.

Consistent with this general methodology, and with the fact that USCIS has already received sufficient petitions for fiscal year 2005 to fill the cap and has not required any information to be provided as to whether the petitions were filed for ''returning workers'', it is intended that USCIS to make its best estimate as to the number of previously filed petitions that likely were for returning workers, based on State Department information, and accordingly to free up numbers for fiscal year 2005 to be available to otherwise qualified H–2B aliens, whether or not they are ''returning workers.''

In addition, H–2B workers will be available to petitioners identifying and certifying specific aliens to be returning workers. For fiscal year 2006, the number of new H–2B admissions available will be 66,000, plus any aliens for whom the certification and confirmation requirements of section 214(g)(9)(A), (B), and (C) of the Immigration and Nationality Act, as amended by this section, are met.

Specifically, Section 405 provides that the 66,000 limitation on H–2B admissions for fiscal year 2006 and thereafter will be administered as two half-year limitations of 33,000 each applicable to aliens subject to the overall 66,000 limitation, i.e, not including ''returning workers.'' It is the intention of the supporters of the amendment that this provision be administered so as to give employers seeking workers for the second half of the year an opportunity to obtain them at least equivalent to that available to first semester employers.

Finally, section 407, is intended to allow this law to be implemented expeditiously. The intent was to make sure that the provisions of the Administrative Procedure Act, the Paperwork Reduction Act, and other laws relating to regulatory processes and forms—especially, but not limited to, any requirement to promulgate new rules—to the extent any such provisions might apply, should not pose a barrier in any way to the expeditious implementation of the provisions of this Act intended to give urgent and necessary relief to summer and seasonal employers and to apply the new fee provision in section 403. We therefore, provide the authority to the relevant departments to waive any such requirement that may otherwise delay such implementation.

It is a quick and simple legislative remedy with strong bi-partisan support. It fixes the problem now and takes small steps to prevent this drastic shortage in the future. It is immediate and achievable because DHS will start implementation once it is signed by the President. And more importantly, it does not exacerbate our immigration problems.

Mr. President, it is important that we continue to support the brave men and women who put their lives on the line both at home and abroad. But today, as I support funding for our troops I also stand opposed to the part of the emergency supplemental known as REAL ID.

This controversial and overly-broad provision has no place in an emergency spending bill. The changes to our immigration laws and the policies on asylum proposed by this legislation are major modifications that are contentious on both sides of the aisle. As it is written, this bill undermines both due process and the principles of fundamental fairness on which our immigration laws are based.

This legislation, plain and simple, is a drastic and unknown change. It is the type of change that both the House and the Senate should have deliberated on and given in-depth consideration to. The Senate has not had the opportunity to do that.

Just look at what this legislation does:

First, it increases the burdens on those seeking asylum in the United States and limits judicial review of some decisions. These are people who are often persecuted in their own countries and cannot produce the level of documentation or corroboration of their abuse that this bill requires.

Next, it permits the Department of Homeland Security to waive ''all legal requirements'' that interfere with the construction of roads or barriers along our borders. That means that the Secretary of Homeland Security can waive any State or Federal environmental, health and safety, civil rights, labor, or criminal law. And there is very limited ability of anyone to challenge these decisions. That means the Secretary has a tremendous amount of discretion to override existing laws and step all over State's rights.

It also limits judicial review of removal cases and discretionary decisions of agencies—that means an agency, not a judge, will have the final say.

And most notably, it creates national standards for identification cards that States must enforce. That means that States now must not only verify the many forms of identification that are required, but they are also responsible for keeping track of a drivers license holder's immigration status. That creates a huge increase in expenses for States and it also means that State officials, who have no background in immigration law, will be forced to enforce these complicated provisions. That's an unfunded mandate on States that are already in fiscal crisis.

Plain and simple REAL ID drastically changes immigration laws, limits access to the courts and due process, and places significant new costs and duties on local and State governments. The Senate should have had the ability to review, debate, and amend this provision before it became a permanent part of our Federal immigration law.

Now, I am the first to agree that we need strong and comprehensive immigration reform. We need to look at all the problems with protecting our borders and ensuring our safety. We need to make sure that the programs that work are updated and continued. We

need to make sure that the programs that don't work are fixed so that we do not have porous borders. But we need to use regular order to do so.

The Senate must have the opportunity to consider comprehensive reform, not focus on piecemeal measures. And President Bush should lead the way in working with Congress and our allies for solutions that protect our borders. And for solutions that allow our rich history and tradition of immigration to continue. But these supposed solutions cannot come at the expense of our constitutional framework.

REAL ID is an unfunded mandate that is punitive. We do not know if any of the provisions will actually make us safer—we just know that they override States rights and undermine civil rights and civil liberties. I believe that it is our duty, as Members of the Senate, to balance national security interests with due process and constitutional rights, yet because we have not had hearings or been able to evaluate this change to our immigration law we do not know the extent of its impact.

REAL ID proposes several different and significant changes to our immigration laws, I believe that it is important for the Senate Judiciary Committee to have an opportunity to hold hearings and consider comprehensive legislation that looks at all areas of the law. Then the whole Senate should have the ability to fully debate the issue on the Senate floor.

I am disappointed that this controversial measure was added to this must pass legislation. We should be passing an emergency supplemental bill without the harmful REAL ID provision. And then we should turn our attention to real reform and the Senate should proceed to a thoughtful and comprehensive debate on immigration reform that protects our borders and our constitutional mandate.

Mr. BURNS. Mr. President, the attacks of September 11, 2001 reminded us all that national security is of the utmost importance. Since then, we have worked to ensure the safety of this country. Still, there are gaps in our immigration and identification systems that need attention. Those with ties to terrorist organizations should not be given asylum or permission to live in this country where they can do harm. Barriers on our borders should be enhanced to adequately protect our national security. Driver's licenses and personal ID cards should be secure, and should not be given to terrorists or those who are in this country illegally.

There are provisions to address each of these concerns in the REAL ID Act of 2005, which has been attached to the Emergency Supplemental Appropriations Act. I have expressed my reservations about possible unforeseen costs to my State of Montana that these provisions could impose, particularly the costs of changing the system of issuing driver's licenses. Ultimately, however, I firmly believe that the fundamental aspects of this bill will make Montana, a border State where homeland security is of paramount concern, and our country safer and more secure in this era where illegal immigration is out of control and the security of our identification systems continues to be lacking. I am confident that any remaining funding issues can be worked out later in the implementation process. Our job now is to move forward, and make sure that these provisions are put into place with the best interest of this country in mind.

As I have said before, my State of Montana has one of the largest international borders. A lot of attention has been placed on border security lately, particularly on the northern border. I think we can all agree that the northern border has been historically understaffed and lacks the necessary infrastructure to adequately screen individuals seeking entry into the United States who wish to do us harm. I have always supported increasing the number of border patrol agents along Montana's northern border. It does not make sense for the Department of Homeland Security to heavily staff the southern borders while leaving large gaps wide open on the northern border. The end result is that those wanting to enter the United States illegally may focus on the less secured border regions of the north so that they may cross over undetected. Unfortunately, the grave threat of this happening along Montana's vast border remains a reality.

In view of this, during debate on the Emergency Supplemental Appropriations Act, I was a cosponsor of the Ensign amendment which was adopted that would increase the number of Border Patrol agents and provide funding for Border Patrol facilities. I am happy to report that the conferees reached a compromise that would provide $635 million for increased border security and enforcement; this includes $176 million to hire, train, equip, and support 500 Border Patrol agents and relieve current facility overcrowding. The supplemental also includes almost half a billion dollars for Immigration and Customs enforcement; $97.5 million of this would be used to hire and train additional criminal investigators and immigration enforcement agents.

I will always vote to protect our homeland and the safety of our citizens, and I encourage my colleagues to do the same as the Senate considers the supplemental for final passage.

Mr. KERRY. Mr. President, the Emergency Supplemental Appropriations bill for fiscal year 2005 is a vital piece of legislation. It provides $75.9 billion for the Department of Defense, nearly $4 billion for the Department of State, and billions more for military construction and other national priorities. It will come as no surprise to anyone that Congress will pass this bill with an overwhelming majority. Instead, we should be asking what took so long.

The administration continues to play games with the funding of the war on terror and the war in Iraq. These aren't inside-the-beltway issues. Every day the administration resists bringing forward an accurate and reasonable accounting of our future needs in Iraq, it complicates the way the Department of Defense conducts business.

In recent weeks, the Pentagon has been forced to shuffle $1.1 billion to cover Army shortfalls while the Department of Defense waits for the President to sign the supplemental into law. That $1.1 billion came out of Navy, Air Force, Marine Corps and Army National Guard personnel accounts. That is a dangerous way to conduct business.

As we pass this legislation, I urge the President to heed the advice of so many Senators who believe that he must better reflect the costs of war in his regular defense budgets and simply be straight with the American people about the ongoing costs of operations in Iraq and elsewhere. Our troops shouldn't have to wait for the gear and equipment they need to do their jobs well, to win the peace in Iraq, to bring the terrorists to justice in Afghanistan and around the world, and to come home.

This bill takes some important steps toward the Military Family Bill of Rights which we have talked about for many months. It increases to $400,000 the life insurance coverage available to service members, and raises the death gratuity to $100,000 for those who die in combat and in combat-related incidents, including training. It also extends to 1 year the length of time widows and children of military personnel may remain in military housing. Together, these provisions are important affirmations of the Congress' support for the men and women of the American military and their families. I thank the House-Senate conferees for including those provisions.

I regret that the House-Senate Conferees struck a provision that the Senate added to pay an equal death gratuity to the survivors of all service members killed while on active duty, regardless of the circumstances. This policy was supported by 75 Senators in a floor vote. It was supported by the House in its version of the legislation. And it is supported by the uniformed leadership of the military. It is clear that the civilian leadership at the Pentagon, led by Secretary Rumsfeld, opposed it. While they have succeeded in striking the provision from this supplemental legislation, I will continue to work with my colleagues, many of whom have worked on this issue for some time, for its enactment.

While I support this bill overall, I have serious concerns about the attachment of the REAL ID Act to the conference report. This legislation creates new hurdles for legitimate asylum seekers, allows the government to waive environmental laws to build physical barriers on the border, and forces an unfunded mandate on the States. This legislation did not have so

much as a hearing in the U.S. Senate. Such legislation should be considered in committee and before the full Senate, rather than being attached to an emergency spending bill. It is my hope that the Senate will work to amend the most damaging provisions of the REAL ID Act as soon as possible.

I am pleased that the conference report includes the ''Save our Small and Seasonal Businesses Act'' which makes changes to the H–2B visa program. This provision will provide great relief to many small businesses in Massachusetts that count on foreign workers to keep their seasonal businesses open.

Mr. President, I would also like to thank the conferees for addressing potentially damaging anti-small business language in this bill which would have allowed small business subcontracts at the Department of Energy to be counted as prime contracts and capped all small business contracting goals at 23 percent. Section 6023 had strong bipartisan opposition from members of the Small Business Committees and from other members concerned about protecting small business federal contracting. The compromise language included in Section 6022 of the final version of this bill lays out a process for the Small Business Administration and the Department of Energy to expand small business contracting.

The compromise requires the Small Business Administration and the Department of Energy to develop a Memorandum of Understanding, MOU, on a methodology for measuring the achievement of awarding prime contracts and subcontracts to small businesses. It is my understanding that MOU will in no way count the subcontracts awarded by DOE's management and operations contractors towards DOE's prime contracting goal. Section 6022 also requires DOE and SBA to conduct a joint study of changes at DOE that would encourage greater opportunities for small business contracting, and it includes temporary relief for local small firms that are facing undue burdens as a result of contracts being broken out from large, bundled management and operations contracts.

Mr. President, the Department of Energy has the worst small business utilization record of all Federal agencies. This compromise is an opportunity to address the growing challenges facing small firms as a result of contract bundling, the need for greater diligence by the administration in its effort to meet the 23 percent government-wide minimum goal for small business contracting, and the need for greater management and oversight by the Department of Energy of the contracting dollars being awarded by the Agency. I hope the administration will use this opportunity to improve small business contracting at the DOE and will draw on the conclusions of the ongoing studies being released by the GAO to address the current shortfalls in small business prime contracting and subcontracting oversight. As the ranking member of the Committee on Small Business and Entrepreneurship, I am committed to working with the other committees of jurisdiction, including the Energy Committee, to ensure that DOE and SBA do not undermine the intent of Section 6022 by using this compromise language to prevent small businesses from receiving their fair share of DOE prime contracts.

Mr. BINGAMAN. I rise today in support of H.R. 1268, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief.

First, while this bill addresses many areas of concern, it is primarily focused on providing the American military sufficient funds for its mission to aid Afghanistan in creating a strong and stable nation and to ensure the security necessary to rebuild Iraq.

Provisions in the bills to support American soldiers and their families, such as increasing the death benefit gratuity for soldiers killed this year to $100,000 and providing all members of the armed forces with free meals and phone service, are the right thing to do. We will no longer force men and women who volunteered to serve in one of the most dangerous environments to recuperate without the support of loved ones while charging them for their meals. Other important provisions, such as providing more money to combat the effectiveness of improvised explosive devices, or IED's, and providing $150 million for the purchase of up-armored humvees, will serve to protect Americans already operating in combat zones. The biggest danger to Americans in uniform remains the IED; by using funds to both prevent the IED from exploding and then ensuring that those that do go off near a humvee are defended against, I can safely say that we are working toward the ultimate goal of mitigating the largest source of American casualties.

I was also happy to see that the bill also requires reports on the status of training for both the Afghan and Iraqi security forces, so that the American public is not given arbitrary numbers of successfully trained soldiers and policemen without an understanding of their capabilities. Just as importantly, the bill states that the President should submit an appropriate budget amendment for FY 2006 by September 1, 2005.

There are also some very important, non-military, provisions in this legislation, nearly all of which I co-sponsored when it came to the floor. All will contribute significantly to the establishment of increased stability in regions throughout the world. For example, the United States has done far too little to stop the genocide and atrocities that continue to occur in Darfur, Sudan. This legislation specifically dedicates $50 million to support efforts by the African Union to bring a halt to the violence and another $90 million in humanitarian assistance for refugees in the region. The United States has hardly anything at all to create a stable and viable government in Haiti, this in spite of the fact that the country is only miles from our shore. This legislation provides $20 million to assist in efforts at institution-building, law enforcement, and democracy promotion.

Significantly, this legislation is the only vehicle available for disaster assistance to the countries affected by the tsunami in the Indian Ocean. I need not remind anyone that this was likely the most catastrophic natural event in recent history, with nearly 200,000 people in eight countries dying in just a few hours. Over 100,000 are still missing. Thousands had their homes, family, and livelihoods swept away. The cost in dollars is easily in the hundreds of billions.

It is imperative that the United States step up to the plate and assist in repair and reconstruction. We have pledged almost a billion dollars to this effort, and this legislation provides an initial $656 million to help people get back on their feet. A substantial portion of the funding is directed toward repairing replacing essential services—roads and highways, telecommunications and energy infrastructure, and water and food distribution systems, and so on. But portions of the funding are dedicated to other critical issues that will allow these countries to get back to baseline—programs designed to assist women with new economic opportunities now that they have lost the provider in their families, programs designed to assist individuals with mental or physical disabilities as a result of the tsunami, programs designed to protect orphaned children from violence and exploitation and reunify them with extended or immediate families, programs to provide loans, business advice and training in job skills so new sources of income and new businesses are developed; and programs to stop the spread of disease, including avian flu.

This bill provides funding for many important causes which I fully support. But let me take a few moments to discuss a few provisions about which I have significant concerns.

First, the conference committee removed a provision that I had included in the Senate version of the bill that would have helped Federal courts cover costs associated with the substantial increase in immigration related cases filed as a result of recent border enforcement efforts. I strongly support efforts to enhance our border security—indeed, I cosponsored an amendment to this bill that was offered by Senator ROBERT BYRD that provided funding to hire an additional 500 border patrol agents and have consistently voted to allocate additional resources to secure our Nation's border. However, we must also consider the impact that these enforcement measures are having on our Nation's courts, especially in districts along the border region. Since 1995, immigration cases in the 5 southwestern border districts—the District

of Arizona, District of New Mexico, Southern District of California, and Southern and Western Districts of Texas—have grown approximately 828 percent. In 2003, overall immigration filings in U.S. District Courts jumped 22 percent, and in 2004 they jumped 11 percent. Of these cases, 69 percent came from these 5 districts.

We can't just fund the enforcement side without considering what will happen to these individuals once they are detained. This approach not only places a tremendous burden on our courts, but it also threatens our national security by limiting the ability of the courts and probation services to provide adequate case oversight.

Second, the REAL ID Act, which was attached to the bill by the House of Representatives, was included in the final version of the bill. Although the conference committee made several minor modifications to lessen the impact of these provisions, I remain strongly opposed to this section of the bill. The REAL ID Act never received a hearing in the Senate and Republicans on the conference committee refused to consult with their Democrat counterparts on this language. The bill make it more difficult for legitimate asylum applicants to obtain a safe haven in the United States and authorizes the Secretary of Homeland Security to waive all legal requirements which could impede the construction of a fence along the border with Mexico. It also repeals provisions of the recently-passed Intelligence Reform and Terrorism Prevention Act of 2004, which implemented the recommendations of the 9/11 Commission. Specifically, the intelligence reform bill charged the Department of Transportation, in consultation with the States, with promulgating ''minimum standards'' for State driver's licenses in order to prevent fraud or abuse. Without enhancing our national security, the REAL ID Act repeals this section and replaces it with a system that will be extremely difficult and costly for States to implement. I know that these provisions will have a significant impact on my home State of New Mexico, and it is my hope that Congress will be able to revisit this legislation in the near future.

Thus, while there are some aspects of this supplemental request that remain troubling to me and many of my Senate colleagues, I know that by supporting this bill we are working to create a more peaceful and stable world community and meet more of the needs of our brave soldiers serving in Iraq and Afghanistan.

Mr. DODD. Mr. President, I will vote for the conference report because I believe we have few higher priorities than the safety and well-being of our troops deployed in harm's way. This legislation is critical to the war efforts in Iraq and Afghanistan, providing funding to purchase life-saving armor, replenishing stocks of spare parts and ammunition, and increasing the government's financial support for the families of America's fallen heroes.

Probably one of the most significant provisions in this legislation is the $308 million added above what the President proposed to ensure that more humvees deployed in combat are adequately armored. Just as in the previous 2 years, I have been deeply troubled by continuing shortfalls in the administration's plans for outfitting our troops with the protection they need. Over 1,600 U.S. troops have been killed in Iraq since the beginning of the war in March 2003. And rarely a day goes by that one does not hear about an improvised explosive device or roadside bomb seriously injuring an American there. This conference report is a step in the right direction to better prepare our troops for these threats, but more always needs to be done to ensure greater security for our soldiers, sailors, airmen, and marines. We owe it to them to make sure they have the resources to protect themselves as best they can.

And we owe it to their families here at home to make sure that their sacrifices are so honored. This bill also authorizes the Department of Defense to increase to $500,000 the amount that can be paid to surviving families of deceased servicemen and women. In addition, this bill rightly includes traumatic injury insurance of up to $100,000 for military personnel seriously wounded in action. These provisions are the least we as Americans can provide to the families of our men and women in uniform who are giving so much to our Nation.

Not all of this bill directly pertains to our troops deployed in Iraq and Afghanistan, however. And while I support many of these provisions, there are some sections that give me pause. On the positive side, I am pleased by the conference committee's decision to retain the amendment put forth by Senator WARNER to stop the Navy from downsizing its aircraft carrier fleet. We must retain the ability to quickly project power around the globe, particularly as emerging powers in Central and East Asia amass powerful fleets in direct challenge to U.S. Naval supremacy. And this amendment rightly puts the brakes on the administration's efforts to cut too deeply into our Navy's critical assets.

In terms of homeland security, this bill adds an additional $450 million over the President's proposal for more border security and customs agents. I support these additional resources and am pleased the conferees included them in this bill.

But this bill is not perfect. Indeed, I have some serious concerns about provisions that are included in the conference report before us. I also have concerns that certain important issues are not addressed by this bill.

First, I am greatly disappointed that the conferees decided to include the majority of the text that makes up a bill called the REAL ID Act. There are many troubling provisions in this language—virtually the same language that Republican members of the House tried to push through as part of last year's intelligence reform legislation. At that time, the 9/11 Commission opposed its inclusion. And the Senate managers of the bill prevented it from being included in conference.

But now, the vast majority of the REAL ID language has been included in the conference report before us. Although I do not sit on the Senate Judiciary Committee, I am concerned that this package of provisions was never debated within that panel. I would note that an effort to include the language in the Senate version of the emergency supplemental was withdrawn after bipartisan opposition to its inclusion.

This bill's REAL ID provisions, among other things, would require State departments of motor vehicles to verify documents used to obtain drivers licenses. This is an unfunded mandate—the language included in this bill does not specifically appropriate any amount for this purpose. Reportedly, the National Conference of State Legislatures estimates that REAL ID will cost States between $500 million and $700 million over 5 years to implement. Many States are already dealing with budget shortfalls. What impact will this additional financial have on States' abilities to provide basic services for their residents?

These licensing regulations also raise privacy issues, as DMVs will gain access to much private information. All Americans, when renewing or obtaining a new license, will be subject to these provisions. Certainly, some reform with respect to identification documents might be needed. But this partisan and hasty approach is not the right way to do it—especially when State governments are currently working to establish reasonable standards for reform that can be implemented. These are only two of the many troubling provisions of the REAL ID language, which deal with issues as far reaching as eligibility for asylum in the U.S. and border security.

I also have concerns about issues that were left out of this bill. For example, this bill does not include language addressing the practice of renditions—the process whereby the U.S. has reportedly transferred foreign prisoners, detainees, or combatants to other countries for interrogation purposes. Often, the countries to which these people have been transferred are known to practice torture. Yet, few specifics are known about the practice of renditions.

Nor does this bill address important issues of accountability, such as the extension of the lifespan of the Special Inspector General for Iraq Reconstruction, or the SIGIR. The SIGIR has performed admirably, but its doors will be closed years before it can complete its task of accounting for all American taxpayer money devoted to the reconstruction of Iraq. Senator FEINGOLD filed an amendment that would have fixed this problem. Unfortunately, the Republican leadership failed to support

his efforts, and the amendment was ruled non-germane—even though the SIGIR had originally been created and its authority subsequently extended as part of an emergency supplemental bill.

All in all, this bill is a mixed bag. But it contains critically important provisions to support our troops—specifically, it will help provide some of the equipment our troops need in order to finish their jobs safely. Moreover, it will help further the process of training Iraqi Army and police forces so that U.S. troops can finish their jobs and come home. I believe that it is incumbent upon this body to swiftly pass this spending bill. That is why I intend to support it when it comes to a vote.

Mr. CHAFEE. Mr. President, today the Senate considers the conference report on the President's emergency supplemental appropriations bill. Unfortunately, the REAL ID Act which had been attached in the House bill was included in the final measure.

The REAL ID Act should have been debated as a part of comprehensive immigration reform. By attaching REAL ID to a must pass spending measure, the critical process of vetting the bill in committee was circumvented and an opportunity for discussion and debate, which is essential for effective legislation, was denied.

There are many concerns I have with REAL ID in addition to the process used to bring it to the floor. First, the measure is an unfunded mandate to the States. Furthermore, unless every State complies, the Federal Government will have to mandate the creation of a national ID. Between the creation of a new database and approval system, training for DMV workers, and struggling State budgets, REAL ID will impose real costs.

More importantly, a database of this type will open up many privacy concerns and there must be security safeguards in place to prevent the gathered information from being obtained inappropriately.

Many States, including Rhode Island, have already passed legislation setting their own requirements for driver's license recipients. The Federal Government should not impinge upon the States' ability to decide who can and cannot drive on their roads, especially without the funding to support the idea. REAL ID will put more drivers on the road without licenses and without insurance.

I am also concerned about another provision of the REAL ID Act that would allow for the waiver of all laws—Federal, State, and local—to build barriers and roads at our borders. As a strong advocate of environmental protection, I am troubled about blanket waivers from environmental laws like the Endangered Species Act and the National Environmental Policy Act.

The REAL ID Act, at its best, should be a catalyst for discussion of comprehensive immigration reform. That discussion cannot take place in a forum primarily devoted to quickly releasing funds for our troops around the world and veterans returning home.

Ms. CANTWELL. Mr. President, the emergency supplemental appropriations conference report before us today is a critically important piece of legislation. This bill will ensure that our troops in Iraq, who put their lives on the line for us every day, are properly equipped and protected. It provides vital funds to support the emergence of a free Afghanistan, and it provides much-needed funding for tsunami relief.

I am supporting this conference report even though I strongly oppose the REAL ID provisions that are also included. The REAL ID Act is a complete overhaul of our immigration laws that would, amongst other things, impose complicated new driver's license requirements on States, make it harder for refugees at risk of persecution to be granted asylum, and suspend all environmental laws along the U.S. border.

This language will result in the most significant changes to our immigration policy in 10 years. While we have long recognized the need for comprehensive immigration reform, this debate has no business taking place as part of an emergency spending bill. Legislation of this importance deserves to be the subject of focused study and serious debate. Passing REAL ID without careful consideration is reckless, irresponsible, and a disservice to the American people.

Mr. SCHUMER. Mr. President, in this post-9/11 world, it has never been so important to work seriously and carefully on efforts to enhance our border security.

We in New York are particularly cognizant of the need for comprehensive efforts to make our borders, our ports, our critical infrastructure, and our airports as secure as possible. Like no other place in America, like no other place in the world, New Yorkers I represent know what terrorism looks like, feels like, and costs to our communities, the economy and our psyches.

It is crystal clear to almost everyone that there are many questions that need to be answered about how we secure our borders. As a member of the Judiciary Committee and a Senator from New York, an enormous amount of my time and energy is devoted to just those questions. And indeed, I don't think we are doing enough to secure our borders. But sneaking drastic changes to our immigration laws into a must-pass measure supporting our troops is not the way to address these Issues.

Opinions are mixed about how effective the REAL ID bill will be in enhancing national security. But regardless of what you might think about the merits of the bill itself—I, for instance, have serious concerns regarding the impact of its asylum provisions—this is an issue that requires serious debate. Instead, the Republican leadership has completely bypassed the committee process and slipped this controversial and complicated proposal into the emergency supplemental bill, which we will have to approve because it provides the necessary support of our men and women serving in Iraq and Afghanistan as well as the vital relief for the tsunami victims abroad.

Immigrants have built New York and this country from the bottom up. Our country was founded by and made stronger by the hard work of immigrants from all different countries, cultures, religions and races. I marvel how our new immigrants remake our land, making it a better place, even as they become new Americans. Just think of how many recent, and expectant immigrants now serve in our Armed Forces, some of whom have made the ultimate sacrifice for our Nation in Iraq and Afghanistan. I am proud that New York is still an epicenter for immigrants. Just like my ancestors came over from Europe many decades ago, the new generations of people just like us are beginning to take root, making our country, our economy, and our culture that much stronger and diverse.

So any bill that makes such dramatic changes to our immigration laws should be looked at carefully and considered judiciously. We must never bend in our determination to secure our borders and protect our Nation from harm. But nor can we forget what makes our Nation great. These debates and decisions must be reasoned debates, not take-it-or-leave-it ultimatums strategically devised for partisan political benefit.

There are provisions in this bill, for instance, that will make it harder for people persecuted on the basis of their race, religion, national origin, or gender abroad to pursue asylum and the American dream.

There are other provisions that would allow bail bondsmen to play judge and determine which immigrants are dangers to the community.

These are major changes to our laws, and we have a system to debate, discuss and vote on such changes. No bill raising so many questions on issues of such fundamental importance should escape an honest debate in the Senate. I urge my Republican colleagues to rethink this strategy and allow the Senate to do its work the right way.

Mr. BROWNBACK. Mr. President, I am pleased that we are voting on the final passage of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.

I commend my colleagues, especially Chairman COCHRAN, for working diligently to see that the Senate act quickly to address the needs of our troops in Iraq and Afghanistan and emergency humanitarian needs worldwide. Americans everywhere are grateful for the efforts of our troops who fight on the front lines of the war on terror. They have made personal sacrifices for the liberty of all Americans,

and we must support them by providing them with the very best equipment.

The conference report includes much needed funding for humanitarian assistance in areas of the world devastated by famine, disaster and war.

I am especially pleased that we have provided $90 million for international disaster and famine assistance for Darfur, Sudan and other African countries including Ethiopia, Liberia, Uganda, and the Democratic Republic of Congo. The situation in Sudan remains dire and there are several other countries in the region that will also greatly benefit from these funds.

The conference report also includes necessary peacekeeping dollars that will address the security needs of millions of oppressed people. First, it provides $50 million in funding for the African Union mission in Darfur. It is the experience of many on the ground in Darfur that atrocities do not occur when AU troops are present, and this funding should facilitate an expansion of their mission. I thank my colleagues, Senators CORZINE, DEWINE, DURBIN, LEAHY and MCCONNELL for their tireless work to get this money included in the bill. Security is paramount to ensuring an end to the violence that persists in Sudan, killing an estimated 15,000 people per month.

Second, the conference report directs $680 million to general peacekeeping operations in other war-torn areas worldwide. The United States contributions to these missions are important to security and stability on a global level.

I commend the inclusion of $5 million for assisting internally displaced persons in Afghanistan and $120.4 million for migration and refugee assistance for worldwide refugee protection and for the President to meet his goals for refugee admissions this year.

While all of these earmarks will provide much needed protection and assistance to the world's poorest and oppressed people, I am extremely disappointed that the Darfur accountability amendment was stripped in conference. The amendment which was included by the Senate, would have placed targeted sanctions in the form of a travel ban and asset freezes on individuals who are committing war crimes and crimes against humanity in Darfur. It would also have directed the administration to pursue certain policies at the U.N., including multilateral sanctions and an arms embargo against Sudan as well as the establishment of a no-fly zone over Darfur.

I appreciate my Senate colleagues' support of this measure and look forward to working together to move this as stand-alone legislation in the near future. It is my hope that the administration will publicly address their concerns with this bill so that we may move swiftly to enact the very important provisions that will help alleviate the ongoing genocide.

I am also disappointed that such sweeping immigration provisions were included in this bill without adequate debate or scrutiny. What concerned me most of all about the REAL ID bill is that it undermines America's moral authority by turning away legitimate asylum seekers fleeing tyranny. This language was added based on a claim that our asylum system can be used by terrorists to enter the country. This is not the case.

However, I would like to thank my colleague Chairman SPECTER for working diligently to successfully soften some of the harsher language in the asylum provisions. As originally drafted, the REAL ID Act would have created significant and additional barriers for refugees fleeing persecution to obtain asylum.

REAL ID would have greatly increased a refugees' burden of proof to establish their eligibility for asylum. At the whim of an immigration judge's discretion, refugees would be required to produce corroborative evidence of their claims of persecution or prove that the central intent of their persecutors was to punish them for their race, religion or political beliefs even in cases where the refugee's testimony was already credible.

The facts are quite obvious: persecutors are not going to issue official documents explaining their actions. In addition, proving the mindset of those who carry out killings, torture and other abuse is next to impossible. Even if this were possible, those who flee a country often times don't have time to gather up the proper documentation they may later need in an American immigration court.

The incorporated revisions would make an immigration judge take into account the totality of the circumstances when evaluating an applicants claim and would not be able to discard a claim for subjective reasons.

I want to clarify that the triers of fact must consider all relevant factors and base any adverse credibility determinations on a consideration of all of those factors. The findings must be reasonable. It would not be reasonable to find a lack of credibility based on inconsistencies, inaccuracies or falsehoods that do not go to the heart of the asylum claim without other evidence that the asylum applicant is attempting to deceive the trier of fact.

I also understand that when assessing demeanor, triers of fact must take into consideration the individual circumstances of the asylum applicant, such as his or her cultural background, educational background, gender, state of mind, history of trauma, and other factors.

I remain concerned about how the asylum provisions will affect the adjudication of claims by children. Adjudicators cannot realistically hold these children to the same burden of proof and standards of persuasion as adult asylum-seekers. For example, children reasonably cannot be expected to pinpoint a central motive of persecution and provide corroborating evidence of their persecution.

I conclude by pointing out that applications for asylum have fallen from 140,000 to just over 30,000 per year, and the numbers of those who are actually granted asylum has fallen to about 10,000 per year. Individuals fleeing persecution must already meet a high burden of proof and undergo intensive security measures to obtain asylum. While I recognize the importance of security in the post-9/11 environment, I am committed to ensuring legitimate asylum-seekers a haven without imposing unrealistic barriers.

In addition to the asylum revisions, I am extremely pleased that we were able to secure the repeal of the arbitrary 1,000 annual cap placed on refugees fleeing coercive population control. This, along with the lifting of the asylum adjustment cap, will enable those who have fled persecution, including forced abortions, to become legal permanent residents and enjoy the security and benefits that go along with that status.

The importance of the supplemental bill is not to be understated. Our troops are valiantly protecting human freedoms and deserve our support. The humanitarian crises around the world resulting from natural disasters such as the tsunami, and resulting from human rights atrocities such as genocide, cannot be ignored by a country such as ours. I thank my colleagues for working to get this bill to the President.

IRAQ SECURITY FORCES FUND

Mr. DURBIN. Mr. President, an important component of this $82 billion Emergency Supplemental Appropriations conference agreement is the $5.7 billion appropriated for the Iraq Security Forces Fund. I commend Senators STEVENS and INOUYE, the chairman and ranking member of the Defense Appropriations Subcommittee, for their efforts in securing the full budget request for this important effort. Security must be a high priority in Iraq. The sooner the Iraqis develop their own capacity to stabilize and secure their country, the sooner our men and women in uniform can come home to their families.

An important part of security in Iraq involves communications systems. The deployment of an Advanced First Responders Network, AFRN, throughout Iraq will begin to address the current lack of mission-critical public-safety communications capabilities. The AFRN system, when deployed throughout Iraq, will allow for focused coordination of security planning and execution, rapid data collection and analysis of changing security threats, rapid coordination and deployment of security assets to address threats, effective planning to reduce/prevent future security threats, and a more secure environment that will foster democracy and economic development.

The AFRN infrastructure in Iraq has been designed to address needs

throughout the country, including border regions and pipelines. However, additional funding is needed to meet this objective.

Mr. President, I would like to inquire of the chairman and the ranking member, Senators STEVENS and INOUYE, whether continued funding of the AFRN could be a qualified activity within the $5.7 billion included in the conference agreement for the Iraq Security Forces Fund?

Mr. STEVENS. Mr. President, I thank the Senator from Illinois for this question. Yes, I believe that funding for the AFRN could be an eligible activity within the funding we are providing in the Iraq Security Forces Fund. I cannot guarantee the Senator any particular level of funding will be provided, but I do agree with him that continued work on the AFRN is important.

Mr. INOUYE. I concur fully with the chairman.

Mr. DURBIN. I thank Senators STEVENS and INOUYE for their insight into this matter.

AUSTRALIAN NATIONALS

Mr. KYL. Mr. President, will the Senate Majority Leader yield for a question?

Mr. FRIST. I would be happy to yield.

Mr. KYL. I thank the distinguished Senate Majority Leader. I am pleased to see that the Frist Amendment, adopted by the Senate during consideration of the supplemental appropriations bill, is included in this conference report. The Frist Amendment creates a new E–3 visa sub-classification for Australian nationals. I would be grateful if Senator FRIST would clarify a couple of technical points relating to his amendment. It is my understanding that the E–3 visa would not be limited to employment that is directly related to international trade and investment, as are the E–1 and E–2 visas. Could the Senator confirm that this is his intention?

Mr. FRIST. I thank Senator KYL for his question. He is correct in his understanding that the E–3 visa would not be limited to employment that is directly related to international trade and investment. To qualify for an E–3 visa, an Australian national must be seeking employment in a ''specialty occupation,'' as that term is defined in the Immigration and Nationality Act, and the U.S. employer must have obtained a certified labor attestation from the Department of Labor. In other respects, such as visa application procedures, periods of admission, dependent admissions, and spousal work authorizations, the rules applicable to the new E–3 visa will be the same as for other E visa holders currently. Also, Australian nationals will continue to have access to all existing categories of visas to which they are currently entitled.

Mr. KYL. I thank the Senate Majority Leader for these few points of clarification.

Ms. COLLINS. Mr. President, I rise today in support of this urgently needed funding for our soldiers, sailors, airmen and Marines fighting around the world. Specifically, I would like to thank my colleague and friend from Mississippi, the distinguished chairman of the Appropriations Committee, Senator COCHRAN, for his commitment to our Nation's Armed Forces.

I particularly want to express my support for the provision dealing with DD(X) destroyers. This bill includes a critical provision to prohibit the use of funds by the Navy in conducting a ''one shipyard'' acquisition strategy to procure next-generation DD(X) destroyers.

The Navy serves not only as a central pillar of our Nation's military strategy, but also as a symbol of American strength abroad. It is crucial that not only do we have the most capable fleet, but also that we have sufficient numbers of ships . . . and shipbuilders . . . to meet our national security requirements.

Unfortunately, the Navy has proposed to radically change the acquisition strategy for DD(X) destroyers in such a manner as to ensure that there is only one shipyard involved in major surface combatant production. If implemented, the Navy's ill-advised proposal to go forward with a ''one shipyard'' competition for DD(X) between General Dynamics' Bath Iron Works in Bath, ME, and Northrop Grumman Ship Systems in Pascagoula, MS, would jeopardize our national security and our industrial capacity.

We need to move forward with DD(X) at both shipyards, as originally planned. Holding a competition will inevitably delay DD(X) acquisition and increase the costs to taxpayers.

The fleet needs the capabilities of a DD(X) destroyer that will provide sustained, offensive, and precise firepower at long ranges to support forces ashore and to conduct independent attacks against land targets. These systems will provide a naval or joint task force commander with the multimission flexibility to destroy a wide variety of land targets while simultaneously countering maritime threats.

Moreover, DD(X) will take advantage of advanced stealth technologies, which will render it significantly less detectable and more survivable to enemy attack than the current class of ships. It will also operate with significantly smaller crews than current destroyers.

Conducting a competition for these ships, or implementing a ''one shipyard'' acquisition strategy further exacerbates the decline in America's shipbuilding employment that has shrunk by an overwhelming 75 percent since the late 1980s.

This supplemental appropriations bill continues to build upon the work many of my colleagues and I during the past several months to thwart the Navy's attempt to have only one shipyard capable of building DD(X)s. On March 1, I joined 19 of my Senate colleagues, in concert with Senator LOTT, to send a letter to President Bush expressing our strong opposition to any ''winner take all'' competition for DD(X).

We all agreed that any instability or delay in the DD(X) program at this time could lead to the permanent exodus of skilled men and women from the last remaining shipyards that produce our complex surface combatants. Construction of surface combatants at a single shipyard would affect the Navy's ability to keep costs lower in the long term.

The recently-passed Senate budget resolution included a sense of the Senate on the acquisition DD(X) that correctly emphasized that the national security of the United States is best served by a competitive industrial base consisting of at least two shipyards capable of constructing major surface combatants.

The Congress has spoken very loudly, and very clearly on this rapid change in direction. It is in our national interest to have two major surface combatant shipyards. This appropriations bill is good for the Navy, good for our shipbuilders, and good for our Nation.

I urge my colleagues to support this legislation and funding for our men and women in uniform serving around the world.

Mrs. FEINSTEIN. Mr. President, I will vote to support the conference report on H.R. 1268, the fiscal year 2005 Supplemental Appropriations bill, although I have serious reservations about the process that was used to attach the REAL ID Act to legislation urgently needed to ensure our troops are adequately funded.

I am voting for this legislation because it provides needed support to our troops in combat, additional border patrol agents to secure our porous frontiers, vital relief to areas affected by the recent tsunami in the Indian Ocean, and important disaster relief here at home.

My colleagues have noted that this legislation funds important needs for our military, from additional up-armored humvees to increased death benefits for those who have lost their lives in service to our Nation in Iraq and Afghanistan.

I agree with my colleagues that it is vital that we get these resources to our men and women in uniform without delay.

However, I have serious concerns about the process by which controversial immigration provisions were attached to the bill.

And I want to again express my opposition to the inclusion of the REAL ID Act—despite the negotiated changes during conference—because an emergency supplemental is not the place for the Congress to enact substantive immigration provisions.

The REAL ID provisions included in this legislation will bring about significant legal and policy changes in the areas of asylum law, judicial review,

deportation of individuals alleged links to terrorist activities, driver's licenses and the border fence.

And while I recognize that there were modifications to the REAL ID Act during conference—including provisions relating to bounty hunters—we are still talking major changes to our immigration laws and I don't believe the Senate was given adequate opportunity to review, consider, debate and amend these issues.

Any voices of opposition to the REAL ID Act were all but silenced. I was a member of the conference committee, but I was not able to see the final language until the bill was ready to be filed and it was too late to do anything. Essentially, the minority was shut out of the conference negotiations on this bill.

The REAL ID Act wasn't the only immigration language added to this bill in which the Democrats were shut out.

For instance, the Republican leadership added language at the eleventh hour, postcloture, which creates a new temporary worker program for 10,500 Australian workers.

So each year now we will see an influx of 10,500 Australian workers, along with their families. Assuming that each of these professional workers brings their spouse and child, in reality we could be seeing an increase of 31,500 individuals each year—in addition to the other categories of professional workers, such as H–1B and L–1 workers.

At what point do we stop creating special carve outs for different groups of people or different countries? And after Australia, what country is going to come to us and ask for special exceptions to our immigration laws?

I am pleased that the conference committee came to a reasonable compromise on the issue of funding additional Border Patrol agents. The conference report makes available $635 million to address understaffing at our borders.

While this is a reduction from the amount provided by the Senate, it will provide for 500 new Border Patrol agents, 50 additional Immigration and Customs enforcement investigators, 168 detentions officers, as well as needed support staff and construction of additional detention space.

This is a good start toward meeting the goals of the Intelligence Reform and Terrorism Prevention Act, which authorizes the hiring of 2,000 new Border Patrol agents. That goal was developed in concert with the recommendations of the 9/11 Commission.

I look forward to working with my colleagues on the Homeland Security Appropriations Subcommittee to ensure that next year we continue to hire additional agents to secure our borders. Unfortunately, President Bush's budget for fiscal year 2006 only provides for 210 additional agents, which is simply not enough.

I would like to briefly comment on the military construction portion of this legislation. The House and Senate conferees included $1.128 billion to support military construction projects worldwide.

This includes $250 million for projects requested by the Army in Alaska, Colorado, Georgia, Kansas, New York, North Carolina, and Texas, to support Army modernization.

The bill also includes $647 million for the Army to support the global war on terror—$38.5 million for projects in Afghanistan, $40.4 million for a prison and security fence in Cuba, $479 million for projects in Iraq, and an additional $39 million for the design of these projects.

In addition, there is $140 million included in the bill to support the Marine Corps Force Structure Review Group to alleviate the overall stress on the Marine Corps produced by deployments related to the global war on terrorism. These projects are located in California, North Carolina, and Djibouti.

The bill includes $141 million to support Air Force projects in Central Command—$31 million for Afghanistan, $58 million for projects in Iraq, $1.4 million for the United Arab Emirates, $42.5 million for Uzbekistan, and an additional $8 million for the design of these projects.

Let me turn to an issue that is of particular importance to me and to my State—and that is preventing and fighting wildfires that have struck the West with increasing regularity and intensity in recent years.

As many of my colleagues know, southern California was hit this winter with unusually heavy rain storms that caused severe flooding—at this point it is the second wettest winter in Los Angeles since records have been kept.

These storms dumped 70 to 90 inches of rain in parts of southern California that include several national forests, causing flooding, debris flows, and mudslides which destroyed or damaged more than 90 percent of the roads in four National Forests: Angeles National Forest; Cleveland National Forest; Los Padres National Forest; and San Bernardino National Forest.

The conference report provides $24.39 million in capital improvement and maintenance funding to the Forest Service to repair those roads. This funding will make it possible to repair roads that are vital to firefighting efforts for thousands of acres in these forests.

We all know about the disastrous wildfires that burned in southern California in 2003. Fires burned 739,597 acres, destroyed 3,631 homes, and killed 24 people, according to the California Department of Forestry.

San Bernardino Forest Supervisor Gene Zimmerman told my staff that he has never seen the grass grow as high as it has this year, and it is starting to turn brown—which means it could burn later this year.

Here is the biggest difference from 2003: right now, firefighters cannot get in to the forests to contain fires. The Forest Service estimates that 2.3 million acres of National Forest System lands are inaccessible to ground-based fire vehicles.

The Forest Service tells me that they need to begin work immediately on roads to allow access for the 2005 fire season. They already have contractors working and will add to their contracts as funding is available. They have done the necessary damage assessments to enable immediate start up of work.

With the $24 million in this conference report, the Forest Service can open the majority of roads to accommodate fire apparatus by July and August, which is still the early part of this year's fire season.

I thank Chairman COCHRAN, Senator BYRD, Interior Subcommittee Chairman BURNS and Senator DORGAN, as well as their able staffs for helping to secure this funding in the Senate bill.

I also thank House Chairman LEWIS for working with us in the conference committee on an issue that is crucial to preventing a repeat of the devastating fires our State suffered in 2003.

I want to briefly highlight one last issue that is important to me, and I believe to the prospects for peace in the Middle East.

This conference report includes a provision that I offered to provide legal authority for a Federal agency, the Overseas Private Investment Corporation, OPIC, to receive $10 million to help bolster economic and infrastructure development in the Gaza Strip.

OPIC is combining forces with private organizations to build a $250 million loan fund that would be aimed at microfinance, small business, corporate and mortgage lending to deserving businesses, firms and entities in the Gaza Strip and West Bank.

A meeting is being held this coming week in London among the various loan fund participants to continue sorting out appropriate financial and legal mechanisms for distributing these funds.

As the group moves forward, this $10 million subsidy will play a crucial role in extending OPIC political risk guarantees for loans to deserving Palestinian business recipients and I was pleased to assist in this process.

On a larger scale, as we begin the process of Gaza disengagement, we need to help provide the Palestinians with real economic hope—not continued frustration about the lack of jobs and exports.

The lack of agreed mechanisms to coordinate disengagement, developing an agreed concept on how Palestinian security forces will take over areas evacuated by Israeli defense forces, and permitting greater freedom of movement, between Gaza and the West Bank, to assist with rehabilitation efforts are just a few areas of concern.

I hope the $150 million provided by this conference report will contribute to framing key security and economic arrangements that allow Gaza disengagement to occur peacefully and not violently.

Although I am troubled by the inclusion of the REAL ID Act in this bill, the bottom line is that it provides necessary funding to our troops in Iraq and Afghanistan, as well as relief to countries struck by the Tsunami in the Indian Ocean and disasters here at home. It may not be perfect, but it gives vital financial support to those who badly need it.

Mrs. BOXER. Mr. President, I will vote in favor of the fiscal year 2005 Emergency Supplemental Appropriations conference report. This conference report contains important funding that gives our troops in Afghanistan and Iraq the equipment and support they need. It also provides additional resources to help train new Iraqi security forces that will help speed the return of our servicemen and women.

In March, I traveled to Iraq to witness firsthand our military operations. There is no doubt that the insurgency is strong and that our continuing presence in Iraq, without even a goal for leaving, is fueling it.

Therefore, our troops are in grave danger every day, as evidenced by the tragic number of dead and wounded. Since the beginning of the Iraq War, we have suffered more than 1,600 deaths and more than 12,000 wounded.

My trip to Iraq confirmed my fears that not enough is being done to protect our soldiers from the threat of roadside bombs. Roadside bombs are one of the leading causes of death in Iraq and are responsible for 70 percent of those personnel killed or wounded. That is why I am glad that the conference report provides $60 million to rapidly field electronic jammers that help prevent the detonation of roadside bombs. This is consistent with the Boxer amendment that was adopted on the floor during the Senate's consideration of the bill.

I am also pleased that the conference report provides $150 million in additional funding for up-armored Humvees. While this is not as much as provided by the Bayh amendment, it is still a step in the right direction.

I will vote for this conference report, but I do so with serious reservations about the lack of an exit strategy in Iraq and with additional reservations about the way the REAL ID Act was attached to this legislation.

The REAL ID Act contains sweeping changes to our immigration laws. These provisions were not included in the President's supplemental appropriations request, nor were they included in the Senate version of the bill that was approved last month.

But at the insistence of the Republican leadership in the House, this legislation was attached to the House version of the emergency supplemental bill and then rammed through conference without the participation of Democrats. The REAL ID Act will become law without discussion or debate in the Senate.

The REAL ID Act contains a provision that would require states to collect documents proving the date of birth, social security number, principal address, and lawful immigration status for any applicant seeking a driver's license or identification card that would be recognized by the Federal government. States would be required to keep these documents on hand for a minimum of 7 years, maintain this information on a database, and allow electronic access to all other states.

States are understandably concerned that they do not have the capability to meet this mandate. Privacy concerns have also been raised.

Unfortunately, we have not had the ability to fully investigate the privacy implications and other issues related to this provision. My State of California has worked for 3 years trying to find a workable solution to this issue. But in the Senate, the REAL ID Act did not even warrant a hearing. This is why the National Governors Association, the National Council of State Legislatures, and the American Association of Motor Vehicle Administrators all oppose this legislation.

The REAL ID Act also contains a troubling provision that allows the Secretary of Homeland Security to waive all legal requirements—including environmental laws—in order to build security fences along U.S. borders. Security fences can be built without waiving environmental laws.

So, while I will vote for this bill because it helps our brave and courageous troops, I am deeply distressed at the way Democrats were left out of all the immigration discussions.

Mr. LEAHY. Mr. President, I am dismayed that nearly all of the provisions of the REAL ID Act have been included in this conference report after closed-door negotiations between House and Senate Republicans. Democratic conferees were excluded from these negotiations. Indeed, my staff specifically asked the conferees for the majority to be included in negotiations on these far-reaching provisions—which have never received Judiciary Committee consideration—but our request was ignored.

I oppose the inclusion of these provisions for a number of reasons. First and foremost, this is not the way we should be legislating comprehensive changes to our immigration laws. The Judiciary Committee never considered them. The Senate never voted on them when the supplemental appropriations bill was being debated. Indeed, Senator ISAKSON offered an amendment that included the text of REAL ID but then withdrew it, reportedly under pressure from his own leadership. Many of us believed the Senate would vote down the Isakson amendment, especially considering that six Republican Senators had joined six Democratic Senators in writing to the majority leader to oppose including REAL ID in the supplemental appropriations bill.

Second, I am concerned that the REAL ID Act will cause great hardship for asylum seekers. In the guise of preventing terrorists from obtaining asylum—which is forbidden under current law—this conference report raises the standard of proof for all asylum seekers. The REAL ID Act's asylum provisions are opposed by a wide variety of religious organizations from across the political spectrum, as well as advocates for refugees and asylees. The United States Conference of Catholic Bishops has said that the asylum provisions in REAL ID would ''eviscerate the protection of asylum, thus preventing victims of persecution from receiving safe haven in the United States.''

Third, this conference report includes the REAL ID Act's breathtaking waiver of Federal law. The Secretary of Homeland Security will now be empowered to waive any and all laws that may get in the way of the construction of fences or barriers at any United States border. The Secretary already has broad authority in this area, and to further increase it demonstrates a lack of concern both with environmental protection and the rule of law.

Fourth, the conference report repeals the minimum Federal standards for driver's licenses that Congress passed only last December in the intelligence reform bill, in response to the recommendations of the 9/11 Commission. The Bush administration said that it preferred the approach taken in the conference report to the approach favored by the House, which is contained in the REAL ID Act. The House approach, now included in this conference report, replaces the newly enacted minimum standards with Federal mandates that I fear will be unworkable. The administration and the States have already devoted substantial energy to implementing the existing standards, and this conference report may represent a step backwards in our security.

These new provisions will endanger the lives of victims of domestic violence, including U.S. citizens. Many States currently allow victims of abuse—who frequently are hiding from their abusers—to obtain driver's licenses that do not list their address. This conference report will require all licenses to bear the recipient's address; unfortunately, it contains no exception for victims of domestic abuse or stalking. If a victim of domestic abuse or stalking is forced to disclose her physical residence in order to get a Federally-approved driver's license, she risks the possibility that she and her children will be tracked down by their abuser. For women and children fleeing domestic abuse or stalking, the option to use an alternate address is not a matter of convenience or preference; it can be a matter of life or death. We must fix this residential address requirement when we reauthorize the Violence Against Women Act later this year by creating an exemption for victims of domestic abuse or stalking.

Fifth, the conference report would eliminate habeas corpus review for

aliens who have received removal orders. We have not taken such a step in this country for more than a century, but we are taking it now, without the Senate even considering the measure.

Overall, the REAL ID provisions in this conference report need a much wider airing and consideration before enactment. Unfortunately, Republican conferees agreed to exclude the Democrats from consideration of these proposals and a group of Senate and House appropriators have agreed to change our immigration laws in profound ways.

On a much more favorable note, I am pleased that the conference report included, with minor modifications, the Senate-passed provision to provide relief to the small and seasonal businesses across our nation that rely on temporary foreign workers who come here on H–2B visas. I cosponsored the Senate amendment, offered by Senator MIKULSKI, to make additional visas available for aliens who wish to perform seasonal work in the United States. For the second year in a row, the statutory cap on such H–2B visas was met before businesses that need additional summer employees were even eligible to apply for visas. This has hurt businesses across the country, and this amendment will provide needed relief.

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

Indeed, a wide range of industries use these visas in other States. I imagine that nearly all Senators have heard from a constituent who has been harmed by the sudden shortage of H–2B visas, and fear that they will go out of business if Congress does not act to make more visas available.

The conference report does not raise the cap on the program, but rather allows those who had entered the U.S. in previous years through the H–2B program to return. These are, by definition, people who came to the U.S. legally and returned to their own countries as the law requires. The amendment also addresses the concerns some members have expressed about fraud.

I have been working to solve this crisis for more than a year. I joined last year with a substantial bipartisan coalition in introducing S.2252, the Save Summer Act of 2004. Senator KENNEDY was the lead sponsor of the bill, which had 18 cosponsors, including 8 Republicans. The bill would have added 40,000 visas for the current fiscal year, providing relief to those summer-oriented businesses that had never even had the opportunity to apply for visas. Unfortunately, that bill was opposed by a number of Republican Senators and never received a vote. Our constituents suffered the consequences, and I am gratified that we are prepared to provide relief.

Mr. JOHNSON. Mr. President, thousands of men and women are proudly serving in Iraq and Afghanistan. While the majority will return home to their loved ones, more than 1,700 have paid the ultimate sacrifice to their country, and nearly 13,000 have been wounded in action. Even after Iraq's historic elections in January, violence continues on a daily basis with no end in sight to the insurgency.

Today, the Senate is preparing to approve another massive supplemental appropriations request from the Bush administration to fund ongoing operations in Iraq and Afghanistan. The most recent request of $82 billion makes it the second largest supplemental appropriations measure Congress has ever passed and brings the total amount of appropriated funds to $275 billion.

I support this supplemental request because I firmly believe that Congress has an obligation to provide our troops with all the resources they need to complete their mission. While I am deeply troubled by the Bush administration's continued practice of funding our efforts in Iraq and Afghanistan through supplemental appropriations requests rather than the normal annual appropriations process, the bill contains too many important resources for our troops not to support it.

This bill includes additional funding above the President's request for essential items such as up-armored Army Humvees, add-on vehicle armor kits, night vision equipment, and radio jammers that disrupt remote-controlled bombs used by Iraqi insurgents. In addition, Congress recognizes the extraordinary sacrifices our soldiers are making in defense of freedom by increasing the amount of life insurance servicemembers can purchase, as well as the one-time death gratuity a soldier's surviving family members receives.

Having said that, I have deep concerns about this most recent supplemental request. For over 2 years, American soldiers have been shouldering most of the peace-keeping burden in Iraq. While no one dismisses the contributions being made by coalition members, once again, I ask President Bush to reach out to our allies so that our efforts in Iraq are truly an international effort. The entire world has much to gain by a secure and peaceful Iraq, and other nations should do their fair share because we ask even more of our brave men and women in uniform.

While I am supportive of quick action on funding for U.S. troops, I must express my strong opposition to the way the Republican leadership is forcing approval of far-reaching driver license legislation as part of this bill. There has been no real opportunity for debate of the ''REAL ID'' amendment. Its inclusion in this must-pass bill subverts the work of the Regulatory Negotiation Advisory Committee that was established in last year's intelligence overhaul bill to provide a thoughtful and carefully crafted approach to driver's license legislation. Because we are now faced with a conference report on emergency funding, no further amendments will be permitted and Senators must vote yes or no on the entire package.

The REAL ID amendment will saddle the States with a $500 million unfunded mandate over the next 5 years, while at the same time, complicating the issuing and re-issuing of drivers licenses. State employees will be required to assume the duties of the Federal Immigration and Naturalization Service at a time when States are already reeling from Federal cuts in Medicaid, education, and community development funding. With no opportunity for amendments or expert testimony, Congress is being required to establish what amounts to a national ID card. While the goal of establishing more secure driver's licenses in the post-9/11 world is vitally important, it should be the responsibility of the Advisory Committee. Forcing this ill-considered amendment past Congress on the back of an unrelated bill that provides needed funds for our troops is wrong and a disservice to the American people.

I am uncomfortable conducting Senate business in this manner, particularly when it comes to issues that affect the security of our personal identity. These provisions were attached to a vital appropriations bill before authorizing Senate committees of jurisdiction had an opportunity to properly scrutinize the content, conduct hearings, and pose questions to administration officials and other interested individuals. Even more astounding, Democrats were not included in negotiations to determine the immigration provisions of this bill.

On matters as important as immigration reform and homeland security, it is misguided and short-sighted to pass legislation in this ad hoc fashion. Forcing Senators to support funding for our troops by voting in favor of legislation they may oppose is not in the best interest of our country.

I have deep reservations about some of the provisions included in this bill, and I hope they can be reconsidered as measures apart from this supplemental bill. However, I will vote in favor of providing additional funds for our troops. Our first priority must be to ensure our troops have the necessary tools to finish their mission in Iraq and Afghanistan as swiftly and as safely as possible.

Ms. SNOWE. Mr. President, I rise today to address the provisions of the conference report to H.R. 1268, the Iraq and Afghanistan Emergency Supplemental Appropriations Act, concerning

small business contracting at the Department of Energy.

As chair of the Senate Committee on Small Business and Entrepreneurship, I am concerned that, although the conference report did not contain a substantive change to the Small Business Act's prime contracts goaling requirements, it does contain a provision addressing small business contracting. I remain deeply disappointed that H.R. 1268, an emergency appropriations measure, includes targeted language dealing with the Department of Energy's small business contracting. Numerous groups and individuals, including the SBA Administrator and the SBA Chief Counsel for Advocacy, wrote to Congress in opposition to substantive changes to small business prime contracting goals.

As a result of inclusion of this provision, the Congressional small business committees prepared a joint statement to be submitted in both the House and the Senate. Chairman MANZULLO of the House Small Business already filed this Statement in the House prior to the vote on the conference report for H.R. 1268. I ask unanimous consent to have printed in the RECORD the following statement.

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

JOINT STATEMENT CONCERNING SMALL BUSINESS CONTRACTING PROVISIONS IN H.R. 1268

(by Senator Olympia J. Snowe, Chair of the Senate Committee on Small Business and Entrepreneurship, and Congressman Donald R. Manzullo, Chairman, House Committee on Small Business)

Section 6022 of H.R. 1268, as adopted in the Conference Report, H. Rep. 109–72, contains certain provisions concerning small business contracting at the Department of Energy. These provisions were inserted as a substitute for Section 6023 of the Senate version of H.R. 1268. Section 6023, among other things sought to amend the Small Business Act to authorize counting of small business subcontracts at the Department of Energy's large prime contractors for purposes of reporting small business prime contracting results. Because the substitute language was not adopted by Congress through regular legislative proceedings in the Senate Committee on Small Business and Entrepreneurship and the House Committee on Small Business but was adopted anew during the House-Senate conference, the committees of jurisdiction take this opportunity to provide guidance generally provided through their reports to Senators and Representatives prior to their vote on the Conference Report, and to affected Federal agencies prior to their implementation of the Conference Report if adopted.

In subsections 6022 (a) and (b), the language chosen to replace Section 6023 in the Conference Report directs the Department of Energy and the Small Business Administration to enter into a Memorandum of Understanding for reporting small business prime contracts and subcontracts at the Department of Energy. This replacement language does not change the Small Business Act's clear distinction between prime contracts and subcontracts, does not amend the statutory small business prime contracting goal requirements which are binding on the Department of Energy, and does not obviate Congressional and regulatory policies against contract bundling. This language does not repeal the President's Executive Order 13360 directing the Department of Energy to comply with its separate statutory prime contracting and subcontracting goals for awards to small businesses owned by service-disabled veterans. Any interpretation to the contrary would be unreasonable and contrary to Congressional intent.

In subsection 6022(c), the replacement language mandates a study of changes to management prime contracts at the Department of Energy to encourage small business prime contracting opportunities. The object of the study is to examine the feasibility of establishing a procurement agency relationship between the management prime contractors and the Department of Energy in accordance with the requirements of Federal procurement laws, Federal procurement regulations, the ''Federal norm'' of government contracting as recognized by the Comptroller General, and applicable judicial precedent such as U.S. West Communications, Inc. v. United States, 940 F.2d 622 (Fed. Cir. 1991).

Finally, in subsection 6022(d), the replacement language imposes certain requirements upon the Department of Energy concerning break-outs of services from large prime contracts for awards to small businesses. First, the Secretary of Energy is required to consider whether services performed have been previously provided by a small business concern. This requirement is for acquisition planning purposes only, and shall not be construed as imposing a restriction of any kind on the ability of the Department of Energy to break out its large prime contracts for award to small businesses. Congress recognizes that most of work currently contracted by the Department of Energy to its large prime contractors has never been historically performed by small businesses. However, this does not waive the application of the Small Business Act, the President's Executive Order 13360, or the President's initiative against contract bundling to the Department of Energy. Second, the Secretary of Energy is required to consider whether small business concerns are capable of performing under the contracts which are broken out for award. This requirement is simply a restatement of current statutory and regulatory requirements on contractor responsibility. Subsection (d)(2) directs the Secretary of Energy is required to—impose certain subcontracting requirements. As the text plainly indicates, this provision applies solely to small business prime contracts which were formerly small business subcontracts for services.

Mr. GREGG. Mr. President, I rise to discuss a few of my thoughts regarding the Iraq/Afghanistan supplemental appropriations bill that the Senate is expected to pass today. In particular, I wanted to discuss the bill's important provisions that would improve the H–2B visa program and provide timely relief for seasonal businesses in my State and across the country.

First, let me express my appreciation to my dear friend from Maryland, Senator MIKULSKI, who has been a tireless fighter for the seasonal employers in her State. She and I have worked together on this issue for several months, and I was proud to be the lead cosponsor of S. 352, the ''Save Our Small and Seasonal Businesses Act of 2005.'' Our offices worked closely to draft this legislation, which was incorporated into the Iraq/Afghanistan supplemental appropriations bill when the Senate overwhelmingly approved Senator MIKULSKI's H–2B amendment on April 19, 2005 by a vote of 94–6. I am pleased that this legislation was also accepted in conference and will soon become law.

With the summer season soon upon us, I believe that the H–2B problem needs timely relief that is fair to all seasonal employers, and the Save Our Small and Seasonal Businesses Act will do exactly this. As most of us know, the 66,000 cap on H–2B visas was reached in early January; therefore, shutting out businesses that rely on H–2B workers in the spring and summer months. This seasonal inequity is unjustifiable, and therefore I am pleased that the H–2B provisions before us will divide the 66,000 cap so that 33,000 visas will be available for the first half of the fiscal year and the other 33,000 visas will be available for the second half of the fiscal year.

To provide timely and meaningful relief, the Save Our Small and Seasonal Businesses Act will also temporarily exempt returning H–2B workers from the statutory cap. For fiscal years 2005 and 2006, H–2B workers who had worked in the U.S. under an H–2B visa during the past three fiscal years will qualify for this exemption and will not be counted against the cap. Since the cap has already been hit for fiscal year 2005, the H–2B provisions in the supplemental appropriations bill will establish a ''look back''—namely, they allow the Department of Homeland Security to estimate how many of the H–2B visas already issued for this fiscal year were given to returning workers. This is necessary to ensure that the Department can swiftly apply the exemption for fiscal year 2005 and free up visas under the cap for new H–2B workers for this summer season.

In addition, the Save Our Small and Seasonal Businesses Act will allow the Department of Homeland Security to waive the Administrative Procedure Act to avoid having to issue rules and go through other hurdles to implement the H–2B provisions before us. This is intended to give the Department the ability to swiftly accept H–2B petitions and implement the Save Our Small and Seasonal Businesses Act in a timely manner so that businesses can employ H–2B workers this summer.

As I stated earlier, I am pleased that Congress has finally acted to improve the H–2B program and provide timely relief for small and seasonal businesses. In my State, the H–2B program is of special concern to the tourist and logging industries, which are both important to the New Hampshire economy. For instance, in 2004 alone, New Hampshire's tourism industry generated $4 billion in revenues and nearly $140 million in rooms and meals taxes, which makes up about 25 percent of the State's total revenue stream. For a number of seasonal employers in my State, the short-term hiring needs and the nature of their businesses make it extremely difficult, if not impossible, to fully staff their positions with U.S. workers. H–2B workers therefore are

the only lawful option to fulfill labor shortages when U.S. workers are not available.

The Save Our Small and Seasonal Businesses Act will help ensure that these seasonal employers can stay in business and use a program that has safeguards for U.S. workers. Moreover, as we try to reign in illegal immigration and bolster respect for our laws, I believe that Congress has shown wise judgment by passing this legislation. In addition to strengthening anti-fraud protections, these H–2B reforms will reward employers that follow the rules and will encourage the lawful hiring of temporary workers instead of the hiring of illegal aliens.

Some provisions of the Save Our Small and Seasonal Businesses Act are only temporary in nature and are intended to be a short-term fix. I recognize that significantly more work must be done to improve our immigration policies over the long term, including our guest worker programs. We can no longer accept having immigration laws that fail to bring about order along our borders and other points of entry or are ignored altogether. As such, Congress must re-double its efforts to pass comprehensive immigration reform legislation, and I look forward to working with my colleagues on this long needed effort.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank Chairman COCHRAN for his leadership on this important bill for our country, as well as ranking member BYRD.

I rise in support of H.R. 1268. I support it because it is a symbol of our compact with our troops and their families. I support it because it sends a signal of hope to other emerging democracies. And I support it despite some baffling decisions taken in the conference committee to strike key proposals to support our troops and their families.

Insurgent attacks in Iraq are on the rise. There were 45 per day in March, 60 per day in April, and the rate of attacks this month is topping that number. While down from the highs of the preelection violence, this spike does not suggest a weakened or retreating insurgency. Instead, it suggests a greater urgency is needed for even greater support for our troops.

Last month the Washington Post quoted an unnamed American official in our embassy in Baghdad as saying:

> My strong sense is that a lot of political momentum that was generated out of the successful election, which was sort of like a punch in the gut to the insurgents, has worn off.

In Colorado, we have seen Army units mobilizing for their second and third tours in Iraq; this nearly 2 years after we were assured that the mission there had been accomplished. So it is time that we get this assistance to our troops and to their families.

This bill includes $75.9 billion for the Department of Defense and an additional $450 million for increased border security. Those efforts cannot wait any longer. After having been needlessly delayed by the inclusion of extraneous provisions in the House of Representatives, we need to put these investments to work.

We also need to put the resources to work that are called for in this legislation beyond Iraq. That is why it is so important that the conference committee include the $5 million downpayment on America's investment in a strong and independent and democratic Lebanon, free from interference from Syria. We all remember the courageous protests in the streets of Beirut earlier this year. Yet despite this brave show of support for freedom, the President's supplemental included no funding for strengthening democracy in Lebanon. That would have been a missed opportunity, and I am delighted that the conference committee kept this funding in the conference report.

At the same time, we need to ensure that the enormous investment our taxpayers are making in this bill is invested carefully. We were all painfully familiar with the reports from Iraq of security personnel that received training only to turn and run when confronted with insurgents, or even the instances where personnel we paid to train turned their weapons on our own troops.

That is why I am so pleased the conference report includes the amendment I included during our debate in the Senate regarding the hundreds of millions of dollars we are investing in Afghan security forces. Like our successful efforts to invest increased resources in Colorado police officers when I served as Colorado State attorney general, my amendment simply says that we are prepared to pay to train Afghan forces, provided they are prepared to accept greater accountability and standards of excellence. That is the least the American people should expect, and I commend the conference committee for adopting that amendment.

I also want to comment on inadequacies that I see in the conference report. As a new Member of the Senate, I have to express my surprise at the partisan nature of the conference committee report itself. This is a shame because the rest of the country does not see supporting our troops as a partisan issue. It seems to me that in a time of war, we can do better than a conference committee that meets purely on partisan lines, better than a conference committee that cuts out proposals that passed this Chamber with overwhelming majorities, and better than a conference committee that inserts a proposal to overturn decades of American asylum policy, a policy that protects the world's most vulnerable people, even though a Senate committee has never reviewed that policy.

The conference report provides an increase in the fallen hero compensation to $100,000 for all combat-related deaths, similar to language proposed in the Senate committee. Regrettably, it omits the Kerry amendment, which I cosponsored and which was adopted by an overwhelming bipartisan majority of this body, that would have assured that all the families in the military who have died since 9/11 would be eligible to receive $100,000 in fallen hero compensation. Similarly, just as insurgent attacks began to spike, this conference report also omits much of the additional funding for up-armored humvees, overwhelmingly passed in the form of an amendment sponsored by Senator BAYH.

As we see more and more reservists and guards men and women deployed to Iraq, the conference report omits protections for these patriots and their families.

The amendment would have ensured that Federal employees who have been activated in the Guard or Reserves do not suffer any loss in salary as a result of their willingness to take on this patriotic assignment. I do not understand why the conference deleted the payment protections afforded these families by the Durbin amendment.

While the conference committee could not protect these important provisions for our troops and their families, somehow this conference, led by Members of the House of Representatives, did find time to include within this wartime supplemental a huge proposal that has never received a hearing in the Senate.

I will say this about the so-called REAL ID Act included in this bill: It does nothing to address the calls of many Coloradans for serious border strengthening.

It will not reduce the flow of undocumented immigrants who come to the United States. Instead, it will heap an unfunded mandate on the States, passing onto the States our duty to protect our borders. At the same time, it denies protection to refugees who come to this country seeking freedom from religious and political persecution.

Let's be clear what those protections are for. They are for the world's most vulnerable people who come to this country seeking freedom and safety from persecution. They include Christians fleeing persecution in Egypt, democracy activists fleeing violence in West Africa, and women fleeing abuse in Somalia. While the issue of immigration is an issue that necessarily deserves attention in our Nation's Capitol today, this is not the way to go.

Mr. President, it is time that we get the funding contemplated in this legislation to our troops. It has been delayed long enough. I intend to vote for it, and I hope my colleagues will do the same.

I yield the floor.

Mr. COCHRAN. Mr. President, I am pleased to see that Senators have endorsed the conference report in a bipartisan way. We appreciate the support that this is receiving. In every conference, there are always issues that

arise that cannot be resolved to suit all Senators or all Members of the other body. But I must say to the Senate that this was a conference that was open, fair, and it allowed for the participation of all conferees, both parties in the Senate, and the same with the House. We had two sessions; one was in the Capitol over on the House side and another was on the Senate side in the Mansfield Room, where any Senator or any Member from the House who wanted to speak before the conference had the right to do so. In addition, Members had the opportunity to offer motions, amendments, or suggestions for the benefit of members of the conference.

I was very pleased to acknowledge, at the time, the important participation of the ranking member on the Democratic side in the Senate committee, Senator BYRD, who took an active role in the discussions, who offered a motion at one point to insist upon the position of the Senate in the conference. Other members could have done the same or argued against including any provision of the House-passed bill.

There has been some discussion today about the REAL ID provision. I didn't think that was a wonderful idea myself. It was not included in the Senate bill. It was a House provision. But the House Members insisted that it be included in the conference report. Anyone who wanted to resist that had an opportunity to argue against it or to offer a motion that the Senate insist upon its position that it not be included. No Senator elected to do that.

I didn't know how many meetings were going to be required of the conference. I had no idea what the House would do in terms of insisting on provisions in this bill as that conference began. I was, frankly, surprised that we didn't have but two meetings of the conference. I expected that we would have other meetings. But the House didn't think it was important or necessary, and I got the impression that there were going to be no more meetings but only after the second meeting had concluded. Members of the committee continued to discuss issues with House conferees, and we finally reached agreement.

I think this is a good conference report. It is a reasonable compromise between the two bills that were passed by the House and the Senate. We didn't get everything we wanted in the conference with the House; neither did the House get everything they wanted in conference with our Senate conferees. But I think this is a fair conference report. It reflects a commitment to support the President, to provide funding that is needed for military operations in Iraq and Afghanistan. It is an urgent supplemental bill, and it ought to be passed today by the Senate. I am confident that it will be.

I appreciate very much the assistance and the affirmative way members of our conference worked to ensure that we could get a conference report that would be adopted by the Senate. I think we have accomplished that goal.

I am proud of the work that was done by the members of our staffs. They worked very, very hard in the preparation of the conference report that is before the Senate today. I especially want to thank our staff director, Keith Kennedy; Terry Sauvain, his counterpart on the Democratic side; Chuck Keiffer on the Democratic side, who also worked very hard; Charlie Houy, who has been a stalwart member of the staff of the Defense Appropriations Subcommittee for many years; Rebecca Davies on the Homeland Security Appropriations Committee; Sid Ashworth, the clerk of the Defense Appropriations Subcommittee. Senator STEVENS, chairman of that subcommittee and former chairman of the full committee, was enormously influential in this conference. I have been very grateful for his support and assistance. I also thank Clayton Heil, counsel to our Senate Committee on Appropriations, who has been very helpful as well. And there are others.

Mr. President, I appreciate the assistance of other Senators on the full Committee on Appropriations. We had strong support in the signing of the conference report. It has been a bipartisan achievement. It is not a partisan bill, and we appreciate the fact that it is not.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time under the quorum be charged equally to each side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Mr. President, in a time of war, nothing is more important than making sure that our fighting men and women have what they need to do their jobs well. It is with our troops in mind that I will vote in favor of this supplemental appropriations conference report.

Having said that, I do have some major concerns about how this bill has been put together and how the Congress has conducted its business with respect to such emergency spending requests over the past several years.

Thousands of brave Americans have been serving our country in war zones since shortly after that fateful day of September 11, 2001. But 4 years later, the President and those of us in this Congress continue to refuse to budget for these wartime expenses. Rather than incorporating the costs of the operations in Iraq and Afghanistan in the budget, these important expenditures continue to be tagged as ''emergency spending.'' Emergency spending should be reserved, in my view, for unforeseen needs.

We know, however, that the need for additional funding for our campaigns in Iraq and Afghanistan is something we should expect and be able to budget for. Unfortunately, this is not new for this Congress or for the Bush administration. This is, I believe, the fourth consecutive time that funding for military operations in Iraq and in Afghanistan have been requested outside the regular budgeting and appropriations process.

By not taking into consideration the costs of these supplemental requests, which we all know are coming, the President and the Congress can more easily fudge the true nature of our Federal deficits and what our spending assumptions will be over the foreseeable future. In other words, by keeping the spending out of the budget, the President and this Congress can paint a fiscal picture that is, frankly, rosier than reality.

Contrast, if you will, what we are doing today with what we did during the Vietnam conflict, the conflict I served in and I know others of us did as well. After one supplemental appropriations in 1966, President Johnson and later President Nixon included the cost of our military operations in Vietnam in their annual budget requests, not in emergency supplemental after emergency supplemental. They requested them in their annual budget request. That approach was the right approach. Whether people approved of the war in Vietnam and our involvement there, at least the approach of budgeting for it was appropriate. I believe we owe it to the American people, who are very aware of the cost and nature of our operations, to be upfront about the true state of our country's finances.

To make a second point, there have been times in the last several years when the House has passed a bill, the Senate has passed a bill, we convene a conference committee, and the House and Senate, Democrats and Republicans, have a full and open opportunity to participate in that conference committee.

Concerns have been raised. I think the chairman of this committee is, quite frankly, as fairminded a person as I know. It is a real joy to serve with him. I have said it to him privately and I will say it to him publicly. But I have heard reports back from those who felt they did not have opportunity extended to them to actually offer amendments in committee that they felt they had been assured they would have a chance to offer. That is a matter of concern to me and I think it would be if the shoe were on the other foot.

Third subject, REAL ID. There was an amendment I alluded to offered by Senator DURBIN that passed the Senate. It passed the Senate 99 to 0. The amendment would have helped to compensate Federal employees who were called to active duty who were making more money as a Federal employee than they were after they had been activated to active duty. We passed by a

99-to-0 vote a provision that said we should make up the shortfall in those instances. That particular amendment that was passed by a 99-to-0 vote was left out of the conference report. I know other items were never considered by the Senate. A prime example of that is the controversial REAL ID proposal somehow did find its way into the legislation. As I recall, we never had a chance on the Senate floor to even discuss the REAL ID issue. It was not part of our supplemental bill. Yet when the final bill comes up, we are looking at 55 pages of new immigration law that this body has never debated and which was inserted at the behest of the House Republican leadership.

I have a serious concern about whether these immigration provisions make sense. I know some feel they do, but I have some real concerns. The REAL ID Act, for example, would repeal the driver's license standards framework we created last year in the Intelligence Reform Act, which is based on the recommendations made unanimously by the 9/11 Commission. In place of the 9/11 Commission framework, REAL ID would create an entirely new and expensive Federal standard for the issuance of driver's licenses but provide no funding to my State, Mississippi, South Carolina, or any other State, for that matter. As a former Governor, I believe such unfunded mandates should not be considered lightly.

Furthermore, I have heard from a number of constituents in my own State who are concerned that the bill would make it more difficult for those fleeing religious persecution to gain asylum, while allowing the Secretary of Homeland Security to waive all laws in order to build a fence along our borders.

In this post-9/11 world we know it is vital to ensure security not only along our borders but also within our Nation. However, instead of thoroughly considering homeland security and immigration reform measures, the House has hastily tacked on legislation that could have potential negative consequences for the Latino and other immigrant communities in my State and across our country. I think we should have had a proper debate to ensure that this legislation would actually protect our Nation and make us more secure.

The last thing I want to mention deals with Israel and the peace process there. I returned from that part of the world about 5 weeks ago, convinced there is an opening, a possibility, however difficult to achieve, that Israelis and Palestinians may find common ground; that the Palestinians finally have a chance to end up with a homeland of their own and to live side by side in a separate state, in a geographical area with the Israelis, who would have peaceful and secure borders and reasonable economic and diplomatic relations with their Arab neighbors.

I came back and called Secretary Rice and said, we ought to be putting as much energy and time and attention into trying to forge a final compromise, a final peaceful resolution, in Israel. To the extent we can do that between the Palestinians and the Israelis, we would probably do more to reduce the ability of terrorists to raise money, to reduce the ability of terrorists to recruit new terrorists, to reduce their ability to convince people in some kind of unholy jihad to go out and blow themselves up and kill a lot of innocent people.

If the United States can somehow emerge from a peace process in the Middle East and Israel and be seen as the honest broker in helping the Israelis and the Palestinians get to a fair and peaceful permanent resolution, we would do more to set back the terrorists and end the war on terrorism, to make us safer in this country, to make people safer in Israel, in Palestinian-controlled areas, to make people safer in Iraq and Afghanistan as well.

When I was in Israel, I had the opportunity to travel to Ramallah. During that trip, we were behind a flatbed truck. As that truck went from Israeli-controlled territory into the West Bank, it had to go through a checkpoint. At the checkpoint, literally everything on the flatbed truck had to be removed and moved on to another flatbed truck in order to make sure there was not contraband, explosives or something there that would represent an endangerment to other people.

One of the best ways to ensure that terrorists still have plenty of places from which to recruit new terrorists in that part of the world is to ensure that the rate of unemployment in Palestinian-controlled areas remains at about 50 percent. It is in our interest, it is in the interest of the Israelis, it certainly is in the interest of Palestinians who want peace and a better life, for us to help bring down the rate of unemployment.

The way to do that is not to have trucks go from one part of that area to stop at a checkpoint and offload on to a new truck. There has to be a free flow of people and a free flow of goods, a free flow of commerce in that part of the world in order to help get the Palestinian economy up and on its feet and to bring down unemployment.

My parents used to say to me, an idle mind is the devil's workshop. Well, people who do not have anything to do with their time are also prime for being recruited as terrorists. To the extent we can help bring down the unemployment rate in the Palestinian communities, we also bring down the likelihood they are going to be recruited to become terrorists.

In the bill that passed the Senate, there is a provision for some $200 million to support Palestinian political, economic, and security reforms. As we have gone through the process in conference, roughly the same amount of money has emerged, and it is not going directly to the Palestinian Authority. A portion of that, maybe $50 million, will end up going to the Government of Israel as they try to create high-security checkpoints which would allow that truck I talked about earlier to go through a high-tech security checkpoint and not have to be offloaded. It would enable people to move freely who are trying to get a job or going to a job from Palestinian areas to Israeli areas or vice versa, without being impeded from doing that, or having to spend hours trying to get through a checkpoint.

At the same time, we have the ability through the technology of today to stop the terrorists. People who are carrying contraband or explosives or stuff that will enable them to hurt other people can be stopped at these checkpoints. There is money in this bill that would enable the Israelis to help build terminals, checkpoints for folks to pass through, Palestinians or Israelis, for that matter, to reduce the likelihood of terrorist incidents that will grow out of that movement of people, and to better ensure that goods and services in commerce can move about freely. So that is a good thing.

There are some who will quarrel with whether the money should have gone directly to the Palestinian Authority or whether it is more appropriate to go through other organizations that we call NGOs. I am not going to get into that argument.

I say to my friend from Mississippi, we may have a chance later on—maybe in the Foreign Affairs appropriations bill or the foreign operations bill—to come back and revisit this issue and decide whether, given the reforms that are being made in the Palestinian Authority through reduced corruption, to tamp down on terrorism within organizations such as Hamas, we may have the opportunity to come back and decide whether to allocate some additional money later this year to strengthen the position of President Abbas and to reward positive behavior on his behalf and that of other Palestinians.

So those are points I wanted to make. I am going to recap them again very briefly. First, the concern as we go forward for us to take as an example the budgeting approach used by earlier administrations, Democrat and Republican, President Johnson, President Nixon, at least in terms of funding the Vietnam war. After the first emergency supplemental appropriation, fiscal year 1966, they said we are going to make part of our regular budget request moneys to support that war effort. Again, we ought to do the same thing now going forward.

Second, I call on our Republican friends to remember the Golden Rule, to treat other people the way we want to be treated. As we go forward in these conference committees, to the extent we treat people fairly from our side, some day when we are in the majority—and some day we will be—more

likely we will end up with a situation where the minority, in that case the Republicans, will be treated fairly, too.

On REAL ID, it will be interesting to see what the States come up with in response to these unfunded mandates. I don't like unfunded mandates. I never liked them as a Governor. I don't like it now. Whenever we in Washington figure out that we ought to tell the States and local governments how to spend the money, we don't provide the money. We tell them how to raise the money, or not raise the money, but we do not provide an offset. That is a slippery slope. I think we are on that slippery slope with respect to this REAL ID provision.

Finally, on the Palestinian peace initiative, I think it is important to promote investments in the Palestinian areas to get their economy moving again, and it is important we help fund security measures that enable the free flow of commerce, of people and goods in and out of the Palestinian areas so they can reduce their unemployment rates and reduce the threats of terrorism.

With that having been said, I am going to stop here. 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. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. Mr. President, I want to speak as to how I am going to vote. Clearly, the necessity of funding for all of our troops requires a ''yes'' vote on this legislation. I gladly do that. I do want to express my concerns about this so-called REAL ID part that was put in in the dead of night, without the notification that was promised to the minority and without the informing of all the various Senators who were part of the conference committee. This is not the way we should be doing legislation. It ought to be in the full light of day. That is why they refer to making legislation is like making sausage—you don't know what all is in it.

With regard to this REAL ID Act, the concern that I have is that we are going to have an invasion of people's privacy without having carefully considered it through committee hearings and through full debate of the issue. For something that is as important to so many Americans as a driver's license, we are going to start on the road of the invasion of privacy. I do not think this is the way to establish what is, in effect, the first step for a national identification card. I don't think this is the way to do it, in the dead of night, by stealth and sleight of hand.

Second, I think Senators are going to get an earful if they are starting to get the rumblings that I am getting from constituents in my State. When most people find out they have to haul out a birth certificate when they go down to reestablish their driver's license, it is going to cause a great inconvenience, especially to the senior citizens of this country. I think Senators are going to get an earful.

Third, I am quite concerned about the implication that this is going to have on the rights and protections of minorities. Is this the beginning, portending certain discriminations because of minorities?

Obviously, this is a must-pass piece of legislation. It is funding the war effort. It is funding our troops. We are all going to vote for it, and we will pass it. But we should not have something that is so important to the privacy rights of Americans added to a bill like this in this secretive way.

I wanted my comments made very clearly on the record.

I yield the floor.

Mr. President, I have something else as long as we are in a holding pattern. What is the pleasure of the majority leader? Does he want to go on and call for the vote or does he want to have some more time before the vote, in which I will speak on another subject?

Mr. FRIST. Mr. President, I have not talked to the Democratic leader, but I think if we are about ready to vote, then what I might do is go ahead and do my statement in the interest of time, unless there is something just burning that the distinguished Senator from Florida has to say. I will go ahead and do my statement and then—if the Democratic leader is available?

Mr. NELSON of Florida. I will tell the Senator that I have something that is really burning because they are trying to drill for oil off the coast of Florida. But I am going to yield to the majority leader and to his wishes so he can expedite the process and the vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I apologize for Senators having to wait for me. I want to begin by saying I support this legislation. I commend the work of the managers of the bill, Senator COCHRAN and Senator BYRD. I understand how essential this bill is to our troops who are risking their lives and, of course, to the tsunami victims who are struggling to rebuild their lives.

The conference report, though, comes up short on two issues: Iraq and, of course, immigration—short of what the world rightly expects from the most free nation in the world, and short of what Americans should expect from their elected leaders is what is written all over this conference report.

Starting with Iraq, the Chairman of the Joint Chiefs of Staff recently said that the insurgency is as strong today as it was a year ago. The recent upsurge in violence and unrest in Iraq seems to bear out that remarkable and very troubling conclusion. Yet the administration acts as if the situation in Iraq is essentially under control and the remaining difficulties are Iraq's problems.

The unfortunate truth seems to be that more than 2 years after President Bush declared the end of major combat operations—remember ''mission accomplished''—Iraq has a limited capacity to defend itself or govern itself.

Even worse, the administration has no real plan to help Iraq acquire that capacity. As much as the President may want to dump Iraq's problems on the new Iraqi Government, his administration has a responsibility to our troops and the Iraqi people to help address these problems and to inform Congress how he plans to do so.

I would underscore that this supplemental appropriations bill should not have had to come before this body at this time. It should have been in our regular budget. This war is ongoing. There is no reason to do it in this way.

I have supported and the Senate passed an amendment crafted by Senators DURBIN, LEVIN, and KENNEDY requiring the administration to inform us of its efforts and plans for securing and stabilizing Iraq. Unfortunately, Republican conferees dropped the important amendment from the text of this bill.

As troubled as I am by the Republican majority's actions on Iraq, I am perhaps more disturbed by what they decided to do on immigration, and how they went about it.

Republicans tacked the so-called REAL ID immigration legislation onto this emergency supplemental that is to provide funding for our troops. REAL ID imposes dramatic new burdens on the States and substantially alters the immigration and asylum laws in ways that this Nation may soon come to regret the action taken by this body.

For the House to self-righteously say that on appropriations bills they will allow no authorizing legislation, people can always waive this REAL ID—this is the mother of all authorizing legislation on an appropriations bill.

This REAL ID Act makes reckless and unwise changes to our laws with respect to the environment, refugees, judicial review and, most of all, States rights. It is essentially anti-immigrant legislation couched in the language of antiterrorism. The Wall Street Journal, not the bastion of the so-called liberal press, said the changes made by REAL ID ''have long occupied the wish list of anti-immigration lawmakers and activists.'' That is the Wall Street Journal.

REAL ID will make it much more difficult for individuals fleeing persecution to seek asylum in the United States, will sharply reduce the ability of the Federal courts to rein in overzealous or ill-willed administration officials, and will give the Secretary of Homeland Security unprecedented authority to waive environmental and other laws.

REAL ID could compromise the privacy of American citizens, create long

lines at local DMVs, and make it harder for States and the Federal Government to keep track of who is in our country. In short, REAL ID may make us less rather than more safe.

As troubling as what the majority did on immigration is the way they went about it. Republicans tacked on REAL ID knowing full well immigration issues had nothing to do, as I have said before, with the underlying legislation and that REAL ID had never, ever been considered in the Senate, either in the Judiciary Committee, the committee of jurisdiction, I believe, or on the Senate floor.

Compounding matters, House and Senate Republican conferees went behind closed doors without Democrats and included a modified version of REAL ID.

What so troubles me is that the Republicans have the votes. They are in the majority. They had the majority in the conference. But they refused to have up-or-down votes so the public could see what they were doing. They had the ability to turn down every amendment we offered, but they were unwilling to do that.

They rejected a bipartisan plea to give REAL ID and other immigration issues the time and attention they deserved, and limited opportunities for opponents of REAL ID to offer motions to strike or change what they agreed to.

As a result of the Republicans' decision to incorporate REAL ID and their abuse of the process, most Democratic conferees either refused to sign the conference report or did so while taking strong exception to the REAL ID provision.

I am also disappointed about the White House's role in this matter. For years now, the administration has been talking about the need to reform immigration laws. Remember the big trip President Bush made, when he was first elected, to meet with President Fox in Mexico? They have been talking about the need for reform, so law-abiding, hard-working immigrants can find work in this country, help our economy grow, and support their families here and back, mostly, in Mexico. Since this legislation will hurt hundreds of thousands of the very people the administration professes to be concerned about, I would have expected the President to oppose it. Unfortunately, he chose not to do so.

The best thing we could do for our security would be to enact comprehensive and effective immigration reform so we can gain control once again over our borders and focus our limited resources on terrorists and criminals.

Senator FRIST has indicated he is willing to set aside time for a separate debate about immigration later this year, and I know he will follow through on that. That is what he said he would do. The Senate and the American people deserve time to consider this issue and time to revisit many of this legislation's most problematic provisions.

Finally, I think our ability to succeed in Iraq should have received much greater attention in this bill, and immigration should have been dealt with more thoughtfully and thoroughly in a subsequent legislative vehicle. Our troops and taxpayers are expecting solutions and leadership from the President and the Congress. The world is expecting this Nation to live up to some of the lofty immigration rhetoric espoused by the administration early on. I regret the majority acted in this fashion. I look forward to opportunities to revisit these unwise decisions.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, in a few minutes we will vote on the President's war and tsunami supplemental request. I take this opportunity to thank Chairman THAD COCHRAN, as well as Senator BYRD, for their leadership on behalf of our men and women in uniform. This is one of the first major appropriations for Senator COCHRAN under his chairmanship of the full committee, and I do congratulate him for a job superbly done. I also thank Senator STEVENS and Senator INOUYE. I am confident we have a bill that will shortly be overwhelmingly supported on both sides of the aisle.

The legislation before us is absolutely critical to winning the war on terror. It provides $75.9 billion in support of our troops who are out in the field in Iraq and Afghanistan courageously hunting down the enemy, helping rebuild these countries, and spreading freedom and democracy.

We are indebted to our soldiers, and this legislation reflects our deep commitment to their readiness, to their safety, to their families' well-being.

This weekend, U.S. troops launched a major counterinsurgency offensive in western Iraq near the Syrian border. This region has become an infamous smuggling route and sanctuary for foreign jihadists. So far, our troops have killed over 100 of the terrorists, and they continue to press the enemy back.

Meanwhile, this weekend, our military announced the capture of a top Zarqawi associate, Amar Zubaydi. He was apprehended in a raid on his home last Thursday. Zubaydi is an extremely dangerous man. He is believed responsible for multiple car bombings across Baghdad, as well as the attack on the Abu Ghraib prison last month which wounded 44 U.S. troops and 13 detainees. Authorities also discovered he was planning the assassination of a top Iraqi Government official.

The good news is he is now in custody where he can no longer wreak his havoc. Military sources tell us Zubaydi's capture has provided invaluable insights into the Zarqawi wing of the al-Qaida network.

This arrest, along with the capture of Ghassan Amin in late April and Abu Farraj al-Libbi in Pakistan last week, further tightens the noose. Indeed, we intercepted a note by one of their colleagues complaining of the group's low morale.

Osama bin Laden and al-Zarqawi will be brought to justice, just as Saddam and his henchmen now sit in prison. Our brave men and women in uniform and their colleagues across the U.S. Government are risking their lives and working hard every day to bring that moment ever closer.

I urge my fellow Senators to pass the supplemental swiftly so we can get this support to our military men and women in the field—and also, I should add, to the victims of the December tsunami tragedy. The war supplemental includes nearly $880 million in relief funds to help people in countries devastated by that deadly wave.

Furthermore, it includes nearly $630 million to increase security at our borders by hiring 500 new border agents and tightening our driver's license ID requirements.

America is leading the war on terror, and we are making great progress. As this supplemental appropriations demonstrates, we are a strong Nation, and we are a compassionate Nation.

I look forward to an overwhelmingly bipartisan vote on this critical legislation in a few moments. Our troops and our fellow citizens are depending on it.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FRIST. Mr. President, we yield back the time on our side.

Mr. CONRAD. Mr. President, I yield back our time as well.

The PRESIDING OFFICER. All time has expired.

The question is on adoption of the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—100

Akaka	Dayton	Lautenberg
Alexander	DeMint	Leahy
Allard	DeWine	Levin
Allen	Dodd	Lieberman
Baucus	Dole	Lincoln
Bayh	Domenici	Lott
Bennett	Dorgan	Lugar
Biden	Durbin	Martinez
Bingaman	Ensign	McCain
Bond	Enzi	McConnell
Boxer	Feingold	Mikulski
Brownback	Feinstein	Murkowski
Bunning	Frist	Murray
Burns	Graham	Nelson (FL)
Burr	Grassley	Nelson (NE)
Byrd	Gregg	Obama
Cantwell	Hagel	Pryor
Carper	Harkin	Reed
Chafee	Hatch	Reid
Chambliss	Hutchison	Roberts
Clinton	Inhofe	Rockefeller
Coburn	Inouye	Salazar
Cochran	Isakson	Santorum
Coleman	Jeffords	Sarbanes
Collins	Johnson	Schumer
Conrad	Kennedy	Sessions
Cornyn	Kerry	Shelby
Corzine	Kohl	Smith
Craig	Kyl	Snowe
Crapo	Landrieu	Specter

Stabenow	Thomas	Warner
Stevens	Thune	Wyden
Sununu	Vitter	
Talent	Voinovich	

The conference report was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. LOTT. 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 Mississippi is recognized.

CORRECTING THE ENROLLMENT OF H.R. 1268

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 31, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 31) to correct the enrollment of H.R. 1268.

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

Mr. COCHRAN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

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

The concurrent resolution (S. Con. Res. 31) was agreed to, as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 1268, an Act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, the Clerk of the House of Representatives is hereby authorized and directed to correct section 502 of title V of division B so that clause (ii) of section 106(d)(2)(B) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as amended by such section 502, reads as follows:

''(ii) MAXIMUM.—The total number of visas made available under paragraph (1) from unused visas from the fiscal years 2001 through 2004 may not exceed 50,000.''.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Pending:

Inhofe amendment No. 605, to provide a complete substitute.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SARBANES. Will the Senator yield?

Mr. SHELBY. I yield to my colleague from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent that I be permitted to follow the Senator from Alabama, after he completes his statement.

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

Mr. SHELBY. Mr. President, I rise tonight to speak in support of the Federal Public Transportation Act of 2005. We know it as the Transportation bill. This bill was marked up in the committee on Banking, Housing, and Urban Affairs on March 17 and reported out with a unanimous vote.

I am proud of this legislation which was crafted on a bipartisan basis with cooperation from the distinguished Senator from Maryland, Mr. SARBANES, the committee's ranking member and former chairman.

The Federal Public Transportation Act of 2005 provides record growth for public transportation. The funding authorized in this bill will provide for significant improvements to and expansion of the Nation's transportation infrastructure. I am pleased to be working with my colleagues, Chairman INHOFE from the Environment and Public Works Committee, and Chairman STEVENS from the Commerce, Science and Transportation Committee.

I want to thank my friends from the Finance Committee, Senators GRASSLEY and BAUCUS, for working so diligently to identify additional money for public transportation. Thanks to their efforts the Banking Committee's transit title provides record growth for transportation, $53.8 billion overhis is an increase in the share of transit funding over TEA–21 and I am confident that this money will be helpful in meeting surface transportation needs across the country.

Public transportation services are often the only form of transportation available to many citizens. These services provide mobility to the millions of Americans who cannot, for various reasons, use an automobile. More than 80 million Americans cannot drive or do not have access to a car.

Further, senior citizens are the fastest growing segment of the U.S. population. Many of them require access to public transportation in order to maintain their independence and to access vital healthcare services.

Today, the American public transportation industry consists of nearly 6,000 transit systems in both urban and rural areas. These transportation agencies operate a diverse array of vehicles, including subways, buses, light rail, commuter railroads, ferries, vans, cable cars, aerial tramways, and taxis.

According to the Texas Transportation Institute's 2005 Urban Mobility Report, congestion costs over $63 billion, more than 3.7 billion hours of delay and 2.3 billion gallons of excess fuel annually. The average driver loses more than a week of work each year sitting in gridlock. The same report finds that without public transportation, there would be 1 billion more hours of delay. The report also finds that public transportation reduces the cost of congestion by about $20 billion per year.

Public transportation investments help create employment and sustain economic health. The Department of Transportation has estimated that for every $1 billion in Federal highway and transit investment, 47,500 jobs are created or sustained.

The Transportation Equity Act for the 21st Century, TEA–21, expired on September 30, 2003, and has temporarily been extended through May 31, 2005. The delay in providing a long-term authorization has had a significant impact on State and local governments which have been unable to develop long-term programs for funding. Public transportation represents an important part of the Nation's transportation infrastructure, which by its nature, requires long-term planning and project development. Delays in funding have resulted in project delays which ultimately increase costs and postpone the benefits which projects are designed to produce. The impact is particularly significant in States with short construction seasons since planning must be done well in advance of contracting for construction. Therefore, the committee has responded and taken action to reauthorize the public transportation title of TEA–21 in order to continue the Federal Government's critical role in public transit programs.

This bill accomplishes three important policy goals. It creates funding flexibility, increases accountability, and improves the performance and efficiency of the transit programs in the United States.

The bill creates several new formulas to better address growing transit needs. A ''rural low density'' formula is created to allow for transit services in sparsely populated areas where employment centers and health care are great distances apart. A ''growing states'' formula is created to allow communities with populations projected to grow significantly in the coming years to put in place needed transportation infrastructure. A ''transit intensive cities'' formula is created to address the needs of small communities where the level of transit service exceeds what their population-based formula would provide for. Finally, our bill also creates a ''high density'' formula to provide additional funding for States with transit needs that are particularly great because they have transit systems in extremely urban areas with high utilization rates.

The bill increases the accountability within the transit program. It rewards transit agencies which deliver projects that are on time, on budget, and provide the benefits that they promised. Further, this bill allows communities to consider more cost-effective, flexible solutions to their transportation needs by opening up eligibility within the New Starts program to non-fixed guideway projects seeking less than $75 million in New Starts funds. With this change, other solutions can be fostered, such as bus rapid transit, which is more flexible than rail at a fraction of the cost.

Finally, the bill seeks to improve the performance and efficiency of transit